

Meeting of the

# STRATEGIC DEVELOPMENT COMMITTEE

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Wednesday, 15 April 2009 at 7.00 p.m.

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## A G E N D A

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### VENUE

Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove  
Crescent, London, E14 2BG

<b>Members:</b>	<b>Deputies (if any):</b>
<b>Chair: Councillor Shafiqul Haque</b> <b>Vice-Chair: Councillor Ahmed Adam Omer</b>	
<b>Councillor Shahed Ali</b>	Councillor Rupert Eckhardt, (Designated Deputy representing Councillor Tim Archer)
<b>Councillor M. Shahid Ali</b>	Councillor Marc Francis, (Designated Deputy representing Councillor Shafiqul Haque, Md. Shahid Ali, Alibor Choudhury, Ahmed Omer and Joshua Peck)
<b>Councillor Tim Archer</b>	Councillor Peter Golds, (Designated Deputy representing Councillor Tim Archer)
<b>Councillor Alibor Choudhury</b>	Councillor Fazlul Haque, (Designated Deputy representing Councillor Shafiqul Haque, Md. Shahid Ali, Alibor Choudhury, Ahmed Omer and Joshua Peck)
<b>Councillor Stephanie Eaton</b>	Councillor Azizur Rahman Khan, (Designated Deputy representing Councillor Stephanie Eaton)
<b>Councillor Joshua Peck</b>	Councillor Abdul Matin, (Designated
<b>Councillor Dulal Uddin</b>	

Deputy representing Councillor Stephanie Eaton)  
Councillor Abjol Miah, (Designated Deputy representing Councillor Dulal Uddin)  
Councillor Harun Miah, (Designated Deputy representing Councillor Dulal Uddin)  
Councillor Abdul Munim, (Designated Deputy representing Councillor Dulal Uddin)  
Councillor Tim O'Flaherty, (Designated Deputy representing Councillor Stephanie Eaton)

**[Note: The quorum for this body is 3 Members].**

If you require any further information relating to this meeting, would like to request a large print, Braille or audio version of this document, or would like to discuss access arrangements or any other special requirements, please contact: Louise Fleming, Democratic Services, Tel: 020 7364 4878, E-mail: [louise.fleming@towerhamlets.gov.uk](mailto:louise.fleming@towerhamlets.gov.uk)

**LONDON BOROUGH OF TOWER HAMLETS**  
**STRATEGIC DEVELOPMENT COMMITTEE**

**Wednesday, 15 April 2009**

**7.00 p.m.**

**1. APOLOGIES FOR ABSENCE**

To receive any apologies for absence.

**2. DECLARATIONS OF INTEREST**

To note any declarations of interest made by Members, including those restricting Members from voting on the questions detailed in Section 106 of the Local Government Finance Act, 1992. See attached note from the Chief Executive.

**3. UNRESTRICTED MINUTES**

To confirm as a correct record of the proceedings the unrestricted minutes of the ordinary meeting of the Strategic Development Committee held on 11<sup>th</sup> February 2009.

<b>PAGE NUMBER</b>	<b>WARD(S) AFFECTED</b>
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<b>3 - 10</b>	
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**4. RECOMMENDATIONS**

To RESOLVE that:

- 1) in the event of changes being made to recommendations by the Committee, the task of formalising the wording of those changes is delegated to the Corporate Director Development and Renewal along the broad lines indicated at the meeting; and
- 2) in the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Corporate Director Development and Renewal is delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision.

## **5. PROCEDURE FOR HEARING OBJECTIONS**

To NOTE the procedure for hearing objections at meetings of the Strategic Development Committee. **11 - 12**

## **6. DEFERRED ITEMS** **13 - 14**

**6 .1 443-451 Westferry Road, London** **Millwall**

To follow.

## **7. PLANNING APPLICATIONS FOR DECISION** **15 - 16**

**7 .1 City Pride, 15 Westferry Road, London** **Millwall**

To follow.

**7 .2 2 Gladstone Place, London** **17 - 56** **Bow East**

**7 .3 St. Katherine Docks, St Katherine's Way, E1** **St  
Katharine's  
& Wapping**

To follow.

**7 .4 2 Trafalgar Way, London** **57 - 194** **Blackwall &  
Cubitt Town**

**7 .5 The Innovation Centre, 225 Marsh Wall, London E14  
9FW** **195 - 232** **Blackwall &  
Cubitt Town**

**7 .6 Eric and Treby Estates, Treby Street, Mile End, London** **233 - 276** **Mile End  
East**

**7 .7 Holland Estate, Commercial Street, London** **277 - 318** **Spitalfields  
&  
Banglatown**

# Agenda Item 2

## DECLARATIONS OF INTERESTS - NOTE FROM THE CHIEF EXECUTIVE

This note is guidance only. Members should consult the Council's Code of Conduct for further details. Note: Only Members can decide if they have an interest therefore they must make their own decision. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending at a meeting.

### Declaration of interests for Members

Where Members have a personal interest in any business of the authority as described in paragraph 4 of the Council's Code of Conduct (contained in part 5 of the Council's Constitution) then s/he must disclose this personal interest as in accordance with paragraph 5 of the Code. Members must disclose the existence and nature of the interest at the start of the meeting and certainly no later than the commencement of the item or where the interest becomes apparent.

You have a **personal interest** in any business of your authority where it relates to or is likely to affect:

- (a) An interest that you must **register**
- (b) An interest that is not on the register, but where the well-being or financial position of you, members of your family, or people with whom you have a close association, is likely to be affected by the business of your authority more than it would affect the majority of inhabitants of the ward affected by the decision.

Where a personal interest is declared a Member may stay and take part in the debate and decision on that item.

**What constitutes a prejudicial interest?** - Please refer to paragraph 6 of the adopted Code of Conduct.

**Your personal interest will also be a prejudicial interest in a matter if (a), (b) and either (c) or (d) below apply:-**

- (a) A member of the public, who knows the relevant facts, would reasonably think that your personal interests are so significant that it is likely to prejudice your judgment of the public interests; AND
- (b) The matter does not fall within one of the exempt categories of decision listed in paragraph 6.2 of the Code; AND EITHER
- (c) The matter affects your financial position or the financial interest of a body with which you are associated; or
- (d) The matter relates to the determination of a licensing or regulatory application

The key points to remember if you have a prejudicial interest in a matter being discussed at a meeting:-

- i. You must declare that you have a prejudicial interest, and the nature of that interest, as soon as that interest becomes apparent to you; and
- ii. You must leave the room for the duration of consideration and decision on the item and not seek to influence the debate or decision unless (iv) below applies; and

- iii. You must not seek to improperly influence a decision in which you have a prejudicial interest.
- iv. If Members of the public are allowed to speak or make representations at the meeting, give evidence or answer questions about the matter, by statutory right or otherwise (e.g. planning or licensing committees), you can declare your prejudicial interest but make representations. However, you must immediately leave the room once you have finished your representations and answered questions (if any). You cannot remain in the meeting or in the public gallery during the debate or decision on the matter.

**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE STRATEGIC DEVELOPMENT COMMITTEE**

**HELD AT 7.30 P.M. ON THURSDAY, 19 FEBRUARY 2009**

**COUNCIL CHAMBER, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE  
CRESCENT, LONDON, E14 2BG**

**Members Present:**

Councillor Shafiqul Haque (Chair)

Councillor Shahed Ali  
Councillor M. Shahid Ali  
Councillor Tim Archer  
Councillor Stephanie Eaton  
Councillor Ahmed Adam Omer (Vice-Chair)  
Councillor Dulal Uddin

Councillor Marc Francis  
Councillor Fazlul Haque

**Other Councillors Present:**

Councillor Phil Briscoe  
Councillor Rupert Eckhardt  
Councillor Peter Golds  
Councillor Shirley Houghton  
Councillor Ahmed Hussain  
Councillor David Snowden

**Officers Present:**

Jerry Bell	– (Applications Manager)
Megan Crowe	– (Legal Services Team Leader- Planning, Chief Executive's)
Stephen Irvine	– (Development Control Manager, Planning)
Michael Kiely	– (Service Head, Development Decisions)
Alison Thomas	– (Private Sector and Affordable Housing Manager, Housing Development, Development & Renewal)
David Williams	– (Development Manager, Development & Renewal)
Alan Ingram	– (Democratic Services)

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Alibor Choudhury and Joshua Peck, for whom Councillors Marc Francis and Fazlul Haque deputised.

**2. DECLARATIONS OF INTEREST**

<b>Councillor</b>	<b>Item</b>	<b>Type of Interest</b>	<b>Reason</b>
Md Shahid Ali	Items 7.1 -7.4 inclusive	Personal	He had been lobbied in respect of all the items of business.
Fazlul Haque	Item 7.1 – The Bede Estate, Bow common Lane Item 8.1 – Update Report – The Bishop’s Square S106 Planning Obligations Programme	Personal	He was a leaseholder in the relevant area.
Ahmed Adam Omer	Items 7.1 – 7.4 inclusive  Item 7.3 – 443-451 Westferry Road, E14	Personal  Personal	He had been lobbied in respect of all the items of business.  He was a member of the Management Committee of PATH.
Shahid Ali	Items 7.1 – 7.4 inclusive	Personal	He had been lobbied in respect of all the items of business.
Shirley Eaton	Items 7.1 – 7.4 inclusive  Item 8.1 – Update Report: The Bishop’s Square S106 Planning Obligations Programme	Personal  Personal	She had received representations in connection with all items  Her husband was a member of the Toynbee Hall Finance Committee and had involvement with the Mallon Gardens project.



Tim Archer	Item 7.2 – Site South of Westferry Circus and West of Westferry Road, London	Personal	He had received hospitality in excess of £25 from the Canary Wharf Group.
	Items 7.1 – 7.4 inclusive	Personal	He had received representations in connection with all items.
Fazlul Haque	Items 7.1 – 7.4 inclusive	Personal	He had been lobbied in respect of all the items of business.
Marc Francis	Items 7.1 – 7.4 inclusive	Personal	He had been lobbied in respect of all the items of business.
Shirley Houghton	Item 7.2 – Site South of Westferry Circus and West of Westferry Road	Personal	She had received representations in connection with the application.
	Item 7.3 – 443-451 Westferry Road	Personal	She was a Trustee of Alpha Grove Community Centre
	Item 7.4 – The City Pride Public House, 15 Westferry Road, E14	Personal	She was a Trustee of Alpha Grove Community Centre
Ahmed Hussain	Item 7.1 – The Bede Estate, Bow Common Lane	Personal	He was a Member for the Ward within which the application lay.
Peter Golds	Item 7.3 – 443-451 Westferry Road, E14	Personal	He was a resident in the vicinity of the area within which the application lay.
Rupert Eckhardt	Item 7.4 – The City Pride	Personal	He was a Member for the Ward within which the

	Public House, 15 Westferry Road, E14		application lay.
David Snowden	Item 7.3 – 443- 451 Westferry Road, E14	Personal	He was a Member for the Ward within which the application lay.
	Item 7.4 – The City Pride Public House, 15 Westferry Road, E14	Personal	He was a Member for the Ward within which the application lay.

### 3. UNRESTRICTED MINUTES

The minutes of the meeting were agreed and approved as a correct record.

### 4. RECOMMENDATIONS

The Committee RESOLVED that:

- 1) in the event of changes being made to recommendations by the Committee, the task of formalising the wording of those changes is delegated to the Corporate Director Development and Renewal along the broad lines indicated at the meeting; and
- 2) in the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Corporate Director Development and Renewal is delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision.

### 5. PROCEDURE FOR HEARING OBJECTIONS

Debate ensued on the principle of time-limiting Members' input with regard to agenda items 7.3 and 7.4 in the interests of expediting business. Councillor Snowden requested that his protest at any curtailment of individual speaking rights to less than three minutes be recorded. In the event, all Members who had registered to speak were afforded a period of three minutes each to do so.

### 6. DEFERRED ITEMS

It was noted that there were no deferred items for consideration at the meeting.

## **7. PLANNING APPLICATIONS FOR DECISION**

### **7.1 The Bede Estate, Bow Common Lane**

Mr Stewart Rayment, a neighbouring resident, spoke in objection to the application.

Ms Lynette Smith, a neighbouring resident, spoke in objection to the application.

Mr Steve Inkpen spoke on behalf of the applicant.

Councillor Ahmed Hussain, a Ward Member, spoke in objection to the application.

The Chair adjourned the meeting at 8.51 p.m. and the Committee reconvened at 9.07 p.m.

After consideration of the Officer's report and the addendum update report, the Committee RESOLVED on a vote of 4 for and 4 against, with 1 abstention, on the Chair's casting vote, that planning permission be GRANTED for the refurbishment of the existing dwellings on the Bede Estate; demolition of ten bed-sit units in Pickard House; demolition of office accommodation on Wager Street; the erection of 24 buildings providing 236 residential units to a maximum height of 8 storeys, a new community centre of 273 sq.m and 219 sq.m of new retail and storage floorspace and introduction of an estate-wide landscaping scheme.

### **7.2 Site south of Westferry Circus and west of Westferry Road, London**

After consideration of the Officer's report and the addendum update report, the Committee RESOLVED on a unanimous vote that planning permission be GRANTED for:

- 1) the erection of Class B1 office buildings (341.924sq.m) comprising two towers (max 241.1m and 191.34m high) with a lower central link building (80.05m high) together with an ancillary parking service and access roads, public open space and riverside walkway, landscaping including public art and other ancillary works.
- 2) Erection of a pedestrian bridge over Westferry Road together with access stair and lift.
- 3) Alterations to the highway, new signalling and pedestrian crossings and landscaping works at Westferry Road and Heron Quays roundabout.

### **7.3 443-451 Westferry Road, E14**

Ms Gill Crawford, a neighbouring resident, spoke in objection to the application.

Mr Eddy Marshall, a neighbouring resident, spoke in objection to the application.

Mr Aziz Choudhury and Mr Jim Pool, for the applicant, spoke in support of the application.

Councillor Phil Briscoe, a Ward Member, spoke in objection to the application.

Councillor Shirley Houghton, a Ward Member, spoke in objection to the application.

Councillor David Snowden, a Ward Member, spoke in objection to the application.

Councillor Peter Golds, a Ward Member, spoke in objection to the application.

Councillor Rupert Eckhardt, a Ward Member, spoke in objection to the application.

At 10.32 p.m. the Committee RESOLVED, on a unanimous vote, that the meeting be extended for a further 30 minutes to enable the completion of business on the agenda.

After consideration of the Officer's report and the addendum update report, the Committee RESOLVED on a vote of 8 for and 1 abstention that the matter be deferred for consideration at the next meeting so that further information may be provided on the application of the financial viability toolkit.

#### **7.4 The City Pride Public House, 15 Westferry Road, E14**

Mr Michael Kiely, Service Head, Development Control and Building Control, indicated that the item would be withdrawn owing to the deferment of agenda item 7.3, as the two were linked in terms of affordable housing provision.

The Chair adjourned the meeting at 10.35 p.m. and the Committee reconvened at 10.41 p.m.

### **8. OTHER PLANNING MATTERS**

#### **8.1 Update Report: The Bishop's Square S106 Planning Obligations Programme**

After consideration of the Officer's report, the Committee RESOLVED on a vote of 7 for, with 2 abstentions, that:

- 1) the amended project list attached as Appendix 1 to the report be approved; and
- 2) the Corporate Director of Development and Renewal be authorised to further amend project allocations over the course of delivery if expedient to the overall scheme outputs and, if necessary, identify new projects in discussion with the Chair of the Committee and the Leader of the Council, in the event that the revised programme cannot be delivered but subject always to the terms of the S106 agreement.

## **8.2 S106 Agreement - St Georges Estate**

After consideration of the Officer's report, the Committee RESOLVED on a vote of 8 for, with 1 abstention, that the minutes of the meeting of the Committee held on 28 August 2008 be corrected to record that planning permission be GRANTED subject to the prior completion of a legal agreement to secure the following planning obligations:

- 35% affordable housing by habitable rooms.
- A contribution of £262,942 to mitigate the demand of the additional population on health care facilities.
- A contribution of £296,208 to mitigate the demand of the additional population on education facilities.
- A contribution of £806,677 for the provision of a new community centre.
- Allocating £10,155 million to secure the upgrade of a new community centre.
- Preparation of a Green Travel Plan.
- A car free agreement to restrict the occupiers of the new build units from applying for residents' parking permits in the area.
- Car club scheme.
- Commitment towards utilising employment initiatives in order to maximise the employment of local residents.

The meeting ended at 10.56 p.m.

Chair, Councillor Shafiqul Haque  
Strategic Development Committee

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# Agenda Item 5

## DEVELOPMENT COMMITTEE STRATEGIC DEVELOPMENT COMMITTEE

### PROCEDURES FOR HEARING OBJECTIONS AT COMMITTEE MEETINGS

#### Provisions in the Council's Constitution (Part 4.8) relating to public speaking:

- 6.1 Where a planning application is reported on the "Planning Applications for Decision" part of the agenda, individuals and organisations which have expressed views on the application will be notified by letter that the application will be considered by Committee at least three clear days prior to the meeting. The letter will explain these provisions regarding public speaking.
- 6.2 When a planning application is reported to Committee for determination the provision for the applicant/supporters of the application and objectors to address the Committee on any planning issues raised by the application, will be in accordance with the public speaking procedure adopted by the relevant committee from time to time (see below).
- 6.3 All requests to address a committee must be made in writing or by email to the committee clerk by 4pm on the Friday prior to the day of the meeting. This communication must provide the name and contact details of the intended speaker. Requests to address a committee will not be accepted prior to the publication of the agenda.
- 6.4 After 4pm on the Friday prior to the day of the meeting the Committee clerk will advise the applicant of the number of objectors wishing to speak.
- 6.5 The order of public speaking shall be as stated in Rule 5.3, which is as follows:
  - An objector who has registered to speak
  - The applicant/agent or supporter
  - Non-committee member(s) may address the Committee for up to 3 minutes
- 6.6 Public speaking shall comprise verbal presentation only. The distribution of additional material or information to members of the Committee is not permitted.
- 6.7 Following the completion of a speaker's address to the committee, that speaker shall take no further part in the proceedings of the meeting unless directed by the Chair of the Committee.
- 6.8 Following the completion of all the speakers' addresses to the Committee, at the discretion of and through the chair, committee members may ask questions of a speaker on points of clarification only.
- 6.9 In the interests of natural justice or in exceptional circumstances, at the discretion of the chair, the procedures in Rule 5.3 and in this Rule may be varied. The reasons for any such variation shall be recorded in the minutes.
- 6.10 Speakers and other members of the public may leave the meeting after the item in which they are interested has been determined.

#### Public speaking procedure adopted by this Committee:

- For each planning application up to two objectors can address the Committee for up to three minutes each. The applicant or his/her supporter can address the Committee for an equivalent time to that allocated for objectors (ie 3 or 6 minutes).
- For objectors, the allocation of slots will be on a first come, first served basis.
- For the applicant, the clerk will advise after 4pm on the Friday prior to the meeting whether his/her slot is 3 or 6 minutes long. This slot can be used for supporters or other persons that the applicant wishes to present the application to the Committee.
- Where a planning application has been recommended for approval by officers and the applicant or his/her supporter has requested to speak but there are no objectors or non-committee members registered to speak, the chair will ask the Committee if any member wishes to speak against the recommendation. If no member indicates that they wish to speak against the recommendation, then the applicant or their supporter(s) will not be expected to address the Committee.

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# Agenda Item 6

<b>Committee:</b> Strategic Development	<b>Date:</b> 15 <sup>th</sup> April 2009	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 6
<b>Report of:</b> Corporate Director Development and Renewal		<b>Title:</b> Deferred Items	
<b>Originating Officer:</b> Stephen Irvine		<b>Ref No:</b> See reports attached for each item	
		<b>Ward(s):</b> See reports attached for each item	

## 1. INTRODUCTION

- 1.1 This report is submitted to advise the Committee of planning applications that have been considered at previous meetings and currently stand deferred. The following information and advice applies to them.

## 2. DEFERRED ITEMS

- 2.1 The following items are in this category:

Date deferred	Reference number	Location	Development	Reason for deferral
9 <sup>th</sup> October 2008	PA/08/01321	Site at 2 Trafalgar Way, London	Redevelopment of the site to provide a residential-led, mixed use scheme comprising 355 residential units, 48 serviced apartments, re-provision of a drive-through restaurant (Class A5), retail or financial and professional service units (Class A1/A2), crèche, gymnasium, associated amenity space and car parking.	Committee indicated that it was minded to go against officer's recommendation and that decision could be contrary to the development plan. A supplementary report is therefore necessary.
19 <sup>th</sup> February 2009	PA/08/2292	443-451 Westferry Road	Erection of six buildings from 2 to 8 storeys in height to provide 189 residential units, with provision of basement and surface car parking, associated servicing and landscaping, together with other works incidental to the proposals.	To enable further information to be provided of the financial viability toolkit.

## 3. CONSIDERATION OF DEFERRED ITEMS

- 3.1 The following deferred applications are for consideration by the Committee. The original reports along with any update reports are attached.

6.1 PA/08/2292 443-451 Westferry Road

### LOCAL GOVERNMENT ACT 2000 (Section 97) LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THE REPORTS UNDER ITEM 6

Brief Description of background papers:  
Application, plans, saved UDP, Interim  
Planning Guidance and London Plan

Tick if copy supplied for register:  
✓

Name and telephone no. of holder:  
Eileen McGrath (020) 7364 5321

3.2 The following deferred applications are reported on the “Planning Applications for Decision” part of the agenda:

7.2 PA/08/1321: 2 Trafalgar Way

3.3 Deferred applications may also be reported in the Addendum Update Report if they are ready to be reconsidered by the Committee. This report is available in the Council Chamber 30 minutes before the commencement of the meeting.

#### **4. PUBLIC SPEAKING**

4.1 As public speaking has already occurred when the Committee first consider these deferred items, the Council’s constitution does not allow a further opportunity for public speaking. The only exception to this is where a fresh report has been prepared and presented in the “Planning Applications for Decision” part of the agenda. This is generally where substantial new material is being reported to Committee and the recommendation is significantly altered.

#### **5. RECOMMENDATION**

5.1 The Committee to note the position relating to deferred items and to take any decisions recommended in the attached reports.

# Agenda Item 7

<b>Committee:</b> Strategic Development	<b>Date:</b> 15 <sup>th</sup> April 2009	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 7
<b>Report of:</b> Corporate Director Development and Renewal		<b>Title:</b> Planning Applications for Decision	
<b>Originating Officer:</b> Owen Whalley		<b>Ref No:</b> See reports attached for each item	
		<b>Ward(s):</b> See reports attached for each item	

## 1. INTRODUCTION

- 1.1 In this part of the agenda are reports on planning applications for determination by the Committee. Although the reports are ordered by application number, the Chair may reorder the agenda on the night. If you wish to be present for a particular application you need to be at the meeting from the beginning.
- 1.2 The following information and advice applies to all those reports.

## 2. FURTHER INFORMATION

- 2.1 Members are informed that all letters of representation and petitions received in relation to the items on this part of the agenda are available for inspection at the meeting.
- 2.2 Members are informed that any further letters of representation, petitions or other matters received since the publication of this part of the agenda, concerning items on it, will be reported to the Committee in an Addendum Update Report.

## 3. ADVICE OF ASSISTANT CHIEF EXECUTIVE (LEGAL SERVICES)

- 3.1 The relevant policy framework against which the Committee is required to consider planning applications comprises the development plan and other material policy documents. The development plan is:
  - the adopted Tower Hamlets Unitary Development Plan (UDP)1998 as saved September 2007
  - the adopted London Plan 2004 (as amended by Early Alterations December 2006)
- 3.2 Other material policy documents include the Council's Community Plan, Interim Planning Guidance (adopted by Cabinet in October 2007 for Development Control purposes) Planning Guidance Notes and government planning policy set out in Planning Policy Guidance & Planning Policy Statements.
- 3.3 Decisions must be taken in accordance with section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application and any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Committee to make its determination in accordance with the Development Plan unless material planning considerations support a different decision being taken.

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**LOCAL GOVERNMENT ACT 2000 (Section 97)**  
**LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THE REPORTS UNDER ITEM 7**

Brief Description of background papers:	Tick if copy supplied for register:	Name and telephone no. of holder:
Application, plans, adopted UDP, Interim Planning Guidance and London Plan	✓	Eileen McGrath (020) 7364 5321

- 3.4 Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects listed buildings or their settings, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest it possesses.
- 3.5 Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a conservation area, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 3.6 Whilst the adopted UDP 1998 (AS SAVED) is the statutory development plan for the borough (along with the London Plan), it will be replaced by a more up to date set of plan documents which will make up the Local Development Framework. As the replacement plan documents progress towards adoption, they will gain increasing status as a material consideration in the determination of planning applications.
- 3.7 The reports take account not only of the policies in the statutory UDP 1998 but also the emerging plan and its more up-to-date evidence base, which reflect more closely current Council and London-wide policy and guidance.
- 3.8 In accordance with Article 22 of the General Development Procedure Order 1995, Members are invited to agree the recommendations set out in the reports, which have been made on the basis of the analysis of the scheme set out in each report. This analysis has been undertaken on the balance of the policies and any other material considerations set out in the individual reports.

#### **4. PUBLIC SPEAKING**

- 4.1 The Council's constitution allows for public speaking on these items in accordance with the rules set out in the constitution and the Committee's procedures. These are set out at Agenda Item 5.

#### **5. RECOMMENDATION**

- 5.1 The Committee to take any decisions recommended in the attached reports.

# Agenda Item 7.2

<b>Committee:</b> Strategic Development	<b>Date:</b> 15 <sup>th</sup> April 2009	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 7.2
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Planning Application for Decision	
<b>Case Officer:</b> Stephen Irvine		<b>Ref No:</b> PA/09/0203	
		<b>Ward(s):</b> Bow East	

## 1. APPLICATION DETAILS

- 1.1 **Location:** 2 Gladstone Place, London
- 1.2 **Existing Use:** Former Safeway store (retail) and ancillary car parking.
- 1.3 **Proposal:** Demolition of the existing buildings occupying the site and its redevelopment to provide five buildings of between four and ten storeys in height accommodating 2,687sqm retail floorspace (Class A1) and 208 residential units (comprising 2 x studio, 81 x 1 bed; 76 x 2 bed; 39 x 3 bed; 4 x 4 bed; 6 x 5 bed), 104 parking spaces and landscaped public, communal and private amenity space.
- 1.4 **Drawing Nos:** PL(20)25 Rev A; PL(20)01 Rev D; PL(20)02 Rev D; PL(20)03 Rev D; PL(20)04 Rev C; PL(20)05 Rev C; PL(20)06 Rev C; PL(20)07 Rev C; PL(20)08 Rev B; PL(20)09 Rev B; PL(20)10 Rev B; PL(20)11 Rev B; PL(20)12 Rev B; PL(20)20 Rev D; PL(20)21 Rev D; PL(20)22 Rev B; PL(20)30 Rev D; PL(20)31 Rev C;
- 1.5 **Supporting Documents**
- Design and Access Statement by Stock/Woolstencroft
  - Heritage Assessment by Stock/Woolstencroft
  - Daylight and Sunlight Assessment by Nathaniel Litchfield and Partners
  - Archaeological Desk Based Assessment by CgMs Consultancy
  - Development Site Tree Report by Bartlett Tree Experts Ltd
  - Retail Statement by Goldquest Investments Ltd
  - Air Quality Assessment by Enviros Consulting
  - Noise Impact Assessment by Sharps Redmore Partnership
  - Outline Green Travel Plan by Paul Mew Associates
  - Transport Assessment by Paul Mew Associates
  - Landscape Design Statement by Standerwick Land Design
  - Addendum Landscape Information by Standerwick Land Design June 2008
  - Planning Statement by Nathaniel Lichfield and Partners
  - Sustainability & Energy Strategy Report Revision 2 by HOARE LEA
  - Code for Sustainable Homes Pre Assessment report and target rating by HOARE LEA Consulting Engineers
  - Building Sustainability Statement by HOARE LEA dated 20<sup>th</sup> June 2008
  - Report on results of pre application community involvement by LUCIS Communications Limited
- 1.6 **Applicant:** Goldquest Investment Ltd c/o Stock Woolstencroft

- 1.7 **Owner:** London Borough of Tower Hamlets
- 1.8 **Historic Building:** N/A
- 1.9 **Conservation Area:** N/A (Note: No part of the 'development' falls within the Roman Road Conservation Area. Whilst the north part of Gladstone Place forms part of the Conservation Area, it is an existing highway. Any proposed work to Gladstone Place constitutes highway improvement works, not development as defined under the Planning Acts).

## 2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Plan (Consolidated with Alterations since 2004), the London Borough of Tower Hamlets Unitary Development Plan 1998 and associated supplementary planning guidance, the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, and Government Planning Policy Guidance and has found that:

- 2.2
- The proposal is in line with the Mayor and Council's policy, as well as government guidance which seek to maximise the development potential of sites. As such, the development complies with policy 3A.3 of the London Plan (Consolidated with Alterations since 2004) and HSG1 of the Council's Interim Planning Guidance (2007) which seeks to ensure this.
- 2.3
- The retail uses (Class A1) are acceptable in principle as they will provide a suitable provision of jobs in a suitable location and amongst other things contribute to the regeneration of the Roman Road District Centre. As such, the use is in line with policies 2A.8, 3D.1 and 3D.3 of the London Plan (Consolidated with Alterations since 2004), ST34, ST35, DEV1 and DEV3 of the Council's Unitary Development Plan 1998 and policies DEV1, DEV2, DEV4 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to ensure services are provided that meet the needs of the local community and strengthen designated shopping centres.
- 2.4
- The proposal provides an acceptable amount of affordable housing and mix of units overall. As such, the proposal is in line with policies 3A.5, 3A.9 and 3A.10 of the London Plan (Consolidated with Alterations since 2004), policy HSG7 of the Council's Unitary Development Plan 1998 and policies CP22, HSG2, HSG3 and HSG4 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to ensure that new developments offer a range of housing choices.
- 2.5
- The density of the scheme would not result in the overdevelopment of the site and any of the problems that are typically associated with overdevelopment. As such, the scheme is in line with policy 3A.3 of the London Plan (Consolidated with Alterations since 2004), policies DEV1 and DEV2 of the Council's Unitary Development Plan 1998 and policies CP5, HSG1, DEV1 and DEV2 of Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to provide an acceptable standard of accommodation.
- 2.6
- The development would enhance the streetscape and public realm through the provision of a public realm, public open space and improved pedestrian linkages. Further, the quantity and quality of housing amenity space and the communal/child play space strategy is also considered to be acceptable. As such, the amenity space

proposed is acceptable and in line with PPS3, policies 3A.18 and 4B.1 of the London Plan (Consolidated with Alterations since 2004), policies ST37, DEV1, DEV12, HSG16, T18 and OS9 of the Council's Unitary Development Plan 1998 and policies CP30, DEV2, DEV 3, DEV4 and HSG7 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to improve amenity and liveability for residents whilst creating a more attractive environment for those who live and work here.

- 2.7 • The building height, scale, bulk and design is acceptable and in line Planning Policy Guidance 15, policies 4B.1, 4B.2, 4B.3 and 4B.5 of the London Plan (Consolidated with Alterations since 2004), policies DEV1, and DEV2 of the Council's Unitary Development Plan 1998 and policies DEV1, DEV2, DEV3, DEV4, DEV 27, CON 1 and CON2 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to ensure buildings are of a high quality design and suitably located.
- 2.8 • The safety and security of the scheme is acceptable in accordance with policy DEV1 of the Council's Unitary Development Plan 1998 and policy DEV4 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which require all developments to consider the safety and security of development without compromising the achievement of good design and inclusive environments.
- 2.9 • Transport matters, including parking, access and servicing, are acceptable and in line with policy 3C.23 of the London Plan (Consolidated with Alterations since 2004), policies T16, T18 and T19 of the Council's Unitary Development Plan 1998 and policies DEV18 and DEV19 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to ensure there are no detrimental highways impacts created by the development.
- 2.10 • Sustainability matters, including energy, are acceptable and in line with policies 4A.3 to 4A.7 of the London Plan (Consolidated with Alterations since 2004) and policies DEV 5 to DEV9 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to promote sustainable development practices.
- 2.11 • Contributions have been secured towards the provision of affordable housing, health, education, town centre regeneration, public realm, child playspace and open space improvements in line with Government Circular 05/05, policy DEV4 of the Council's Unitary Development Plan 1998 and policy IMP1 of the Council's Interim Planning Guidance (2007), which seek to secure contributions toward infrastructure and services required to mitigate the impact of the proposed development.
- A detailed screening opinion was undertaken and it was concluded that the development would not have significant effects on the environment. The proposal therefore accords with Schedule 3 of the Town And Country Planning Regulations 1999 (as amended).

### 3. RECOMMENDATION

- 3.1 That the Committee resolve to GRANT planning permission subject to:
- 3.2 B. The prior completion of a **legal agreement**, to the satisfaction of the Chief Legal Officer, to secure the following:
  - 1. Affordable housing provision of 35% of the proposed habitable rooms with a 70/30 split

between rented/ shared ownership to be provided on site.

2. A contribution of £293,324 to mitigate the demand of the additional population on health care facilities.
3. A contribution of £333,234 to mitigate the demand of the additional population on education facilities.
4. Provide £620,000 towards open space/ public realm improvements, which have been designed into the proposed scheme. This contribution is required to relieve the pressure that will arise from the new dwellings on existing open space/ public realm within the area.
5. The provision of £388,442 towards Roman Road district shopping centre regeneration works.
6. A contribution of £135,000 towards highway improvement works on Cardigan Road which will include, resurfacing works to the carriageway, upgrade of the eastern footway and a raised table at the junction of Cardigan Road and Anglo Road (including the proposed access to the site).
7. A contribution of £50,000 towards the provision of child play facilities in Victoria Park to meet the recreational needs of the 12-16 year old age group.
8. Exclusion of delivery traffic from the locality of the store until the appropriate delivery times conditioned by the planning permission.
9. The provision of a north-south and east west-public walkway through the site
10. Completion of a car free agreement to restrict occupants applying for residential parking permits.
11. TV reception monitoring and mitigation;
12. Commitment towards utilising employment initiatives in order to maximise the employment of local residents.
13. Commitment towards Code of Construction Practice.
14. No more than 70% of the private residential units shall be occupied prior to the occupation of the commercial uses

That the Head of Development Decisions is delegated power to impose conditions on the planning permission to secure the following:

### 3.3 **Conditions**

1. Permission valid for 3 years.
2. Details of the following are required:
  - Samples for all external materials to be submitted with detail specifications.
  - 1:10 scale details for typical elevation conditions including balconies, window reveals, roof parapet, glazing
  - Cardigan Road elevation – including the treatment of the parking and service access and shutter if proposed. This will include details of signage, lighting and a



- green wall.
- All landscaping (such as roof level brown and/or green roof systems, courtyard area, and ground floor play space, open space and public realm works) including lighting and security measures, play equipment, planting, finishes, levels, walls, fences, gates and railings, screens/ canopies, entrances, seating and litter bins. The landscaping detail should mitigate any resultant wind environment at ground floor and podium levels; and
  - The design of the lower floor elevations of commercial units including shopfronts;
3. No exit/entry doors are permitted to open outwards over the public highway.
  4. Landscape Maintenance and Management Plan. Native species should be implemented, including green/brown roofs.
  5. Parking – maximum of 74 residential car parking spaces (including 7 disabled spaces and 2 car club spaces), 30 commercial car parking spaces (including 4 disabled spaces), 10 residential and 4 commercial motor cycle spaces, and a minimum of 208 residential and 21 non-residential bicycle parking spaces.
  6. Archaeological investigation.
  7. Investigation and remediation measures for land contamination (including water pollution potential).
  8. Full particulars of the following:
    - Surface/ foul water drainage plans/ works; and
    - Surface water control measures.
  9. Construction Environmental Management Plan, including dust monitoring
  10. Submission of details of the sustainable design measures and construction materials, including details of energy efficiency and renewable measures.
  11. Details of the operating hours for the A1 use/s to be submitted and approved prior to the date of occupation.
  12. No deliveries to the A1 use/s shall be received other than on Sundays between the hours of 10.00hrs and 14.00hrs with a maximum of two lorries, nor on Bank Holidays other than between the hours of 8.00hrs and 14.00hrs with a maximum of two lorries, nor on Monday to Saturday other than between the hours of 07.30hrs and 18.00hrs.
  13. No noise nuisance to be caused to neighbouring residents. Permissible noise levels are as follows: 08:00-18:00 Monday to Friday Max Leq 75dB (A) Leq 10 hour at the nearest premises and 08:00-13:00 Saturday Max Leq 75dB (A) Leq 5 hour at the nearest premises. These noise limits apply at 1 metre from the façade of any occupied building.
  14. Limit hours of construction to between 8.00 Hours to 18.00 Hours, Monday to Friday and 8.00 Hours to 13.00 Hours on Saturdays and no working on Sundays or Public Holidays
  15. Limit hours of power/hammer driven piling/breaking out to between 10.00 Hours to 16.00 Hours, Monday to Friday.
  16. Sound insulation mitigation measures to be implemented in accordance with the Noise and Vibration Assessment and LBTH Environmental Health advice.
  17. During the demolition and construction phases of the proposed development, a programme of on-site vibration monitoring is required to demonstrate compliance with London Borough of Tower Hamlets standards. Measured ground borne vibrations should not exceed a peak particle velocity of 1 mm/s at any occupied residential property and 3 mm/s at any other property.
  18. All residential accommodation to be built to Lifetime Homes standard, including at least 10% of all housing being wheelchair accessible.
  19. Submit a Green Travel Plan, for both the commercial and residential elements, to be maintained for the duration of the development.
  20. Delivery and Service Management Plan, including management details for the car park and service/delivery area, including details of the car club spaces and security point adjacent to the car park entrance). Also, management details of the refuse and

recycling facilities are required.

21. Submit Secure by Design Statement to address the design of the ground floor pocket park and north-south route, lighting and planting details along Gladstone Walk, lighting along the north and south elevations of Block E, and the use of CCTV cameras throughout the site.
22. Provision of electrical charging points for vehicles.
23. Details of the highway works surrounding the site
24. Any other condition(s) considered necessary by the Head of Development Decisions

#### 3.4 Informatives

1. Section 106 agreement required.
  2. Section 278 (Highways) agreement required.
  3. Site notice specifying the details of the contractor required.
  4. Construction Environmental Management Plan Advice.
  5. Environmental Health Department Advice.
  6. English Heritage Advice
  7. Parking Services Advise – Traffic Management Order
  8. Metropolitan Police Advice.
  9. Transport Department Advice.
  10. Contact the GLA regarding the energy proposals.
  11. Contact Thames Water for water and sewage infrastructure advice
- 3.5 That, if by 2<sup>nd</sup> July 2009 the legal agreement has not been completed to the satisfaction of the Chief Legal Officer, the Head of Development Decisions is delegated power to refuse planning permission.

#### 4. PROPOSAL AND LOCATION DETAILS

- 4.1 This application follows the approval of planning permission for the site's redevelopment on the 28<sup>th</sup> November 2008 (PA/07/3277). The current application now incorporates the open space within the scheme rather than off site, however, the application drawings and supporting documents remain unchanged.
- 4.2 The development consists of 5 buildings. Buildings A to D are set around a podium level communal courtyard space, whilst the buildings Ei and Eii form two blocks within the western section of the site. The following provides an overview of the proposed buildings:
- *Building A:* A ten storey block at the centre of the site with two small, flexible units of retail floorspace at ground floor level (170sqm and 127sqm) and 71 residential units in the floors above. The proposed retail units will be accessed from Gladstone Place, whilst the residential entrance will be on the southern side of the building.
  - *Building B:* A five storey building, plus recessed upper floor, occupying the northern section of the site. The building will include the 2,390sqm supermarket unit at ground floor and basement level and 48 residential units above. The main entrance to the supermarket will be at its north western corner of the building, whilst the residential entrance will be from Cardigan Road to the east.
  - *Building C:* A three storey building, plus recessed upper floor fronting the western side of Cardigan Road. The building will accommodate the delivery/servicing bay for the supermarket at ground floor level and 27 residential units in the floors above. Vehicles will access the delivery bay via an entrance at the southern end of the building and will exit the bay further north. The vehicle entrance will also provide access to the car parking areas at basement and ground floor level. The residential entrance to the building will be situated within its south eastern corner and will include a concierge's

office.

- *Building D*: An L-shaped residential building of between a four and six storeys within the southern and south western sections of the site. The southern section of the block will comprise a four storey building, plus recessed upper floor fronting Anglo Road. The building will step up to five storeys, plus a set back level fronting Gladstone Place. It will accommodate 37 residential units, including eight double height family units with front garden spaces at ground floor level and private gardens at podium level to the rear. The residential units above will be accessed via an entrance from Anglo Road at the south western corner of the block.

- 4.3 The Council has carried out a detailed EIA screening opinion and concluded that an EIA is not required. This matter is discussed further in sections 8.166-8.172 of the report.

### **Site and Surroundings**

- 4.4 The application site covers an area of approximately 0.758ha. It is currently occupied by a former supermarket building with a footprint of ca. 3,000sqm, including ancillary service area off Cardigan Road and two areas of pay and display car parking, which have been vacant since November 2005.
- 4.5 The site is located immediately to the south and west of the Roman Road Conservation Area, though no part of the development is within a conservation area. The site does not include any listed or locally listed buildings, though a neighbouring building (Passmore Edwards Public Library, No. 564 Roman Road) is grade II listed. The site is located in an area of archaeological significance.
- 4.6 The application site is located to the south of the Roman Road district shopping centre and ancillary markets. It is bounded by Gladstone Place to the north, Cardigan Road to the east, Anglo Road to the south, Cruden House to the south west and the Bow Neighbourhood Office/Ideas Store to the west. The predominant land uses to the north of the site are retail and commercial uses flanking Roman Road, whilst the areas to the south, east and west are principally residential in use.
- 4.7 The former supermarket building occupies the northern part of the site and presents blank unadorned frontages to Gladstone Place/Gladstone Walk and Cardigan Road. It is constructed of pale brick with metal seam upper sections and rises to a height of ca. 10m, stepping up to ca. 14m to the east. The building is adjoined to the south by an open loading bay/storage area which is enclosed by a 4m high brick wall. The supermarket was formerly accessed by pedestrians from Gladstone Place, whilst servicing was from Cardigan Road. The building relates poorly to neighbouring buildings and creates visually unattractive and intimidating alleyways to the rear of buildings fronting Roman Road and adjacent to the Bow Neighbourhood Office/Ideas Store.
- 4.8 The car parking areas occupy the southern and western sections of the site and together cover an area of ca. 5,000sqm. Parking within these areas is on a pay and display basis, though they appear to suffer from poor management/enforcement. Additionally, the areas are cluttered and visually unattractive. The open spaces also appear to have been subjected to fly tipping.

### **Planning History**

- 4.9 Permission was granted on the 28<sup>th</sup> November 2008 for the demolition of the existing buildings occupying the site and redevelopment to provide five buildings of between four

and ten storeys accommodating 2,687sqm retail floorspace and 208 residential units (comprising 2 x studio, 81 x 1 bed; 76 x 2 bed; 39 x 3 bed; 4 x 4 bed; 6 x 5 bed), 104 parking spaces and landscaped, public, communal and private amenity space. (PA/07/3277).

A claim has been lodged for judicial review against the decision to grant this permission but the Court has not determined whether or not permission should be granted for that claim to be heard in the Court.

4.10 The London Borough of Tower Hamlets planning records reveal that the earliest planning application for development at the site related to the construction of the supermarket and associated car parking areas in May 1978 (TH12789/92/07). Following this consent, a number of applications were submitted to vary the permissible delivery hours. The most recent application, PA/02/674, was approved by the Council permitting the following hours:

- No deliveries to the Store shall be received other than on Sundays between the hours of 10.00hrs and 14.00hrs with a maximum of two lorries, nor on Bank Holidays other than between the hours of 8.00hrs and 14.00hrs with a maximum of two lorries, nor on Monday to Saturday other than between the hours of 07.30hrs and 18.00hrs for a period of 12 months from the date of planning permission.
- In addition, a s106 agreement was entered into to exclude delivery traffic from the locality of the store until the appropriate delivery times.

4.11 The Council’s records reveal no other recent applications relating to the site.

**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:

**5.2 Unitary Development Plan (as saved September 2007)**

Proposals: Not subject to site specific proposals

Policies: Environment Policies

ST34	Shopping
ST35	Retention of Shops
ST37	Enhancing Open Space
DEV1	Design Requirements
DEV2	Environmental Requirements
DEV3	Mixed Use development
DEV4	Planning Obligations
DEV50	Noise
DEV51	Contaminated Land
DEV55	Development and Waste Disposal
DEV69	Water Resources
EMP1	Encouraging New Employment Uses
EMP6	Needs of Local People
HSG6	Separate Access
HSG7	Dwelling Mix
HSG15	Residential Amenity
HSG16	Amenity Space
T16	Impact of Traffic
T18	Pedestrian Safety and Convenience
T19	Pedestrian Movement In Shopping Centres

T21	Existing Pedestrians Routes
S10	New Shopfronts
OS9	Child Play Space

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

Proposals: C12 Development Site (Specific uses have not yet been identified)  
Archaeological Priority Area

Core Strategies: IMP1 Planning Obligations

CP1	Creating Sustainable Communities
CP2	Equal Opportunity
CP3	Sustainable Environment
CP4	Good Design
CP5	Supporting Infrastructure
CP7	Job Creation and Growth
CP11	Sites in Employment Use
CP15	Range of Shops
CP16	Town Centres
CP18	Street Markets
CP19	New Housing Provision
CP20	Sustainable Residential Density
CP21	Dwelling Mix
CP22	Affordable Housing
CP25	Housing Amenity Space
CP30	Improving the Quality and Quantity of Open Space
CP38	Energy Efficiency and Production of Renewable Energy
CP39	Sustainable Waste Management
CP41	Integrating Development with Transport
CP46	Accessible and Inclusive Environments
CP47	Community Safety

Policies: Development Control Policies

DEV1	Amenity
DEV2	Character & Design
DEV3	Accessibility & Inclusive Design
DEV4	Safety & Security
DEV5	Sustainable Design
DEV6	Energy Efficiency & Renewable Energy
DEV10	Disturbance from Noise Pollution
DEV11	Air Pollution and Air Quality
DEV12	Management of Demolition and Construction
DEV13	Landscaping
DEV15	Waste and Recyclables Storage
DEV16	Walking and Cycling Routes and Facilities
DEV17	Transport Assessments
DEV18	Travel Plans
DEV19	Parking for Motor Vehicles
DEV20	Capacity of Utility Infrastructure
DEV22	Contaminated Land
DEV27	Tall Buildings
EE2	Redevelopment /Change of Use of Employment Sites
RT4	Retail Development

HSG1	Determining Residential Density
HSG2	Housing Mix
HSG3	Affordable Housing
HSG4	Social and Intermediate Housing ratio
HSG7	Housing Amenity Space
HSG9	Accessible and Adaptable Homes
HSG10	Calculating Provision of Affordable Housing
CON1	Setting of a Listed Building
CON2	Conservation Area

#### 5.4 **Supplementary Planning Guidance/Documents**

Designing Out Crime  
Residential Space  
Landscape Requirements  
Archaeology and Development

#### 5.5 **The London Plan (consolidated with alterations since 2004) - the Mayor's Spatial Development Strategy**

2A.1	Sustainability Criteria
2A.8	Town Centres
3A.1	Increasing London's Supply of Housing
3A.2	Borough Housing Targets
3A.3	Maximising the potential of sites
3A.5	Housing Choice
3A.6	Quality of new housing provision
3A.7	Large residential developments
3A.8	Definition of Affordable Housing
3A.9	Affordable Housing Targets
3A.10	Negotiating affordable housing in individual private residential and mixed-use schemes
3A.18	Protection and Enhancement of social infrastructure and community facilities
3B.11	Improving Employment Opportunities for Londoners
3C.1	Integrating Transport and Development
3C.23	Parking Strategy
3D.1	Supporting Town Centres
3D.2	Town Centre Development
3D.3	Maintaining and Improving Retail Facilities
3D.13	Children and Young People Play Strategies
4A.4	Energy Assessment
4A.7	Renewable Energy
4B.1	Design Principles for a Compact City
4B.2	Promoting World Class Architecture and Design
4B.3	Enhancing the quality of the public realm
4B.5	Creating an Inclusive Environment
4B.11	Built Heritage
4B.12	Heritage Conservation

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

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG13	Transport

PPG15	Planning and the Historic Environment
PPG16	Archaeology and Planning
PPS22	Renewable Energy
PPG24	Planning & Noise

- 5.7 **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 and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below. The following were consulted regarding the application:

### **LBTH Cleansing**

- 6.2 No comments received. Notwithstanding, it is recommended that a condition be included to ensure the adequate management of the refuse and recycling facilities.

### **LBTH Education**

- 6.3 No comments received. However, in the extant permission, the education department identified a contribution towards 27 additional primary school places @ £12,342= £333,234. Given that the current proposal is identical to the extant permission, the same financial contribution will be secured by s106 agreement.

### **LBTH Energy Efficiency Unit**

- 6.4 No comments have been received on this current application. However, the same Energy Strategy was considered to comply with the energy efficiency, renewable energy and sustainable design and construction policies set out in the London Plan and LBTH Interim Planning Guidance although the detailed information on the proposals are pending and shall be provided at the detailed design stage, via condition.

### **LBTH Environmental Health**

#### 6.5 Contaminated land

- 6.6 No objection, subject to appropriate conditioning. It is recommended that a condition be attached to ensure that the developer carries out a site investigation to identify potential contamination to make sure that contaminated land is properly treated and made safe before development, to protect public health and to meet the requirements of the following policy in the London Borough of Tower Hamlets UDP (adopted December 1998): DEV 51 Contaminated Land. This will be secured by way of condition.

#### Air Quality

- 6.7 No comments have been received. However, in the extant permission, LBTH Environmental Health officers had no objection subject to appropriate conditioning.

#### Noise

- 6.8 • No comments have been received. However, in the extant permission, LBTH Environmental Health team had no objection subject to appropriate conditioning).

#### Sunlight/ Daylight

No comments received.

#### **LBTH Highways**

- 6.14 No comments received. However, in the extant permission, LBTH Highways did not raise objections subject to appropriate conditions.

#### **Greater London Authority (Statutory)**

- 6.15 The Greater London Authority have assessed the application and notes that the proposal "does not raise any strategic planning issues". GLA are note that: *"under article 5(2) of the Town & Country Planning (Mayor of London) Order 2008, the Mayor of London does not need to be consulted further on this application" and that the Council may "proceed to determine the application without further reference to the GLA"*.

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

- 6.16 No comments were received from Transport for London.

#### **English Heritage (Historic Environment)**

- 6.17 The Council has not received any comments from English Heritage (Historic Environment). However, in the extant permission, English Heritage did not object to the development. Rather, they advised that the application should be determined in accordance with national and local policy guidance, and on the basis of the Council's specialist conservation advice.

#### **English Heritage - Archaeology**

- 6.18 The site is located within an archaeological priority area and as such an archaeological field evaluation is therefore recommended that a condition should be attached which requires details of an archaeological field evaluation and any subsequent archaeological mitigation to be submitted and approved by the Local Planning Authority.
- 6.19 (Officers comment: This will be secured by way of condition)

#### **Metropolitan Police**

- 6.20 No comments have been received from the Metropolitan Police. Notwithstanding, the applicant will be required to submit details on lighting, CCTV and fencing to be incorporated into the development. This will be secured by way of condition.

#### **Driffield Road Housing Association**

- 6.20 No comments received

#### **Tower Hamlets PCT**

- 6.21 No comments have been received. However, in the extant permission, it was agreed by committee that a capital planning contribution of £293,324 was acceptable. This contribution



will be secured in the S106 Agreement.

### **Tesco Store Limited**

6.22 Tesco has confirmed in a letter dated 24<sup>th</sup> March 2009 their continued commitment to the above development.

6.23 They consider that the proposed development comprises a central component of this area's ongoing regeneration and that the new Tesco store will make a valuable contribution to local retail provision, by delivering a much needed anchor food store within Roman Road district centre.

They added that the new store will make an important contribution to Bow and Tower Hamlets at a time when there is challenging economic environment.

## **7. LOCAL REPRESENTATION**

7.1 A total of 1372 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. As mentioned above, the scheme was advertised twice due to the amendments that were made to the scheme. The number of representations received from neighbours and local groups in response to the first round of notification and publicity of the application were as follows:

No of responses:	Objecting: 63	Supporting: 0
	Objecting 1 (325 signatures)	Supporting: 0

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:

### **7.4 Land Use**

- The proposed density is too high and will be in breach of GLA density guidelines by a wide margin and negatively impact on social and physical infrastructure of the area (i.e. roads, open space, Roman Road market, public transport, schooling, medical);
- The development will 'kill off' the Roman Road markets and existing shops;
- Inadequate provision of family housing;
- Insufficient provision of affordable housing;
- The proposed retail development is smaller than the previous safeway store; and
- The area does not need more residential buildings.
- Granting permission would remove forever the opportunity to do something imaginative and life enhancing for Bow
- Inadequate consideration to the additional needs of 208 extra dwellings on medical and school facilities.

(Officers comment: Land use and density matters are considered in sections 8.2-8.25 of the report)

### **7.5 Design**

- The height, bulk, scale and design quality of the development will have a negative impact upon the context of the surrounding area, particularly the Roman Road Conservation Area;

- The development is gated and child play space is not accessible;
- Poor frontage design along Cardigan Road;
- Disruption to TV reception;
- Lack of play space; and
- Increased anti-social behaviour, particularly along Cardigan Road, Gladstone Walk and the proposed pocket park.
- Out of proportion and out of keeping with the area

(Officers comment: Design matters are considered in sections 8.44-8.65 of the report)

#### 7.6 Amenity

- Loss of daylight and sunlight;
- Disruption to TV reception
- Wind impacts;
- Overshadowing;
- Loss of privacy;
- Increased noise;
- Sense of enclosure/ loss of outlook ; and
- Deliveries should only occur after 10am Monday to Saturday and after 12 on Sunday (Officer Comment: The Council's Noise officer has recommended acceptable hours which have been conditioned appropriately).
- Increase in waste collection facilities and possible build of rubbish and litter requiring extra street cleaning and more heavy duty traffic. This raises concerns over safety and public health.

(Officers comment: Amenity matters are considered in sections 8.89-8.145 of the report)

#### 7.7 Highways

- Impact on the accessibility of Cardigan Road from Roman Road;
- Increased congestion;
- Lack of parking;
- Safety issue with the servicing arrangements to the supermarket
- The supermarket will have only a small service yard so articulated lorries will have nowhere to turn around in Cardigan Road
- Impact of the lorries on the surface treatment of Roman Road
- Increase in waste collection vehicles and possible build of rubbish and litter requiring extra street cleaning and more heavy duty traffic.
- Inadequate public transport;

(Officers comment: Highways matters are considered in sections 8.146-8.152 of the report)

#### 7.8 The following issues were raised in representations, but they are not considered to be material to the determination of the application:

- Limited weight, scope and duration of the public consultation;
- The motive for the development is profit driven
- The development will result in loss of value to surrounding buildings;
- The Council is unable to legally require Tesco to occupy the retail unit (Officer Comment: The applicant has advised that Tesco's will be using the retail unit if planning approval is granted. Notwithstanding, tenants of the retail use cannot be conditioned by planning approval);

- The existing primary schools are already over subscribed. Proposals for specific extra places are needed

#### Environmental Impact Assessment

- 7.9 No decisions should be made until Environmental Impact Assessment for the development be carried out and the details made available for public consultation.
- 7.10 (Officers comment: A screening opinion for an EIA has been undertaken by the Council. An EIA is not required. This matter is considered in sections 8.166-8.171 of the report).

#### Other

- 7.11 It is recommended by a resident that a condition should be attached which requires that none of the residential units be occupied until the main A1 retail food premises is trading as a supermarket.
- 7.12 (Officers comment: As part of the legal Agreement, the applicant will be bound not to occupy more than 70% of the private residential units prior to the occupation of the commercial units. The Council believes this is an acceptable request).
- 7.13 It is recommended by a resident that a condition is imposed that deliveries to the supermarket should be after 10am Mon-Sat and after 12 noon on Sundays.
- 7.14 (Officers comment: A condition will be attached to the permission which will state that:

*"No deliveries to the AI use/s shall be received other than on Sundays between the hours of 10.00hrs and 14.00hrs with a maximum of two lorries, nor on Bank Holidays other than between the hours of 8.00hrs and 14.00hrs with a maximum of two lorries, nor on Monday to Saturday other than between the hours of 07.30hrs and 18.00hrs, unless otherwise approved by the Council.*

*Reason: To safeguard the amenity of adjacent residents and the area generally and to meet the requirements of policies DEV2, DEV50 and HSG15 of the Council's Unitary Development Plan (1998) and policies DEV1 and DEV10 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control".*

The delivery times as noted above in the wording of the condition was agreed by the Council in the extant permission. They are identical to the scheme granted on the 28<sup>th</sup> November 2008.

- 7.15 Residents of the new development should be excluded from applying for parking permits.  
(Officers comment: It is recommended that a S106 agreement be put in place to ensure that the development is 'car free', so that no controlled parking permits are issued to the new residents of the development. As such, there should be no overspill parking from the development. The scheme will also be conditioned to comply with a travel plan to ensure residents are committed to using more sustainable forms of transport.)
- 7.16 Residential street parking areas on Cardigan, Anglo and Vernon Road should be restricted to exclude service permits to help reduce some of the increased pressure on the existing car parking spaces.
- 7.17 (Officers comment: The Council does not consider this to be an appropriate condition to attach to a planning permission. Furthermore, such condition was not considered

appropriate in the identical extant permission. Servicing matters are discussed in section 8.149-8.152 of the report)

- 7.18 Details of the landscaping in the public areas of the site including in particular the “green wall” softening the delivery area facing the Cardigan Road Conservation Area should be approved by the planning department.
- 7.19 (Officers comment: The applicant is required to submit details of all landscaping works and a Landscape Management Plan to the Local Planning Authority. The details such be submitted and approved in writing by the Local Planning Authority prior to the commencement of works on site. This will be secured by way of condition).

### **Supporting comments**

- 7.22 The proposal would bring benefits and welcomed enhancement and new life to a dying Roman Road Market

## **8. MATERIAL PLANNING CONSIDERATIONS**

- 8.1 The main planning issues raised by the application that the committee must consider are:
- Land Use
  - Design
  - Amenity
  - Highways
  - Other

### **Land Use**

#### Principle of Residential-Led Mixed Use Development

##### *Residential Use*

- 8.2 The proposed development will provide a range of residential units, including units suitable for smaller households and an appropriate level of family orientated accommodation. The site is moderately well served by public transport and is situated within a mixed-use district centre location, which includes existing residential uses as well as local shops, services and employment opportunities. The site is also reasonably well located in relation to public amenity space. Accordingly, the site is considered appropriate for a mixed use development of the scale, quantum and character proposed.
- 8.3 In accordance with polices 3A.1, 3A.3 & 3A.5 of the consolidated London Plan (2008), the Mayor is seeking the maximum provision of additional housing in London. The proposed development responds to a defined local and strategic need for new housing and will make a valuable contribution to local and strategic housing objectives. It therefore meets the requirements of the London Plan.
- 8.4 Further, there is no strategic land use designation over the site, in accordance with the Unitary Development Plan 1998 (UDP) or the Interim Planning Guidance 2007 (IPG), that would prohibit the proposed use.
- 8.5 The current development represents low density use of the site, which does not accord with local and strategic objectives. Whilst there has been public objection to further residential development in the area, the proposed residential element to the scheme represents a

more efficient and appropriate use of the site, whilst contributing to strategic and local housing objectives. The residential component of the proposal is also considered acceptable given the character and land use mix of the area surrounding the site, in accordance with policy DEV3 of the UDP.

#### *Retail Use*

- 8.6 The development will comprises 2,687sqm of retail floor space that is proposed to be utilised as a supermarket and two small flexible retail units. The site is located immediately to the south of the Roman Road district shopping centre, which covers the urban blocks on either side of Roman Road.
- 8.7 The main pedestrian access to the site is through Gladstone Place which fronts the district shopping centre. Gladstone Place is currently used to gain access to the Bow Idea Store, which is also located to the rear of the main shopping street. The entrance to the proposed supermarket is located opposite the entrance to the Idea Store, and will be visible from the main street. The applicant proposes public realm improvements to Gladstone Place, providing a permeable route from the main street to both the development, the Idea Store, and the existing residential properties to the south of the site.
- 8.8 PPS6 seeks to preserve and enhance the vitality and viability of town centres and to ensure the availability of a wide range of shops, employment, services and facilities to which people have easy access to. It notes that developments which are likely to generate high levels of travel should be located in existing town centres.
- 8.9 Annex A of PPS6 defines the main characteristics of different types of centres. It is to be noted, in particular for district centres, PPS6 states:
- “District centres will usually comprise groups of shops often containing at least one supermarket or superstore, and a range of non-retail services, such as banks, building societies and restaurants, as well as local public facilities such as a library”*
- 8.10 Policy 2A.8 of the London Plan sets out an over-arching approach to support and regenerate town centres. The policy seeks to accommodate economic and housing growth through intensification and selective expansion and sustaining and enhancing the vitality and viability of town centres. Policy 3D.1 identifies Roman Road as a district centre. Whilst the policy discourages retail uses outside the town centres, the policy encourages net additions to town centre capacity where appropriate to their role in the overall network. Further to this, the London Plan policy 3D.3 seeks to resist the loss of retail facilities and paragraph 3.276 states *“the existence of thriving local convenience shopping is important, especially for less mobile people and those on low incomes”*.
- 8.11 According to the Council’s UDP and IPG proposal maps, the site primarily falls outside and borders the district centre designation. However, the Council’s Borough-Wide Retail Capacity Study Appendices (which forms part of the evidence base used in formulating the IPG) paragraphs 1.41 and 1.42, state that the Roman Road District Centre is split into 3 parts, of which the application site is considered to be an ‘anchor’ for the Roman Road East part of the centre designation.
- 8.12 As mentioned earlier the site already contains up to 3000sqm of retail floorspace. Clearly the proposed development is not introducing retail floorspace to a new location, and therefore it is more appropriate to consider the proposal as replacement floorspace. In this respect, there is nothing that would prevent the existing store reopening and trading as a supermarket. Whilst a number of objections were received over the reduction of retail floor space, the applicant advised that the redevelopment provides the opportunity to create a

unit which is better designed and more suitable to the needs of modern retailers.

- 8.13 Further to this, the applicant has undertaken a Retail Statement to assess the need for the development, in accordance with PPS6, at the request of the Council, following objections raised by the public. The assessment identifies that whilst the Roman Road district centre offers a range of goods and services, together with a street market; its role is undermined by the lack of a good supermarket, a high vacancy rate and a lack of national multiples. In the wider area there are no major food stores, and residents are forced to travel significant distances to undertake their main food shop. Given the current lack of a supermarket within the Roman Road district centre, there is a clear need for such a facility, in order for the centre to fulfil its role.
- 8.14 The loss of the former supermarket building has had a detrimental effect on local retail provision and viability in the Roman Road district centre. The Central Area Action Plan (issues and options paper) which was consulted on in April 2007, states that the Roman Road East district centre is one of the key centres suffering from decline, particularly following the loss of its anchor foodstore. It notes that the local community would like to see another large retail provider operating in the centre as soon as possible.
- 8.15 The applicant has identified that the proposed development will generate approximately 149 new jobs in this area which will contribute to the growth and diversification of the local economy and act as a catalyst in the ongoing regeneration of this area, as sought by London Plan policy 3B.11 and UDP Policy EMP1.
- 8.16 A number of people have raised objection to the scheme where they believe the scheme will have a negative impact on the Roman Road markets and existing shops. The Retail Statement identifies that the market stall operators occupy a different role in the provision of convenience goods. As noted in the Council's Borough-Wide Retail Capacity Study, "*these markets provide a mix of convenience and comparison goods and specialise in ethnic foodstuffs*" and "*ethnic goods including textiles and fabric*" (para 1.193). The statement concludes that they "*sell a different range of niche goods which would be available from the proposed foodstore and are therefore unlikely to be directly impacted by it*". Further, the Statement suggests that the district centre may experience spin-off benefits as a result of the potential to promote 'linked trips'.
- 8.18 Where the development replaces an existing supermarket which forms a fundamental part of the regeneration of Roman Road district shopping centre, providing a valuable contribution towards local and strategic employment, retail and residential objectives, the scheme is considered acceptable in line with national, regional and local planning policies.

#### Density

- 8.19 The Site has a net residential area of approximately 0.75 hectares. The scheme is proposing 208 units or 614 habitable rooms. The proposed residential accommodation would result in a density of approximately 277 units per hectare and 819 habitable rooms per hectare (hr/ha).
- 8.20 London Plan policy 3A.3 outlines the need for development proposals to achieve the highest possible intensity of use compatible with the local context, the design principles within Policy 4b.1 and with public transport capacity.
- 8.21 The applicant has stated that the site has a public transport accessibility level, or PTAL, of three. However, TFL have advised that the appropriate PTAL level is two. Table 3A.2 of the London Plan suggests a density of 250 to 450 habitable rooms per hectare for sites with a PTAL range of 2 to 3. The proposed density is therefore significantly higher than the GLA

guidance and would appear, in general numerical terms, to be an overdevelopment of the site.

8.22 However, the density matrix within the London Plan and Council's IPG is a guide to development and is part of the intent to maximise the potential of sites, taking into account the local context and London Plan design principles, as well as public transport provision.

8.23 Moreover, it should be remembered that density only serves an indication of the likely impact of development. Typically high density schemes may have an unacceptable impact on the following areas:

- Access to sunlight and daylight;
- Loss of privacy and outlook;
- Small unit sizes
- Lack of open space and amenity space;
- Increased sense of enclosure;
- Increased traffic generation; and
- Impacts on social and physical infrastructure;

These issues are all considered in detail later in the report and were considered on balance to be acceptable.

8.24 Policies 3A.1, 3A.2 and 3A.3 of the London Plan encourage Boroughs to exceed the housing targets and to address the suitability of housing development in terms of location, type and impact on the locality. Policies CP20 and HSG1 of the IPG seek to maximise residential densities on individual sites; taking into consideration the local context and character; residential amenity, site accessibility; housing mix and type; achieving high quality, well designed homes; maximising resource efficiency; minimising adverse environmental impacts; the capacity of social and physical infrastructure and open spaces; and to ensure the most efficient use of land within the Borough.

8.25 On review of these issues, a high density mixed use development is justified in this location in accordance with London Plan, UDP and IPG policies. The scheme is considered acceptable for the following reasons:

- The proposal is of a high design quality and responds appropriately to its context.
- The proposal is not considered to result in any adverse symptoms of overdevelopment.
- The provision of the required housing mix, including dwelling size and type and affordable housing, is acceptable.
- A number of contributions towards affordable housing, health, education, town centre, public realm and open space improvements, have been agreed to mitigate any potential impacts on local services and infrastructure.
- The development is located within an area with moderate access to public transport services, open space, town centre and other local facilities, whilst also providing a generous provision of retail space on site.
- A planning condition will look at ways to improve the use of sustainable forms of transport through a travel plan. Also, a section 106 agreement will be implemented to prohibit any overspill parking from the residential development as well as monitor and mitigate any potential impact on TV reception.

## Housing

### **Affordable Housing**

- 8.26 Policy 3A.9 of the consolidated London Plan (1998) sets out a strategic target that 50% of the new housing provision should be affordable.
- 8.27 Policy CP22 of the IPG document states that the Council will seek to maximise all opportunities for affordable housing on each site, in order to achieve a 50% affordable housing target across the Borough, with a minimum of 35% affordable housing provision being sought.
- 8.28 The proposal makes provision for 35% affordable housing by habitable rooms and as such complies with Council policy.

### **Social Rented/ Intermediate Ratio**

- 8.29 Against London Plan policy 3A.9 the GLA's affordable housing target is that 70% should be social rented housing and 30% should be intermediate rent.
- 8.30 Policy CP22 of the IPG states that the Council will require a social rented to intermediate housing ratio split of 80:20 for all grant free affordable housing. A summary of the affordable housing social rented/ intermediate split is provided below:
- 8.31 The proposal provides 35% habitable rooms as affordable housing, which meets the Council's minimum target; 70% of those are for affordable social rented accommodation and 30% for intermediate housing. However the scheme meets the London Plan target of 70% of the affordable being for rent, and is therefore, on balance, acceptable.

### **Housing Mix**

- 8.32 The scheme is proposing a total of 208 residential units.
- 8.33 Paragraph 20 of Planning Policy Statement 3 states that
- “key characteristics of a mixed community are a variety of housing, particularly in terms of tenure and price and a mix of different households such as families with children, single person households and older people”.*
- 8.34 Pursuant to policy 3A.5 of the London Plan the development should:
- “offer a range of housing choices, in terms of housing sizes and types, taking account of the housing requirements of different groups, such as students, older people, families with children and people willing to share accommodation”.*
- 8.35 The GLA housing requirements study identified within the Mayor's Housing SPG provides a breakdown of housing need based on unit mix. However, according to the Mayors SPG, it is inappropriate to apply the identified proportions crudely at local authority level or site level as a housing mix requirement. Rather, they should be considered in preparing more detailed local housing requirement studies.
- 8.36 Policy HSG7 of the UDP states that new housing development should provide a mix of unit sizes where appropriate including a substantial proportion of family dwellings of between 3 and 6 bedrooms. The UDP does not provide and prescribed targets.



8.37 The following table below summarises the proposed housing mix against policy HSG2 of the Interim Planning Guidance 2007, which seeks to reflect the Boroughs current housing needs:

8.38

		affordable housing						market housing		
		social rented			intermediate			private sale		
Unit size	Total units in scheme	units	%	LDF %	units	%	LDF %	units	%	LDF %
Studio	2			0			0	2	1.5	
1 bed	81	15	37.5	20	7	32	37.5	59	40.5	37.5
2 bed	76	2	5	35	11	50	37.5	63	43	37.5
3 bed	39	13	32.5	30	4	18	25	22	15	25
4 bed	4	4	10	10	0					
5 Bed	6	6	15	5	0					
<b>TOTAL</b>	<b>208</b>	<b>40</b>	<b>100</b>	<b>100</b>	<b>22</b>	<b>100</b>	<b>100</b>	<b>146</b>	<b>100</b>	<b>100</b>

8.39 The Council's Interim Planning Guidance requires 45% of social rented units to be suitable for family accommodation (3 bed or more). The proposal provides 58% family accommodation by unit numbers. The proposed development therefore exceeds the policy requirement of HSG 2 'Housing Mix'.

8.40 The Housing Department also finds the level of family accommodation in the intermediate housing mix (22%) and market housing mix (15%) to be acceptable. The resultant overall unit mix of approximately 24% family housing is also considered acceptable.

8.41 It is to be noted that the scheme also exceeds the amount of family housing otherwise achieved across the borough based on the most recently published LBTH Annual Monitoring Report 2006-7. The table below demonstrates that the proposed development is a significant improvement upon what has been achieved across the borough and in terms of aspiration, is a positive step towards LBTH achieving key housing targets and better catering for housing need.

Tenure	Borough wide %	PA/09/203 %
<b>Social rented</b>	<b>21.7%</b>	<b>58%</b>
<b>Intermediate</b>	<b>9.7</b>	<b>18%</b>
<b>Market</b>	<b>1.7</b>	<b>15%</b>
<b>Total</b>	<b>6.8</b>	<b>24%</b>

8.43 On balance, the scheme provides a suitable range of housing choices and meets the needs of family housing in the social rented component. As such, the proposed housing mix is considered to comply with national guidance, the London Plan, UDP and the Interim Planning Guidance in creating a mixed and balanced community.

### Design

8.44 The site is on the edge of Roman Road Conservation Area and behind Grade II listed Passmore Edwards Public Library. Gladstone Place forms punctuation along Roman Road street market and is home to the Bow Ideas Store. Conservation Area boundaries include the two storey terrace along Cardigan Road, which is the eastern edge of the application site. Building heights within the Conservation Area are consistent between 2-3 storeys and

rise towards the south with post-war modern housing estates. However, immediately to the west of the site is the Bow Neighbourhood Office/Ideas Store which comprises a modern, four/five storey red brick building and just beyond this is Brodick House; a 22 storey residential block.

- 8.45 There is objection to the proposed development where the residents are of the opinion that the proposed buildings do not reflect the scale or character of the surrounding area. However, the Council's Development and Renewal Department are of the opinion that the buildings height, scale, bulk and quality of design is appropriate for this location. This opinion is examined in detail below.

#### Bulk and Massing

- 8.46 Good design is central to all the objectives of the London Plan. Chapter 4B of the London Plan refers to 'Principles and specifics of design for a compact city' and specifies a number of policies aimed at achieving good design. These principles are also reflected in policies DEV1 and 2 of the UDP and the IPG.
- 8.47 Policy CP4 of the draft Core Strategy states that LBTH will ensure development creates buildings and spaces that are of high quality in design and construction, are sustainable, accessible, attractive, safe and well integrated with their surroundings. Policy DEV2 of the IPG reiterates DEV1 of the UDP and states that developments are required to be of the highest quality design, incorporating the principles of good design.
- 8.48 Following concerns raised by the public over the height and bulk of the development, as well as officers original concerns over the impact on Cardigan Road terrace, the applicant has sought to address this by re-designing the eastern, western and southern elevations of the scheme, reducing its mass (in particular to blocks C and D) and amending elevation detailing by omitting projected balconies where possible. The general distribution of bulk and massing is now considered acceptable.
- 8.49 Objections to the scheme suggest that the scheme is a gated community. It must be noted that the podium play space area above the car park is not required by policy to be publicly accessible in accordance with private and communal amenity space requirements. Also, this design responds well to the constraints of the site, and in providing car parking space, to meet the needs of the residents and users of the retail space. Further, the proposed layout will provide better accessibility and safety for pedestrians, where the north - south and east west routes are to be improved and a series of plazas provided, that include public child play space.
- 8.50 Along Cardigan and Anglo Roads, the development will define the street edge with four/ five storey residential accommodation, including appropriate setbacks at the higher levels. When viewed from Roman Road, the proposed massing will generate sufficient interest with minimal impact on the setting of the Listed Building. With choice of sympathetic materials, brickwork and well proportioned windows, it will achieve adequate transition in character. Use of materials will be conditioned appropriately.
- 8.51 By re-introducing active retail at ground floor, Gladstone Place and Gladstone Walk will receive a fresh lease of life and has the potential to become a successful place. Further, the alignment of building E with Cruden House, including defined entrances, fits well within the context. Blocks A, B, C, D and E are generally well designed with appropriately sized units.
- 8.52 The site will continue to be serviced from Cardigan Road for proposed retail at ground floor and parking spaces. Whilst objections have been received over the lack of active frontage, this location is the only viable vehicular access point for the site, with limited impact on the

surroundings. With careful site management and articulation of ground floor gates, green wall and residential entrances; any impact on existing houses should be mitigated. The quality of external finishes and detailing is critical in ensuring promised design quality. Also, proposed CCTV and dedicated security point adjacent the car park entrance should mitigate the anti-social behaviour concerns along this frontage as raised by the public.

- 8.53 On balance, the bulk and massing of the development is considered to be acceptable. The proposal generally meets the Council's UDP design & conservation policies. The site layout and contribution to public realm responds well to the urban context. The development presents a good opportunity to reinvigorate Gladstone Place and the Roman Road district centre. The scheme should be conditioned appropriately to ensure that a high quality detailing of the development is achieved.

#### Tall Building

- 8.54 The London Plan defines a tall building as one that is significantly taller than their surroundings, has a significant impact on the skyline and is larger than the threshold sizes for the referral of planning applications to the mayor.
- 8.55 The IPG defines a tall building as buildings generally exceeding 30 metres in height, or which are significantly higher than the surrounding buildings, dependent on the scale of existing development and the character of the area. The development is not considered to be a tall building in accordance with the London Plan and the IPG since the development was not referable to the mayor under the tall building criteria. Whilst the proposed development exceeds the height of the existing commercial development on the site, the majority of the development is between 5 and 6 storeys, apart from building A which is 10 storeys. There are buildings up to 4 storeys adjacent to the development to the north, south and west and a 22 storey building adjacent to the site to the west (Brodict House)
- 8.56 Notwithstanding, the development has been assessed against the tall building policies within the IPG given the concerns raised by the public. CP48 of the emerging LDF permits the Council to consider proposals for tall buildings in locations outside the tall building cluster locations identified in this policy if adequate justification can be made for their development.
- 8.57 The site is not within an identified tall building cluster. The design quality of the development will create a landmark that has the potential to act as a catalyst for the regeneration of the surrounding area. The height of Block A reflects the larger grain development to the west of the site. Also, the height of the building would guide legibility along Roman Road where the site will be an anchor for economic activity in the area.
- 8.58 Policy DEV27 of the IPG provides a suite of criteria that applications for tall buildings must satisfy. In consideration of the above comments and policy requirements, the proposal is considered to satisfies the relevant policy criteria as follows:
- The design is sensitive to the local and wider context.
  - The architectural quality of the building is considered to be of a high design quality, demonstrated in its scale, form, massing, footprint, materials, relationship to other buildings and public realm provision.
  - The proposed development does not fall within the strategic views designated in Regional Planning Guidance 3A (Strategic Guidance for London Planning Authorities, 1991) or the Mayor's draft London View Management Framework SPG (2005). Nonetheless, the building is considered to provide an appropriate contribution to the skyline.

- Visually integrated into the streetscape and the surrounding area as a landmark building.
- Presents a human scaled development at the street level.
- Respects the local character and seeks to incorporate and reflect elements of local distinctiveness.
- On balance, there will be no adverse impact on the privacy, amenity and access to sunlight and daylight for surrounding residents.
- Demonstrates consideration of sustainability throughout the lifetime of the development, including the achievement of high standards of energy efficiency.
- The scheme will contribute positively to the social and economic vitality of the surrounding area at the street level through its proposed mix of uses.
- Incorporates principles of inclusive design.
- The site is located in an area with relatively good public transport access.
- Takes into account the transport capacity of the area, and ensure the proposal will not have an adverse impact on transport infrastructure and transport services.
- Improves permeability with the surrounding street network and open spaces.
- The scheme provides publicly accessible areas, including the ground floor non-residential uses and public realm.
- The scheme would conform to Civil Aviation requirements.
- Whilst a TV reception report was not submitted, a s106 agreement will be secured to monitor and mitigate any impacts upon TV reception.

8.59 The Council's Design and Conservation Officer considers the proposal to be acceptable in terms of building height. Further, English Heritage raised no objection to the scheme.

8.60 On balance, in accordance with London Plan and the IPG, the proposal scores merit for its response to the context, evolution of form, distinct character, high design quality and generous public realm. The height of the building is therefore considered to be acceptable.

#### Built Heritage

8.61 PPG15 (Planning and the Historic Environment) requires local planning authorities who consider proposals which affect a listed building or Conservation Area to have special regard to the preservation of the setting of the listed building or Conservation Area, as the setting is often an important part of the building or areas character.

8.62 Policy 4B.11 of the London Plan seeks to protect and enhance London's historic environment. Further, Policy 4B.12 states that Boroughs should ensure the protection and enhancement of historic assets based on an understanding of their special character. Policy CON1[1] of the IPG states that planning permission will not be granted for development which would have an adverse impact upon the setting of a listed building. Further, CON2 states that development that would affect the setting of a Conservation Area, will be granted only where it would preserve or enhance the special architectural or historic interest of the Conservation Area.

8.63 As mentioned earlier in this report, no part of the development is located in a conservation area. However, the site is adjacent to the Roman Road conservation area and the Grade II listed Passmore Edwards Public Library.

8.64 Notwithstanding, English Heritage has raised no objection to the proposal.

8.65 Also, the Councils Design and Conservation team has advised that the proposal would enhance the character of the Conservation Area along Roman Road and Gladstone Place in contrast to the existing development upon the site. The affect on Cardigan Road is

considered moderate, however, this can be mitigated at the detailed design stage for its external appearance. As mentioned earlier, the use of materials will be conditioned appropriately.

- 8.66 The proposal is therefore considered to be appropriate in accordance with PPG15, the London Plan and the IPG.

Amenity/Open Space

- 8.67 Policy HSG16 of the UDP requires that new developments should include adequate provision of amenity space, and they should not increase pressure on existing open space areas and playgrounds. The Council's Residential Space SPG includes a number of requirements to ensure that adequate provision of open space is provided, as shown below:

<b>Tenure</b>	<b>Proposed</b>	<b>SPG Requirement</b>	<b>Total (m<sup>2</sup>)</b>
Family Units	49	50sqm of private space per family unit	2450
Non-family units	159	50sqm plus an additional 5sqm per 5 non-family units;	209
Child Bed spaces	93	3sq.m per child bed space	279
<b>Total</b>	<b>208</b>		<b>2938</b>

- 8.69 Following is an assessment against the residential amenity space requirements under policy HSG7 of the Interim Planning Guidance (Oct 2007)

<b>Units</b>	<b>Total</b>	<b>Minimum Standard (sq.m)</b>	<b>Required Provision (sq.m)</b>
Studio	2	6	12
1 Bed	81	6	486
2 Bed	76	10	760
3 Bed	30	10	300
4 Bed	4	10	40
<b>TOTAL</b>	<b>193</b>		<b>1598</b>
<b>Ground Floor Units</b>			
3 Bed	9	50	450
5 Bed	6	50	300
<b>Total</b>	<b>15</b>		<b>750</b>
<b>Grand Total</b>	<b>208</b>		<b>2348</b>
<b>Communal amenity</b>		50sqm for the first 10 units, plus a further 5sqm for every additional 5 units	<b>248</b> (50sq.m plus 198sqm).
<b>Total Housing Amenity Space Requirement</b>			<b>2596sqm</b>

- 8.71 In total, the proposed development will provide 1,101sqm of communal amenity space and 2,131sqm of private amenity space within the site. It will also provide 986sqm enhanced public realm within the site boundary and 1,157sqm beyond the site boundary as a s106 contribution. In total, the development will provide 3,232sqm of private and communal amenity space and 2,143sqm of enhanced public realm.

- 8.72 The enhanced public realm will include a widened, hard landscaped pedestrian link

between Gladstone Place and Vernon Road, and improved connections to the north of the proposed supermarket along Gladstone Walk and to the north and south of building E. The public realm will be integrated with the proposed pocket park within the south western corner of the site. The area at podium level above the proposed parking area and supermarket will form a private and communal courtyard space, including private gardens, children's play space and a soft communal amenity area.

- 8.73 All of the proposed residential units, with the exception of a limited number of 1 bed apartments, will be served by private amenity space in the form of private gardens or balconies.
- 8.74 A range of amenity space is therefore provided as part of the proposed development. The proposed amenity space will complement existing areas of public space in the vicinity of the application site, including Victoria Park (approximately 400 to 500 metres to the north) and Mile End Park (approximately 750 metres to the west).
- 8.75 Taking account of the site's urban, district centre location and the scale and character of the proposed development, it is considered that the scheme will provide adequate amenity space in accordance with UDP Policy HSG16 and Policy HSG7 of the IPG, despite objections raised by the community.

#### *Child Play Space*

- 8.76 London Plan Policy 3D.13 requires developments that include residential units to make provision for play and informal recreation, based on the expected child population. The applicant has not submitted an estimated child occupancy rate. Using the methodology within the Mayors SPG, this development will be home to 93 children (being 36 under 5 year olds; 35, 5 to 11 year olds; and 22, 12 to 16 year olds).
- 8.77 Using the Council's methodology for calculating child play space, the scheme will be home to 60 children. The methodology for this calculation is inline with the Council's capacity study for education. As this document is only supporting evidence to the IPG, the mayor's methodology would appear to be the more realistic calculation.
- 8.78 Whilst both the UDP Residential Standards SPG and the IPG prescribe 3sq.m per child bed space, paragraph 4.29 of the Mayors child play space SPG states that a benchmark standard of 10sq.m per child should be applied to establish the quantitative requirements for play space provision for new developments. This equates to a requirement of 930sq.m recreation space.
- 8.79 The applicant has stated that 48sq.m of play space and 1,134 sq.m amenity space will be provided within the development. Two courtyard spaces are proposed in addition to communal space provided on the roof space of blocks B and D. This is in addition to a 232sq.m publicly accessible pocket park that is being provided by the development. The spaces have been designed so as to provide passive and active areas and amount to 1,414sq.m of play and recreational space.
- 8.80 The childrens play space within the development will be designed for children under six and will include equipment such as climbing frame, sand pit and educational fixed toys. The passive spaces will include grassed area with seating. Whilst the applicant has indicated materials to be used and demonstrated on the plan the design of the courtyard spaces, further illustrative material is required to ensure the quality of the proposed spaces are achieved. This will be conditioned appropriately.
- 8.81 The pocket park will act as a community facility, and will also provide play space for children

from the development up to 12 years old. By using more adventurous equipment, including climbing walls and a tree play fort.

- 8.82 Whilst specific facilities are provided for 0 – 5s and 6 – 11s age groups, the applicant has provided no details on provision for the 12 – 16 year olds.
- 8.83 With reference to facilities to be provided for 12-16 year olds, the parks department advised that they are proposing to provide a range of play facilities for children and young people within Victoria Park. In particular, they propose to locate new play facilities on the south side of the park near the bridges across the Canal which will provide adventure play facilities for older children, particularly for the 12 to 16 year old age group. In addition, they are intending to provide an adventure play trail to provide fun, challenge and exercise for this age group within the park.
- 8.84 The parks department has advised that there is a deficiency in appropriate play facilities for this age group and for older children in the north-east part of the Borough at present. As such, S106 funding to build and expand these facilities on the south-east side of Victoria Park is required.
- 8.85 Given that the viability of the proposed development is finely balanced, the planning department has determined that £50,000 from the previously identified S106 package should be diverted from the proposed Roman Road regeneration contribution towards the provision of these off-site play spaces. The applicant has agreed to this approach.
- 8.86 The proposal before the members to redistribute contributions towards child play space is considered to comply with both London Plan and Council policies.

#### *Summary*

- 8.87 It is clear that the open space provision exceeds the minimum requires of the Council's housing SPG and the Interim Planning Guidance. Whilst not all of the units are provided with private amenity space, the development provides significant communal open space. The applicant is also proposing to improve public realm, including a new pocket park. The proposed child play space is also considered to comply with relevant national and local policies and guidance.
- 8.88 On balance, the amenity space provision is considered acceptable subject to a detailed landscape design condition and s106 contribution towards open space and public realm improvements to mitigate and adverse impact upon the surrounding open space areas.

#### Accessibility and Inclusive Design

- 8.89 The access statement indicates that 10% of the units will be wheelchair accessible in accordance with Council policy. The scheme should be conditioned appropriately to ensure that this is provided for. The scheme has also been conditioned to ensure the proposed disabled parking spaces are provided and maintained.
- 8.90 The affordable and market housing elements have been designed to incorporate full Lifetime Homes standard requirements and will be conditioned appropriately.

#### Safety and Security

- 8.91 In accordance with DEV1 of the UDP 1998 and DEV4 of the IPG, all development is required to consider the safety and security of development, without compromising the achievement of good design and inclusive environments.



- 8.92 The Metropolitan Police raised a number of design issues with the scheme regarding the safety and security of the development, as mentioned earlier in this report. These matters have been addressed satisfactorily by the applicant following amendments. The scheme will also be conditioned appropriately to ensure a number of proposed mitigation measures are implemented in consultation with the Metropolitan Police.

## **Amenity**

### Daylight /Sunlight Access

- 8.93 DEV 2 of the UDP seeks to ensure that the adjoining buildings are not adversely affected by a material deterioration of their daylighting and sunlighting conditions. Supporting paragraph 4.8 states that DEV2 is concerned with the impact of development on the amenity of residents and the environment.
- 8.94 Policy DEV1 of the Interim Planning Guidance states that development is required to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm. The policy includes the requirement that development should not result in a material deterioration of the sunlighting and daylighting conditions of surrounding habitable rooms.
- 8.95 The applicant submitted a Daylight and Sunlight report which looks at the impact upon the daylight, sunlight and overshadowing implications of the development upon itself and on neighbouring residential properties.
- 8.96 The following properties were assessed for daylight and sunlight, particularly in response to objections received and where they are considered to represent worst case scenarios:
- No. 568a Roman Road (Emerson Building) to the north;
  - No's 36 to 60 Cardigan Road to the east;
  - 1 to 10 Dornoch House and Lord Cardigan Public House to the south; and
  - 11 to 16 Cruden House and Brodick House to the west.
- 8.97 According to the UDP, habitable rooms include living rooms, bedrooms and kitchens (only where the kitchen exceeds 13sqm).
1. Daylight Assessment
- 8.98 Daylight is normally calculated by two methods - the vertical sky component (VSC) and the average daylight factor (ADF). The latter is considered to be a more detailed and accurate method, since it considers not only the amount of sky visibility on the vertical face of a particular window, but also window and room sizes, plus the rooms use.
- 8.99 British Standard 8206 recommends ADF values for residential accommodation. The recommended daylight factor level for dwellings are:
- 2% for kitchens;
  - 1.5% for living rooms; and
  - 1% for bedrooms.
- 8.100 The results of the assessment demonstrate that the majority of the neighbouring windows and rooms assessed within the existing properties will comply with the BRE VSC and ADF guidelines.

*a. Daylight Results: Impacts on Neighbouring Properties*

- 8.101 Overall, of the 109 windows assessed, 62 will comply with the VSC target levels. Given that a number of neighbouring windows will receive VSC levels below the relevant BRE target levels, ADF calculations have been undertaken. It is important to reiterate that the calculation of ADF provides a more rigorous and accurate assessment of the level of daylight received by a room than the calculation of VSC as it takes account of the size and reflectance of a room's surfaces, the size and transmittance of its window(s) and the level of VSC received by the window(s)
- 8.102 The ADF results show that 92 of the 105 rooms assessed (not including Brodick House) will comply with the respective BRE target levels (87% compliance). The rooms assessed that will receive interior daylight levels below the BRE guide levels represent isolated rooms within No.568a Roman Road (3 rooms) and Dornoch House (10 rooms). In the case of the majority of these rooms, the breach of the guide is marginal and not sufficient to realistically sustain a refusal. The majority of these rooms are kitchens and are within 0.5% of the respective target level (2%), and comply with the relevant target for living rooms (1.5%). In accordance with advice from Council's sunlight/daylight officer and the site's urban context, this impact on balance is considered acceptable.
- 8.103 Objections have been raised from residents of Dennis House to the north of Roman Road. However given the separation distance of approximately 50 metres, any impact is considered to be minimal and not requiring a detailed analysis.
- 8.104 The impacts of the development on the northernmost, east-facing ground floor level window within Brodick House that will be most affected by the development was assessed. This window represents the worst case scenario and the resultant VSC level resulting from the proposed development would be above the BRE guide level.

*b. Daylight Results: Impacts on Proposed Units*

- 8.105 The results of the interior daylight calculations undertaken for the 588 proposed main rooms and bedrooms within the development, demonstrate that 498 rooms will comply with the respective BRE interior daylight guide levels (85%). The windows that will receive levels of daylight below the BRE guide levels are principally situated beneath balconies, which in themselves have high amenity value.

2. Sunlight Assessment

- 8.106 Sunlight is assessed through the calculation of what is known as the annual probable sunlight hours (APSH). This method of assessment considers the amount of sun available in the summer and winter, for each window within 90 degrees of due south.

*a. Sunlight Results: Impacts on Neighbouring Properties*

- 8.107 The results of the sunlight assessment demonstrate that all 53 of the south-facing neighbouring windows assessed will comply with the BRE annual sunlight guide levels (100% compliance). In addition, 49 of the 53 windows will comply with the BRE winter sunlight guide levels (92% compliance). Those that don't comply, bar one, would be within 2% of the guide level.

*b. Sunlight Results: Impacts on Proposed Units*

- 8.108 The sunlight results for the 356 south-facing windows serving main rooms/bedrooms within the proposed units demonstrate that 216 windows will comply with the BRE annual and

winter sunlight guide levels (61% compliance). The windows that will receive levels of sunlight below the BRE guide levels are generally either situated directly beneath balconies or are at a low level overlooking the courtyard.

- 8.109 On balance, it is acknowledged that there will be a loss of daylight/sunlight to both proposed units on site and to a small number of existing neighbouring buildings as a result of the proposal. It is also acknowledged that the urban character of the area and the flexibility and suburban basis of the BRE guidelines, some impact on daylight and sunlight is expected to occur in such locations. Indeed, it can be argued that the amount and quality of light received is not untypical in an urban environment and therefore difficult to refuse on these grounds.
- 8.110 National, strategic and local planning policy of relevance to the sites redevelopment encourages the development of higher density developments and schemes which maximise the use of accessible sites. Given that the majority of the units across the scheme comply with the daylight/sunlight guideline levels, it is unlikely that the loss of daylight and sunlight would justify refusal of this scheme and its noted benefits. On this basis, the proposal can be supported.

*(c) Shadow Analysis*

- 8.111 The BRE report advises that for a garden area or amenity area to appear adequately sunlit throughout the year no more than two-fifths and preferably no more than one-quarter of such garden or amenity areas should be prevented by buildings from receiving any sun at all on 21<sup>st</sup> of March.
- 8.112 The applicants assessment confirms that the amenity areas surrounding the site will not experience permanent shadow beyond the permitted limits indicated within the BRE guideline. Similarly, whilst objections have been received regarding the impact upon surrounding residential gardens, the applicants assessment shows that no garden will experience permanent shadow beyond the permitted limits indicated within the BRE guideline.
- 8.113 The assessment also considers the impacts upon the proposed areas of amenity space, including the public realm, podium deck, pocket park and the ground floor/ podium private garden areas. The analysis identifies that the permanent shadow resulting from the development within each of the proposed areas of amenity space/public realm will be well below 40% of their total area, as advised by the BRE guidance. The shadow impacts therefore comply with the BRE guidance.

Privacy/ Overlooking

- 8.114 A number of the objections raised concerns with reference to the potential overlooking from the development and the resulting loss of privacy. The particular sites that may be impacted upon are addressed below. The assessment of overlooking is to be considered in line with Policy DEV2 of the UDP, where new developments should be designed to ensure that there is sufficient privacy for residents. A distance of about 18 metres (60 feet) between opposite habitable rooms reduces inter-visibility to a degree acceptable to most people. This figure is generally applied as a guideline depending on the design and layout concerned and is interpreted as a perpendicular projection from the face of the habitable room window.
- 8.115 • No. 568a Roman Road to the north

The positions of the windows in the north elevation facing No. 568a Roman Road have

been adjusted to ensure the opposing windows are offset and an instep in the face has been provided to ensure a setback distance of approximately 15 to 18 metres. Separation distances such as these are not uncommon in urban settings and are considered appropriate in this instance.

- 8.116 • No's 36 to 60 Cardigan Road to the east

The minimum separation distance between the eastern elevation and these neighbouring dwellings is a minimum of approximately 16m. The separation distance is generally in compliance with policy guidance and, in consideration of the urban setting and width of the street, the setback distance on balance is considered acceptable.

- 8.117 • Lord Cardigan Public House to the south

The minimum separation distance between the southern elevation of the development and the Lord Cardigan Public House is approximately 15m. It is understood that the first floor level of the public house is used for ancillary accommodation and is therefore considered to be commercial in type. As such, these rooms are not considered as habitable in line with Council policy. The 18m policy guidance therefore does not apply.

- 8.118 • 1 to 10 Dornoch House to the south

The minimum separation distance between the southern elevation and these neighbouring dwellings is approximately 17m. The separation distance is generally in compliance with policy guidance and in consideration of the urban setting and width of the street, the setback distance on balance is considered acceptable.

- 8.119 • 11 to 16 Cruden House to the west

There is a separation distance of approximately 23 metres between adjacent habitable windows. The separation distance exceeds the policy direction and is therefore considered acceptable.

- 8.120 • Impact of the development upon itself

The separation distance between windows within Block E is below the guideline distance, at approximately 16 metres. The opposing windows however have been offset to prevent direct overlooking and are therefore considered acceptable.

- 8.121 The separation distance between windows within Blocks A and E is below the guideline distance at approximately 14 metres. The only windows of concern are on levels 1 and 2. However, these are generally offset to prevent direct overlooking and are on balance considered acceptable.

#### Sense of Enclosure/ Loss of Outlook

- 8.122 Unlike, sunlight and daylight assessments or privacy, these impacts cannot be readily assessed in terms of a percentage. Rather, it is about how an individual feels about a space. It is consequently far more difficult to quantify and far more subjective. Nevertheless, whilst it is acknowledged that the development may result in an increased sense of enclosure and/or loss of outlook to surrounding residences given the increase in height, on balance this proposal is not considered to create an unacceptable impact given the urban context and where the scheme is generally compliant with the setback guidance that governs privacy matters. A reason for refusal based on these grounds is not considered to

be sustainable.

#### Wind/ Microclimate

- 8.123 Members of the public have concerns regarding the potential impacts that may arise from wind. The applicant has not undertaken a Wind Assessment. Notwithstanding, potential wind effects that require specific assessment are generally caused by tall buildings beyond the height of the proposed scheme.
- 8.124 As mentioned above, the scheme is not considered to be a tall building. The GLA stage 1 report does not assess the development against the tall building policies, which must consider wind impacts. Further, there is no objection from the GLA regarding the height of the scheme or any impacts caused by wind. It is acknowledged that most developments that intensify the existing situation would materially affect the wind environment. However, any wind impacts caused by this development are considered to be appropriate for the scale of this development. Notwithstanding this, to address the public concern, the landscape condition should consider the resultant wind environment to the public realm.

#### Noise and Vibration

- 8.125 The London Plan seeks to reduce noise by minimising the existing and potential adverse impacts of noise, from, within, or in the vicinity of development proposals. The plan also states that new noise sensitive development should be separated from major noise sources wherever practicable (policy 4A.14).
- 8.126 Policy DEV50 of the LBTH UDP states that the Council will consider the level of noise generated from developments as a material consideration in the determination of applications. This policy relates particularly to construction noise created during the development phase or in relation to associated infrastructure works. Policy HSG15 states that the impact of traffic noise on new housing developments is to be considered.
- 8.127 A supplementary noise assessment was submitted which considers impacts upon the surrounding environment during the construction phase and the operation phase. The main noise sources of concern would typically be as follows:
- Construction
  - Deliveries to the store
  - Service yard activity at the store
  - Car park activity associated with the store and the residential car park
  - Fixed plant associated with the store.
- 8.128 The Council's noise officer found the noise assessment to be acceptable. The scheme will be conditioned to apply restricted construction and operation hours, delivery, noise and vibration limits to ensure the amenities of surrounding and future residents will be protected.
- 8.129 The applicant has advised that service vehicles (maximum size 16.5m articulated) will approach the service bay by driving north up Cardigan Road and turning left into the bay. The service bay doors will open as the lorry makes its approach and be closed once it is inside the service area and before any unloading has commenced.
- 8.130 The specification of the service bay doors will be defined during the detail design process. However, it is proposed that acoustically treated doors such as the Kone Insulated Roller shutter will be used for both service bay doors. As well as reducing acoustic transmittance, the doors have seals designed to dampen the rattling noise commonly associated with

roller shutter doors. Unloading will then take place within a fully enclosed and acoustically sealed enclosure.

- 8.131 For operational and safety reasons, access to the public and private car-parks at ground and basement level will be temporarily suspended whilst service vehicles are entering the loading bay. This will encourage service vehicles to promptly enter the service bay and the shutters to be closed before parking can resume.
- 8.132 Once unloading has finished the northern service doors will be opened, allowing vehicles to exit back onto Cardigan Road. On non-market days (Monday, Wednesday, Friday & Sunday) articulated lorries will exit north along Cardigan Road, turning left into Roman Road. Smaller vehicles may choose either to exit north or turn right on exiting the service bay and proceed south down Cardigan Road. On Market days all service vehicles – including articulated vehicles will exit right from the service bay turning to exit south on Cardigan Road. Vehicle tracking diagrams showing how this manoeuvre can be accommodated within the existing constraints of Cardigan Road were included within the transport assessment.
- 8.133 The Noise Impact Assessment submitted with the application contained detailed information regarding the anticipated noise reduction achieved by the proposed enclosed service bay, in contrast to the noise levels that would have occurred with the existing 'open' arrangement. In summary, continuous noise levels associated with unloading activity in the covered service yard will be reduced by 36% in comparison with the current open yard arrangement. Sudden or impact noise (e.g. dropped tailgate etc) will be similarly reduced under the new arrangement.
- 8.134 These figures do not take into account the introduction of specific additional noise reduction measures comprising the acoustic roller shutter described above. It is anticipated that these will enhance noise reduction by a further 20% above the conditions resulting from the operation of the existing service bay in its existing.
- 8.135 In addition, the delivery hours for the previous supermarket were restricted as follows:
- No deliveries to the Store shall be received other than on Sundays between the hours of 10.00hrs and 14.00hrs with a maximum of two lorries, nor on Bank Holidays other than between the hours of 8.00hrs and 14.00hrs with a maximum of two lorries, nor on Monday to Saturday other than between the hours of 07.30hrs and 18.00hrs for a period of 12 months from the date of the permission.
  - In addition, a s106 agreement was entered into to exclude delivery traffic from the locality of the store until the appropriate times.
- 8.136 LBTH Environmental Health Department identified more extensive delivery hours in considering the applicants noise report. However, given the residential nature of the surrounding environment and the previous planning approval history for the site as a supermarket, the applicant has agreed to operate the store in accordance with the previously approved delivery hours. Also, the applicant has agreed to enter into a s106 agreement to exclude delivery traffic from the locality of the store until the appropriate times.

#### Air Quality

- 8.137 The development would result in changes to traffic flow characteristics on the local road network. Potential impacts caused by the proposed development on local air quality has been assessed, and was found to be acceptable by the Councils' Environmental Health department.
- 8.138 In order to mitigate any potential impacts and to address concerns raised by the public, a

Construction Environmental Management Plan (CEMP) will be required setting out measures to be applied throughout the construction phase, including dust mitigation measures.

- 8.139 During the operational phase, encouraging sustainable transport and reducing dependence on the private car would reduce the impact of the development in terms of both greenhouse gases and pollutants. This will be addressed by condition via a travel plan.

## **Highways**

### Access

- 8.140 The proposed development is bounded by Anglo Road, Cardigan Road and Gladstone Place. Cardigan Road, the main frontage to the site, is not well connected to the Transport for London Road Network (TLRN) as the A12 East Cross Route is 650m east and the A11 Bow Road 1000m south. The nearest section of the Strategic Road Network (SRN) is the A110 High Street, terminating at Bow Interchange, 1500m east of the site. Roman Road is part of the London Cycle Network but the route does not connect directly to the site. There are 3 bus routes within a 285m walk from the site; routes 8, 339 and S2. Bow Road Underground and Bow Church DLR stations are approximately 951m and 958m respectively south from the proposed development.
- 8.141 The public have raised objection to the impact of the scheme upon the transport system in the area. Whilst the applicants transport assessment identifies the site as having a PTAL score of three, TFL has advised that the site has a PTAL score of two. Notwithstanding, the accessibility level and current service is considered to be acceptable for the proposed development, particularly given the proximity of the development to the town centre and the proposed supermarket on the site.
- 8.142 Also, the public have raised objection to increased congestion within the surrounding streets. The LBTH highways department did not object to the scheme on these grounds, particularly given the existing trips generated by the existing use of the site as a car park and the previous retail development.
- 8.143 The public also objected to the scheme based on the impact of the development upon the accessibility of Cardigan Road from Roman Road. The applicant provided turning circle diagrams for this junction showing acceptable movement which neither TFL nor the Highways department have objected to.
- 8.144 Residents have raised concern regarding impacts associated with the construction traffic. As such, the scheme has been conditioned to provide an Environmental Construction Management Plan to mitigate any potential impacts.

### Parking

#### *Car parking*

- 8.145 The proposed car parking provision is 104 spaces which represents a reduction from the 140 spaces on site at present. 72 spaces will be for residential parking whilst a further two space will be used as car club spaces (this represents a parking ratio of 0.35 which is well below the maximum standard). The allocated residential spaces will include 7 disabled spaces.
- 8.146 The remaining 30 spaces are pay and display for the retail elements of the scheme, including 4 disabled spaces). A further 10 residential and 4 commercial motorcycle spaces

have been provided at the request of the LBTH Highways department.

- 8.147 The public have raised concern that the scheme provides insufficient parking spaces and as such, there will be an overspill from the development upon the surrounding street. Both TFL and the LBTH Highways Department have found the car parking provision for the residential and commercial elements of the scheme to be policy compliant. It is recommended that a S106 agreement be put in place to ensure that the development is 'car free', so that no controlled parking permits are issued to the new residents of the development. As such, there should be no overspill parking from the development. The scheme will also be conditioned to comply with a travel plan to ensure residents are committed to using more sustainable forms of transport.
- 8.148 Also, the public are concerned that the removal of the existing car parking (ex-safeway site) will have an impact on the success of the Roman Road markets. It must be noted that the existing car park was approved ancillary to the operation of the supermarket. It has been mentioned earlier in this report that the success of the district centre is dependant on the provision of a supermarket in this area. TFL has confirmed that the number of car parking spaces proposed for the commercial premises is acceptable.

#### *Cycle Parking*

- 8.149 Planned provision of 1 cycle parking space per residential unit complies with TfL's and the Council's cycle parking standards. The 21 spaces proposed for the commercial element of the scheme also meet the levels required (229 spaces in total). It is supported that the cycle parking will be secure and covered. The public has raised concern that the cycle parking areas will encourage thieves in this area. TFL have requested that the cycle parking spaces be covered by CCTV to discourage thieves. As such, to address TFL's comments and to address public concerns, the scheme should be conditioned appropriately.

#### *Taxi pick up/drop off area*

- 8.150 It is proposed that shoppers will exit the supermarket onto the new Gladstone Walk, which runs in an east-west direction along the northern boundary of the site. This position is roughly equidistant between Roman Road to the north and Cardigan Place to the east. With the market making Roman Road inaccessible to cars on 3 days of the week, a taxi rank position north of Gladstone Place has been discounted. This leaves the north end of Cardigan Road as the most viable location. Anglo and Vernon Road had previously been discounted due to the greater distance from the supermarket and the quieter nature of these streets.
- 8.151 Analysis has been undertaken of the current parking conditions on Cardigan Road. Currently there are double yellow lines located on the western side of Cardigan Road and to the north of Gladstone Walk. Further to this analysis, the applicant has had discussions with the Council's highways department and parking services who have confirmed that the double yellow lines are to remain in place.
- 8.152 Transport for London's Public Carriage Office (PCO) notice 44/06 confirms that Taxi's are permitted to drop-off and pick-up clients on double yellow lines if they do not impede the free flow of traffic or cause a safety hazard. Therefore the length of double yellow lines on the western side of Cardigan Road and north of Gladstone Walk may be used for taxi pickup/ drop-off. Utilising the existing double yellow lines in this location rather than creating a dedicated taxi-bay, will retain flexibility, add no additional parked cars on Cardigan Road and remove the need for further alterations to existing parking controls. The applicants transport consultant has also confirmed that there is adequate space on Cardigan Road for a taxi to turn on days when the market is active and exit south.



### Servicing and Refuse Provisions

- 8.153 Currently the site has two vehicular accesses onto Cardigan Road: One for the car parking and one for service vehicles. The car park access will be retained for the new development proposal and merged into a combined access for residents, visitors, delivery and service vehicles. The access will be widened to allow a private access into the basement car park for residents, and an opening into the pay and display parking area for shoppers.
- 8.154 As stated, delivery vehicles will also share this entrance with residents and visitors. Delivery vehicles will enter through this entrance, drive into an enclosed delivery area, service the site and then leave through a second exit onto Cardigan Road. A series of track plots were carried out to ensure articulated vehicles can enter and exit the designated servicing area without any hazardous movements.
- 8.155 A condition requiring the submission of a service and delivery management plan to be approved by the Council is required to ensure personnel are always present at the time of deliveries, to ensure the protection of pedestrians crossing the access road, as well as mitigating any potential impact upon Cardigan Road. This is considered sufficient in addressing the safety concerns raised by the public.
- 8.156 Provision for the storage of refuse for the residential and non-residential uses has been provided for. Amendments to the scheme have been made at the request of LBTH cleansing department to facilitate refuse collection on Anglo Road, including the introduction of dropped curbs and the introduction of managed refuse collection point for Blocks A and E. Objection has been raised by the public over any proposed loss of existing parking spaces on adjacent roads to meet servicing requirements. The applicant has advised that in order to meet the servicing requirements, the current spaces on Anglo Road need to be reshuffled, however their survey confirms that these spaces can continue to be accommodated within Anglo Road without any loss. The Council's parking services has raised no objection to this proposal subject to a Traffic Management Order. It is recommended that a condition be included to ensure the adequate management of the refuse and recycling facilities is provided.

### **Other**

#### Biodiversity

- 8.157 Objection has been raised over the proposed removal of two existing trees along Anglo Street. The development site is not designated for its ecological importance and is considered to be poor in terms of plant diversity and abundance. The existing trees are not protected by a tree preservation order. Notwithstanding, the applicant is proposing to retain a number of the existing trees along the north-south public realm route. The scheme will be conditioned to include native species in the landscaping scheme, also, requiring the creation of brown/green roofs.

#### Flooding/ Water Resources

- 8.158 Policy U3 states that the Council (in consultation with the Environment Agency) will seek appropriate flood protection where the redevelopment of existing developed areas is permitted in areas at risk from flooding.
- 8.159 The site is not located in a flood risk area. Notwithstanding, appropriate mitigation measures should be enforced via planning conditions if permission was granted to address drainage matters.

### Archaeology

- 8.160 PPG16 Archaeology and Planning advises on procedures for dealing with archaeological remains and discoveries. Whilst the site is located within an Archaeological Priority Zone as specified within the UDP and the IPG, English Heritage is happy to accept appropriate conditioning of the scheme where planning approval is granted.

### Sustainability

- 8.161 The consolidated London Plan (2008) energy policies aim to reduce carbon emissions by requiring the incorporation of energy efficient design and technologies, and renewable energy technologies where feasible. Policy 4A.7 adopts a presumption that developments will achieve a reduction in carbon dioxide emissions of 20% from onsite renewable energy generation (which can include sources of decentralised renewable energy) unless it can be demonstrated that such provision is not feasible.
- 8.162 According to policy DEV6 of the IPG, 10% of new development's energy is to come from renewable energy generated on site with a reduction of 20% of emissions.
- 8.163 The applicant submitted an energy and sustainability strategy. In response to comments made by the Council, GLA and objections made by the public the proposal has been revised as follows.
1. The proposed passive design and energy efficiency measures will represent a 5% reduction in the Building Emission Rate, for both the residential and retail schemes
  2. A single energy centre is proposed with a designated plant area within the basement area of the main block. This is detailed on the architectural drawings within the planning submission. A woodchip delivery pit will also be provided within the retail loading bay above to allow for biomass deliveries.
  3. A gas fired CHP system is now proposed to act as the lead boiler which has been sized to meet the domestic hot water load, the system has been provisionally sized to 80 kW<sub>e</sub> in conjunction with substantial thermal storage to cater for the predicted steady-state residential domestic hot water base load and should be able to provide a minimum 10% CO<sub>2</sub> reduction across the development, compared to a standard Part L compliant scheme.
  4. A woodchip biomass boiler is proposed to meet the renewable energy target and will be sized to operate during the heating season to provide heat which should further reduce the scheme's carbon emissions by approximately 15%. The size of the biomass boiler will be in the region of 200-300kW, dependent on detailed design analysis. During heating peaks the natural gas condensing boilers will fire to meet the maximum demand
  5. The original scheme proposed 35% of the residential elements of the scheme (affordable units) will achieve a Code Level 3 – Code for Sustainable Homes. To comply with the Sustainable Design and Construction policies set out in the London Plan and the LBTH Interim Planning Guidance an assessment against the Mayors sustainable Design and Construction SPG has been completed and the scheme will be extended to meet Code Level 3 – Code for Sustainable Homes for all of the residential units. The financial implication of this is yet to be assessed and shall be completed at the detailed design stage, if there are no financial implications affecting the viability of the scheme than the whole residential development shall meet Code Level 3.
- 8.164 Since the energy strategy for this development has been revised, the Council's Energy Efficiency Unit confirms that it now complies with the energy efficiency, renewable energy

and sustainable design and construction policies set out in the London Plan and LBTH IPG.

- 8.165 Whilst final comments have not yet been received from the GLA on the amended energy strategy, pursuant to the Energy Efficiency Unit's advice, the proposal is acceptable subject to conditions to provide the design details before the commencement of the development.

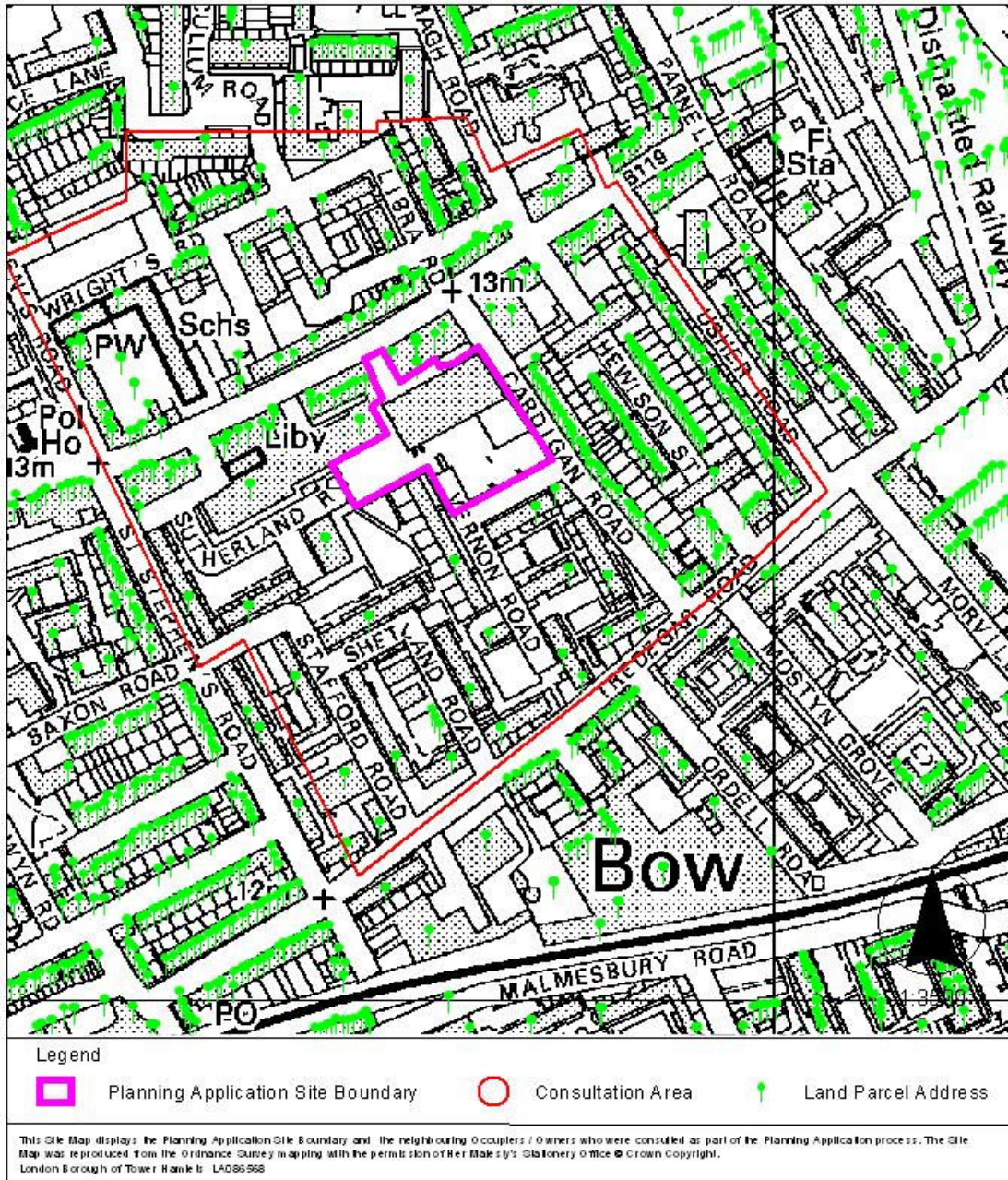
#### Environmental Impact Assessment

- 8.166 The Council considers that the proposed development does not require an Environmental Impact Assessment (EIA). The proposed development does not fall within Schedule 1 of the EIA Regulations. The proposal development is an 'Urban Development Project' within paragraph 10(b) of the EIA Regulations: the site area (0.758ha) exceeds 0.5ha.
- 8.167 The Council does not consider that the proposed development is EIA development because it is not considered that the proposed development is likely to have significant effects by virtue of factors such as its nature size or location.
- 8.168 In reaching this conclusion the Council has applied the selection criteria set out in Schedule 3 of the EIA Regulations and considered the characteristics of the development, Location of the development and characteristics of the potential impact, including those factors set out within that Schedule.
- 8.169 The Council has also taken into account Circular 02/99 paragraphs 43-44 and Annexe A, paragraphs A18 and A19, Indicative Thresholds and Criteria for Identification of Schedule 2 Development Requiring EIA.
- 8.170 No part of the proposed development is to be carried out in a sensitive area as defined under the EIA Regulations.
- 8.171 Taking account of all potentially significant effects including cumulative impacts; the Council has judged that the following most sensitive aspects of the development; intensification of development, historic environment, air quality, noise, daylight/sunlight, traffic, waste and construction generally.
- 8.172 The above factors are considered to be the primary sources of likely environmental impacts of the proposed development. The likely impacts are not of a size, or in a location, nor do they have characteristics, which would lead us in this case to determine them as significant and the Council judged that the proposed development is not likely to give rise to significant environmental effects.

#### **9. Conclusions**

- 9.1 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.

## Site Map



**Legend**

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

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. The Site Map was reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationery Office © Crown Copyright. London Borough of Tower Hamlets LA086988

# Agenda Item 7.4

<b>Committee:</b> Strategic Development	<b>Date:</b> 15 <sup>th</sup> April 2009	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 7.4
<b>Report of:</b> Corporate Director of Development and Renewal  <b>Case Officer:</b> Jason Traves		<b>Title:</b> Planning Application for Decision  <b>Ref No:</b> PA/08/01321  <b>Ward(s):</b> Blackwall and Cubitt Town	

## 1. APPLICATION DETAILS

**Location:** Site at 2 Trafalgar Way  
**Existing Use:**  
**Proposal:** Redevelopment of the site to provide a residential-led mixed use scheme including two towers of 29 storey and 35 storeys and comprising 414 residential units, re-provision of drive-through restaurant, retail / financial and professional service units, crèche, gymnasium, associated residential and community amenity space and car parking.

**Drawing No's:** Plan No's:  
  
950-100-C3; 950-32-C2; 950-SK-34; 950-33-C2  
  
0215: A0000-01; A1000-01; A1100-01; A1101-01; A1102-01, A1103-01; A1200 – 01; A1201 – 01; A1202 – 01; A1203 – 01; A1300 – 01; A1301 – 01; A1302 – 01; A1303 – 01; A1304 – 01; A1305 – 01; A1306 – 00; A1307 – 01; A1400 – 01; A1401 – 01; A1402 – 01  
  
0000; A3001- 00; A3002 – 00; A3003 – 00; A2001 – 00; A2000 – 00; A2004 – 00; A2002 – 00; A2003 - 00

1045: L90-200-G; 201-E; L90-202-B; L90-203-A; L90-204-A; L90-300-D

Documents:  
Planning Statement  
Supplement to Planning Statement  
Archaeology Assessment  
Affordable Housing Toolkit  
Statement of Community Involvement  
Design and Access Statement  
Energy Renewable Toolkit  
Addendum to the Energy renewable Toolkit  
Environmental Statement – Non Technical Summary  
Environmental Statement – Volume 01  
Environmental Statement – Volume 02  
Environmental Statement – Volume 03  
Addendum to the Environmental Statement  
Transport Assessment

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

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

**Applicant:** 2 Trafalgar Way Limited and McDonalds Real Estate LLP Limited  
**Owner:** As above  
**Historic Building:** N/A  
**Conservation Area:** N/A

## 2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

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

(1) The principle of a mixed use scheme is acceptable on this site as supported by PPS1: Creating Sustainable Development, as well as Policies 2A.1, 2A.9, 3B.1, 3B.3 and 5C.1 of the London Plan (Consolidated 2008) which seeks the efficient use of sites, in a way that is sustainable.

(2) A high density scheme is considered to be an efficient use of the site that results in no significant adverse impact. Whilst exceeding the density nominated in the London Plan (Consolidated 2008) and LBTH Interim Planning Guidance (2557.5 habitable rooms per hectare) it is considered to be acceptable on balance for the following reasons:

- The scheme is of high architectural quality;
- A tall building is appropriate in the areas context;
- There are no symptoms of overdevelopment;
- There are no adverse impacts to neighbours, residents and users of the site;
- There is good access to public transport;
- Significant planning contributions have been secured to mitigate the demand for local facilities and services.

(3) The scheme is considered to deliver good-quality housing that will cater for the needs of residents within the Borough. The scheme provides a combination of on-site provision as well as a contribution in-lieu which, when combined, achieve equivalent to 35%. On balance, the arrangement is considered to be the optimum use of the site and means to secure family housing in appropriate locations in response to Members concerns. The proposal is considered to accord with Policies CP22 and HSG4 of the LBTH Interim Planning Guidance which seeks sufficient and appropriately located affordable housing contributions to ensure a balanced and mixed community.

(4) The proposed family housing achieves the amount required in the social rent tenure, pursuant to CP21 of the Interim Planning Guidance. It therefore meets housing needs in this respect. In terms of overall family housing provision (20.9%), the scheme considerably exceeds the levels secured borough-wide as shown in the LBTH Annual Monitoring Report 2006/7. Moreover, it is considered acceptable in view of the tight confines of the site. As such, the scheme is in line with Policy CP21 which seeks to ensure a sustainable community.

(5) In addition to the provision of affordable and family housing, there is a good standard of residential amenity achieved in this scheme. In particular:

- All flats exceed the minimum floorspace standards in accordance with HSG13 of the LBTH Adopted UDP 1998 and 'Residential Space' SPG;
- Communal amenity open space is provided in accordance with HSG16 of the LBTH adopted UDP 1998, Policy HSG7 of the Interim Planning Guidance and Residential Space SPG;
- Every flat has a balcony;

- A children's play area and crèche is provided in accordance with HSG16 of the LBTH adopted UDP 1998, Policy HSG7 of the Interim Planning Guidance and Residential Space SPG;
- Over 10% wheelchair housing is provided in accordance with HSG9 of the Interim Planning Guidance;
- The scheme has been designed to Lifetime Homes standards, in accordance with HSG9 of the Interim Planning Guidance.

(6) The architectural quality of this tall building is appropriate for the site. Additionally, it has no significant visual impact posed on the surrounding context. Consideration of the criteria of tall buildings policy DEV27 'Tall Buildings Assessment' LBTH Interim Planning Guidance and Policies 4B.1 'Design Principles for a Compact City', Policy 4B.10 'Large-Scale Buildings – Design and Impact' and Policy 4B.9 'Tall Buildings – Location' of The London Plan (Consolidated 2008) indicate that the scheme satisfies the context, design, and amenity criteria and is therefore appropriate in this location. Furthermore, there are no adverse impacts upon views, including those from St Anne's Church or any significant impact to the view from General Wolfe Statue in Greenwich Park pursuant to The Mayor's London View Management Framework' 2007. As such, the proposal is in line with Policy DEV27 'Tall Buildings Assessment' LBTH Interim Planning Guidance and Policies 4B.1 'Design Principles for a Compact City', Policy 4B.10 'Large-Scale Buildings – Design and Impact' and Policy 4B.9 'Tall Buildings – Location' of The London Plan (Consolidated 2008) which seek to ensure tall buildings have high architectural quality and are appropriately located.

(7) No significant loss of privacy, overlooking, noise and disturbance or overshadowing impacts to neighbours is identified. Therefore, the proposal is in accordance with DEV2 of the LBTH Adopted UDP 1998, and Policy DEV1 of the Interim Planning Guidance which seek to protect neighbour amenity.

(8) The scheme is considered to be within the transport capacity of the area, with no significant impact posed. An extensive analysis indicates that the local road system has the capacity to accommodate the trips generated by this scheme. It is also considered that there is no safety impact posed to residents and users on site, owing to the ground floor level design. In respect of the re-provision of MacDonald's car parking and drive-thru facility, these were already approved. The residential car parking is below the maximum threshold for residential parking provision suggested by policy and is therefore considered acceptable. Finally, the scheme secures planning contributions to upgrade the Aspen Way roundabout. This will improve access between the site and Blackwall DLR station giving future residents improved public transport accessibility to greater London. Therefore the scheme is considered to be in accordance with PPG13 as well as Policies 2A.1, 3A.7, and 3C.1 of the London Plan (Consolidated 2008) and Policies CP1, CP41, CP43, DEV16 of the LBTH Interim Planning Guidance which seek to ensure development in sustainable locations, which caters for the needs of future residents and users, without unacceptable harm to the local area.

(11) The scheme secures significant planning contributions to mitigate the demand of additional residents on local facilities and services. In accordance with Circular 05/2005 of planning contributions, the scheme secures affordable housing (35%) as well as contributions for transport, education, health and amenity space improvements and to acoustic barrier treatment along Aspen Way. The contributions have increased significantly as compared to the original offer. Following extensive analysis, they are considered to represent the maximum contribution possible. Therefore, the contributions are considered acceptable.

### 3. RECOMMENDATION

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

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

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

- a) Equivalent to **35%** affordable housing based on habitable rooms. This comprises a proportion of units on site (69 units) plus an off-site contribution (**£12.857m**) in-lieu, with a 70:30 split between social rent and shared ownership tenures.;
- b) Provide **£1,563,264** towards highway improvements;
- c) Provide **£632,592** towards education to mitigate the demand of the additional population on education facilities;
- d) Provide **£569,664** towards medical facilities to mitigate the demand of the additional population on medical facilities;
- e) Provide **£546,480** towards an improved amenity space between the site and Poplar Dock to supplement the private and communal open space achieved of site;
- f) Provide for car club, car-free agreement, Travel Plan, TV reception monitoring and impact mitigation, employment/training initiatives, public art opportunity

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

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

**Conditions:**

- 1) Time limit for Full Planning Permission
- 2) Details of the following are required:
  - External appearance and materials board
- 3) Full particulars of the children's play area are required
- 4) Parking for a maximum 97 cars (60 x residential basement spaces, 37 x MacDonalds restaurant spaces)
- 5) Hours of construction limits (0800 – 1800, Mon-Fri: 0800 – 1300 Sat)
- 6) Piling hours of operation limits (10am – 4pm)
- 7) Details of insulation of the ventilation system and any associated plant required
- 8) Wheel cleaning facility during construction
- 9) Renewable energy measures, satisfying 20% of energy demand to be implemented in accordance with the ES and Renewable Energy Toolkit.
- 10) Land contamination study required to be undertaken with remediation certificate
- 11) Method of piling to be implemented as required by EA
- 12) No infiltration to ground waters required by the Environment Agency (EA)  
Flood warning system as required by the EA
- 13) Archaeology details required by English Heritage
- 14) Details of noise mitigation measures, including the barrier around the children's play area, as well as enclosure of private balconies and terraces to be agreed
- 15) Air quality mitigation in accordance with details agreed
- 16) The waste and recycling facilities to be provided in accordance with the approved plans
- 17) Construction in accordance with the TA
- 18) Full particulars of the green roof to be provided
- 19) Full particulars of extract ventilation and ductwork
- 20) Lifetimes Homes standards and 10% should be wheelchair accessible
- 21) Code for sustainable homes compliance
- 22) Full details of the design of the CHP are required
- 23) Water supply impact studies to be agreed prior to commencement as required by Thames Water



- 24) Details of works to highways to be submitted
- 25) Full particulars of PVs are required
- 26) Any additional conditions as directed by the Corporate Director Development and Renewal

### **Informatives**

- 1) Subject to s106 agreement
- 2) Consult the Environment Agency in terms of conditions 10-12
- 3) Consult Metropolitan Police in terms of conditions 2 & 3
- 4) Consult English heritage on 2 & 13
- 5) Consult LBTH Parks, LBTH landscape, natural England, BW and English Nature on the s106 for poplar dock
- 6) Consult port of London authority and TFL for 17
- 7) Site notice specifying the details of the contractor required
- 8) EA prior approval for dewatering
- 9) Registration of food premises
- 10) Inspection prior to occupation
- 11) Obtaining consent under the pollution act prior to commencement
- 12) Submission of an archaeological project design
- 13) S278 highways agreement
- 14) Licence for structures oversailing the public highway
- 15) Drainage provision
- 16) Fitting petrol/oil interceptors
- 17) Installation of fat traps
- 18) Water supply provision.
- 19) No adverts without consent
- 20) Surface water discharge (BW)
- 21) Advert consent required for all signage
- 22) Bird boxes and planting bluebells per Thomson ecology recommendations
- 23) Consult BW in respect of the dock wall
- 24) Consult London use of construction cranes prior to commencement

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

## **4. PROPOSAL AND LOCATION DETAILS**

### **Responding to Member's Concerns**

- 4.1 The subject application was first reported to the Strategic Development Committee on 9<sup>th</sup> October 2008. See report **attached**. The Committee resolved to defer the case to enable a further report to be submitted to the next meeting to consider their concerns, as follows:

*“On a vote of 4 against and two for, with one abstention, the Committee indicated that it did not support the Officer’s recommendation to grant planning permission for redevelopment of the site to provide a residential-led, mixed use scheme comprising 355 units, 48 serviced apartments, re-provision of a drive-through restaurant (Class A5), retail or financial and professional service units (Class A1/A2), crèche, gymnasium, associated amenity space and car parking.*

*On a vote of 7 for and 0 against, the Committee indicated that it was minded to refuse planning permission, and that final consideration be deferred to enable a further report to be submitted to the next meeting of the Committee to address concerns expressed by*

*Members.”*

- 4.2 Whilst Members were encouraging of the architecture, they remain concerned about the level of residential development, including family housing, given the site characteristics and constraints, namely, connectivity, noise and air quality.
- 4.3 Since then, the applicant has modified the scheme which necessitates it being reported back to the Committee as a full item for consideration. The changes to the scheme area as follows:
- Removal of family-sized affordable-housing from the scheme in favour of an in-lieu financial contribution towards off-site provision by the Council;
  - Provided further details of the mitigation measures to address noise and air quality;
  - Deleting the short-term let apartments and replacement with residential C3 flats on floors 01-03;
  - Increase in the affordable housing offer by 5% to 35%, comprising of an off-site financial contribution for family-sized affordable units as well as 69 non-family units on site; and
  - An increase in the planning contributions (See summary in 3.1).
- 4.4 The subject report considers these amendments to the scheme as well as offers additional clarification to address the concerns of Members. It should be noted that the site characteristics and constraints have informed the development the scheme from the outset. From the Scoping Opinion and Scoping Report to the Environmental Statement, the appropriateness of the site for residential development of this scale, as well as connectivity, noise and air quality have been considered.

#### Removing family-sized affordable housing

- 4.5 Members discussed the quality of the living environment created, given the amount of development proposed as well as the site characteristic and constraints. Particular mention was made of the undesirability of the site for families. Removing family housing was discussed in the meeting as a possible option. The applicant has since amended the scheme to remove family sized affordable housing and instead, pay a financial contribution for its provision off site. The ‘Housing’ Chapter in section 8 provides the details of the housing offer which is acceptable to the Council’s Housing Team.

#### Connectivity

- 4.6 The ‘Transport’ chapter of section 8 considers the following connectivity improvements that the s106 planning contributions will contribute towards:
- Improvements to the Preston’s Road roundabout to improve linkages to areas to the north including the East India DLR station, A13 bus stop, Crisp Street Markets and future development in the Blackwall Reach Development Framework; and
  - Details the improvement to pedestrian connectivity across Trafalgar Way to the south to Poplar Dock and further afield to Canary Wharf
- 4.7 This report considers that the improvements to connectivity will be significant. Rather than being isolated and cut-off, future residents will be able to readily access the surrounding area in a more direct, convenient and safer way.

#### Noise

- 4.8 The ‘Amenity for future occupiers and users’ chapter of section 8 provides further clarification of the baseline noise levels, the mitigation measures required and how they will achieve a suitable environment for future occupiers in accordance with PPG24. This report considers that the mitigation measures agreed by the Council’s Environmental Health Team will

achieve a suitable noise environment for future residents.

#### Air quality

- 4.9 Further clarification concerning air quality is provided in section 8 under 'Amenity for future occupiers and users'. The mitigation measures agreed by the Council's Environmental Health Team will achieve a suitable level of air quality for future occupiers.

#### **Revised proposal**

- 4.10 The revised proposal is for redevelopment with a residential-led, mixed-use scheme. It includes two towers of 29 storey and 35 storeys in height. It is proposed to include 414 residential units, re-provision of the drive-through restaurant, retail / financial and professional service units, a crèche and gymnasium. In addition resident and community amenity space including a children's play area atop a podium level is proposed. Car parking is provided at ground level for the drive-through restaurant and in a basement for the residential units.
- 4.11 The details of the scheme are as follows:
- The provision of 604sqm Gross Estimated Area (GEA) of restaurant (Class A3) floorspace and 163sqm Retail (Class A1/A2) predicted to generate between 30 jobs in the operational phase and 146 jobs during the construction phase;
  - 33,257sqm of residential (Class C3) flats with sizes ranging between studio – 3 bedroom;
  - An affordable housing package comprising units on site and an off-site contribution which is equivalent to 35% based on habitable rooms;
  - Residential design that achieves level 3 for the Code for Sustainable Homes Criteria as well as 10.1% wheelchair housing (42 units);
  - Incorporation of energy efficient and sustainable measures (i.e. the Combined Heat and Power plant) into the scheme that reduce carbon emission by 20%;
  - A total of 5,923sqm of amenity space comprising:
    - 2473sqm of private amenity space for residential C3 flats in the form of balconies;
    - 380sqm of children's playspace at podium level;
    - 420sqm communal space at podium level;
    - 100sqm associated with the podium level crèche;
    - 2550sqm of publicly accessible space at ground floor level, located between the site and Poplar Dock which will be upgraded with monies secured in the s106 planning contribution package;
  - The provision of 97 car parking spaces, comprising of 60 spaces for the residential (C3) uses and 37 spaces for the MacDonald's restaurant. Of these, 2 spaces of the MacDonalds parking are for people with a disability whilst all spaces in the residential are accessible for people with a disability;
  - The provision of 407 secure cycle spaces for both residential and employment components of the mixed use scheme as well as visitors to the site; and
  - The provision of refuse and recycling facilities

4.13 The floorspace of the various landuse is summarised in the table below:

**Floorspace**

<b>Use</b>	<b>Proposed area PA/08/1321 (GIA sqm)</b>
Residential (C3)	33,257sqm (414 units)
Retail (A1, A2)	132
Restaurant/drive-thru (A3/A5)	604
Crèche (D1)	98
Health Club (D2)	88
<b>Total</b>	<b>34,179</b>

4.14 The principle design element of the scheme is the two circular tower elements, clad in horizontal bands of glass and metal. The metal banding is perforated (holes) to allow for increased light penetration into the building as well as being an interesting feature. Unique building projections between the towers provide added visual interest as well as accommodating skygardens for flats. Rooftop terraces complete the tower design. In terms of uses, the ground floor comprises the residential access and servicing areas, as well as being the location for the commercial units, including the MacDonal’s restaurant which is reprovided. Also of note is the podium level which accommodates amenity space, including the children’s play area and a crèche.

4.15 A unique feature of the scheme is the mechanical car storage system. Working in a manner of a vending machine, drivers can deposit and retrieve their car from the designated access point at the ground floor using their access code. The mechanical system does the rest, moving the car between the basement storage and ground floor access point. This solution is helpful for people with a disability as there is no need to enter the basement. The transport assessment predicts that only 2 cars will queue to use this space in peak periods and the queuing area provided on site can accommodate 3 cars.

**Site and Surroundings**

4.16 The island site has a total area of 0.4 hectares and is located to the south of Aspen Way and to the North of Poplar Dock. The site slopes down gently towards the east. The site is currently occupied by a MacDonal’s restaurant and drive-thru takeaway facility. The site benefits from landscaping and on-site car parking for 41 cars.

4.17 Pursuant to the London Borough of Tower Hamlets (LBTH) adopted Unitary Development Plan (UDP) 1998, the following designations apply:

- Central Activity Zone;
- Flood Protection Area;
- Is within 200m of east-west Crossrail; and
- Is adjacent a site of nature conservation importance.

4.18 Pursuant to the LBTH Interim Planning Guidance (IPG) the site is identified as site ‘ID58’ and is proposed to be used for residential (Class C3) and employment (Class B1) purposes. It also falls within a Flood Risk zone 2 – 3.

4.19 Pursuant to the Isle of Dogs Area Action Plan (AAP), the site is specifically identified as site ‘ID58’ (for Residential C3 and Employment B1 uses), is adjacent to a new housing focus area and the Crossrail route.

4.20 Pursuant to the Mayor’s London Plan, the site is adjacent to the Canary Wharf Opportunity Area and is within an area with a Public Transport Accessibility Level (PTAL) of 6a.

4.21 To the north of the site is Aspen Way, and further north is predominantly residential in character. To the south are recent residential developments and the Poplar Dock marina. To the west is Billingsgate Market and Canary Wharf; whilst to the east is a mix of residential and commercial floorspace (office and retail) as well as a hotel. Blackwell DLR station is close to the site, to its north-east, across Aspen Way.

### **Planning History**

4.23 The previous application, PA/08/274 was for redevelopment to provide a residential-led, mixed use scheme. The scheme was identical in appearance and comprised of two towers of 29 and 35 storeys in height respectively. The proposed use for 397 residential C3 units, the re-provision of the drive-through restaurant, as well as retail, financial and/or professional service units. Also, a crèche and gymnasium. The scheme provided amenity space including the children's play area located atop the podium level.

4.24 At the meeting of 29<sup>th</sup> may 2008, the Strategic Development Committee resolved to refuse the application. Consequently, the decision notice was prepared with a reasons for refusal as follows:

*"1. The development is located in close proximity to major arterial roads containing very high levels of traffic that result in poor air quality and high noise levels (Noise Category Level D as identified in PPG24). The design of the development, consisting of a high density pair of towers atop a podium, has not responded appropriately to the constraints of the site, will create a low level of residential amenity for future residents and does not enable well designed mitigation of the external noise and pollution impacts. The development in its current form is therefore considered to be poorly designed for residential development and does not comply with PPS 23 and PPG 24, policies 3A.3, 4B.1, 4B.9 and 4B.10 of the London Plan (Consolidated with Alterations since 2004); policies ST23, DEV1 and DEV2 of the Unitary Development Plan 1998 (as saved 2007) and policies CP1, CP3, CP4, CP20, CP48, DEV1, DEV2, DEV5, DEV10, DEV11, DEV27 and HSG1 of the Interim Planning Guidance 2007: Core Strategy and Development Control, which seek to ensure appropriate levels of environmental amenity for future residents."*

4.25 It is noted that the application was withdrawn by the agent on 02 July 2008, prior to the Council issuing the decision notice.

## **5. POLICY FRAMEWORK**

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

### **Unitary Development Plan 1998 (as saved September 2007)**

Proposals: CAZ, Flood Protection Area, within 200m of east-west Crossrail, adjacent a site of nature conservation importance

Policies:	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV3	Mixed Use Developments
	DEV4	Planning Obligations
	DEV8	Protection of Local Views
	DEV9	Control of Minor Works
	DEV12	Provision Of Landscaping in Development
	DEV43	Protection of Archaeological Heritage
	DEV44	Preservation of Archaeological Remains
	DEV46	Protection of Waterway Corridors
	DEV50	Noise

DEV51	Contaminated Soil
DEV55	Development and Waste Disposal
DEV56	Waste Recycling
DEV69	Efficient Use of Water
EMP1	Promoting economic growth and employment opportunities
EMP5	Compatibility with Existing Industrial Uses
EMP6	Employing local People
EMP8	Encouraging Small Business Growth
EMP10	Development Elsewhere in the Borough
EMP12	Business Uses in Industrial Employment Areas
EMP13	Residential Development in Industrial Employment Areas
HSG7	Dwelling Mix and Type
HSG13	Internal Space Standards
HSG 14	Provision for Special Needs
HSG15	Development Affecting Residential Amenity
HSG16	Housing Amenity Space
T10	Priorities for Strategic Management
T16	Traffic Priorities for New Development
T18	Pedestrians and the Road Network
T21	Pedestrians Needs in New Development
S10	Requirements for New Shop front Proposals
OS9	Children's Playspace
U2	Development in Areas at Risk from Flooding
U3	Flood Protection Measures

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

Proposals: IPG – ID58 (Res C3, Employment B1), Flood risk zone 2 and 3, Isle of Dogs AAP  
IOD AAP – , mixed use site, ID58 (Res C3 Employment B1), adjacent new housing focus area, adjacent res led mixed use adjacent Crossrail route

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

Policies:	DEV1	Amenity
	DEV2	Character and Design
	DEV3	Accessibility and Inclusive Design
	DEV4	Safety and Security
	DEV5	Sustainable Design
	DEV6	Energy Efficiency
	DEV7	Water Quality and Conservation
	DEV8	Sustainable Drainage
	DEV9	Sustainable Construction Materials
	DEV10	Disturbance from Noise Pollution
	DEV11	Air Pollution and Air Quality
	DEV12	Management of Demolition and Construction
	DEV13	Landscaping and Tree Preservation
	DEV14	Public Art
	DEV15	Waste and Recyclables Storage
	DEV16	Walking and Cycling Routes and Facilities
	DEV17	Transport Assessments
	DEV18	Travel Plans
	DEV19	Parking for Motor Vehicles
	DEV20	Capacity of Utility Infrastructure
	DEV21	Flood Risk Management
	DEV22	Contaminated Land
	DEV25	Social Impact Assessment
	DEV27	Tall Buildings Assessment
	EE1	Industrial Land Adjoining Industrial Land
	EE2	Redevelopment/Change of Use of Employment Sites
	EE3	Relocation of Businesses Outside of Strategic Industrial Locations and Local Industrial Locations
	RT3	Shopping Provision Outside of Town Centres
	RT4	Shopping Provision Outside of Town Centres
	HSG1	Determining Housing Density
	HSG2	Housing Mix
	HSG3	Affordable Housing
	HSG4	Ratio of Social Rent to Intermediate Housing
	HSG7	Housing Amenity Space
	HSG9	Accessible and Adaptable Homes
	HSG10	Calculating Provision of Affordable Housing
	CON5	Protection and Management of Important Views

### **Supplementary Planning Guidance/Documents**

Residential Space Standards  
Archaeology and Development

### **The Mayor's Spatial Development Strategy for Greater London, The London Plan (Consolidated with Alterations since 2004) 2008**

Policies	2A.1	Sustainability Criteria
	2A.7	Areas for Regeneration
	2A.9	The suburbs: Supporting Sustainable Communities
	3A.1	Increasing London's Supply of Housing
	3A.2	Borough Housing Targets
	3A.5	Housing Choice
	3A.7	Large Residential Developments
	3A.9	Affordable Housing Targets
	3A.10	Negotiating Affordable Housing in Individual Private

	Residential and Mixed use Schemes
3A.17	Addressing the Needs of London's Diverse Population
3A.18	Protection and Enhancement of Social Infrastructure and Community Facilities
3A.20	Health Objectives
3A.23	Health Impacts
3A.24	Education Facilities
3A.23	Community Strategies
3A.24	Meeting Floor Targets
3A.28	Social and Economic Impact Assessments
3B.1	Developing London's Economy
3B.2	Office Demand and Supply
3B.3	Mixed Use Development
3C.1	Integrating Transport and Development
3C.2	Matching Development with Transport Capacity
3C.23	Parking Strategy
3D.11	Open Space Provision in DPDs
3D.14	Biodiversity and Nature Conservation
4A.22	Spatial Policies for Waste Management
4A.7	Renewable Energy
4A.4	Energy Assessment
4A.3	Maximising the Potential of Sites
4A.16	Water Supplies and Resources
4A.17	Water Quality
4A.18	Water and Sewerage Infrastructure
4A.20	Reducing Noise and Enhancing Soundscapes
4A.33	Bringing Contaminated Land into Beneficial Use
4B.1	Design Principles for a Compact City
4B.2	Promoting World Class Architecture and Design
4B.3	Enhancing the Quality of the Public Realm
4B.5	Creating an Inclusive Environment
4A.3	Sustainable Design and Construction
4B.9	Tall Buildings – Location
4B.10	Large Scale Buildings – Design and Impact
5C.1	The Strategic Priorities for North East London

**Mayor of London's Sub Regional Development framework For East London  
Mayor of London SPG, London View Management Framework 2007**

**Government Planning Policy Guidance/Statements**

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

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

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



## **6. CONSULTATION RESPONSE**

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

### **TH Primary Care Trust (PCT)**

6.2 The TH PCT requested a total planning contribution of £2,202,419.00 (Capital element £505,379.00 and Revenue element £1,697,040.00):

(Officer Comment: See section 8 of this report for discussion of s106 contributions.)

### **LBTH Landscape Section**

6.3 No comments received.

### **LBTH arborculturalist**

6.4 No comments received

### **LBTH Ecology**

6.5 Although, no comments have been received in respect of the current revisions, the Ecology Team previously advised that they had no objection to the application.

### **LBTH Highways**

6.6 Advice that the changes to not materially alter their consideration of the application and that the previous comments still apply, namely:

- Located in a high PTAL area;
- Residential parking is in line with policy and is acceptable;
- Restaurant parking not in line with current policy and has less than 10% accessible spaces provided. This is an existing use, is not considered to be justification to depart from policy
- Loading and car club bays on the street cannot be supported
- Concern about circulation system for restaurant-related vehicles and conflict between vehicles as well as pedestrians
- Recommends a car free agreement, s106 for Highways works and s278 agreement

(Officer Comment: These issues are discussed in section 8: 'Transport'.)

### **LBTH Energy Officer**

6.7 Although, no comments were provided in respect of the current revisions, it is not considered to alter the previous advice, namely:

- In consideration of energy efficiency and renewable energy, a condition is recommended requiring a feasibility study of the cooling, heating and power systems proposed, as well as the renewable energy systems to be employed in the scheme
- In respect of sustainability, a condition is recommended for full details of the compliance with Code for Sustainable Homes criteria, prior to commencement and occupation

(Officer comment: The conditions are recommended if the Committee is minded to approve the application.)

### **LBTH Environmental Health – Health**

6.8 No comments received

### **LBTH Environmental Health – Construction, Noise/vibration, Microclimate (wind) and BRE (daylight sunlight) Issues**

6.9 Satisfied that potential impacts are mitigated through the design in accordance with the

details submitted

(Officer Comment: See 'Amenity impacts for future occupiers' and 'neighbour impacts' in section 8 for discussion).

#### **LBTH Environmental Health – Land Contamination Issues**

- 6.10 The officer considers the approach to assessing land contamination risk is appropriate and recommends an appropriately worded condition of approval.

(Officer comment: An appropriately worded condition is recommended if the Council approves the application.)

#### **LBTH Environmental Health – Air quality**

- 6.11 Satisfied that the potential air quality impacts have been mitigated through the design in accordance with the details submitted.

(Officer comment: See 'Amenity impacts for future occupiers' in section 8 for discussion.)

#### **LBTH Education**

- 6.12 An education contribution of £419,628 is requested.

(Officer Comment: See section 8 of this report for discussion of s106 contributions.)

#### **LBTH Waste**

- 6.13 The Waste Team indicate that they have no comments to make in respect of the revisions, the waste arrangements otherwise being considered acceptable.

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

- 6.14 The Mayor's previous comments are noted below:

- Principle of development – supported;
- Housing – Satisfied the 30% affordable housing is the maximum possible;
- Serviced apartments should be resisted;
- Density – reduction as a consequence of serviced apartments is acceptable and still a suitable maximising of the site in accordance with London plan Policy;
- Mix – not significantly affected in the current application;
- Views of the Greenwich World Heritage Site – only a marginal effect on the setting of the world heritage site and its listed buildings;
- Layout and appearance – ground floor is well-considered; service entrance cuts across pedestrian environment; circulation spaces and flat layout fairly spacious; final details of the noise barrier around the playspace should be agreed with LBTH; elevations and appearance is one of the strongest aspects of the development; transport s106 contributions welcomed;
- Access – over 10% of units wheelchair accessible/adaptable;
- Children's playspace – child occupancy calculated at 140 kids and the playspace required is 1400sqm. Given that 6125sqm amenity space is being provided including the crèche and ecological space (brown roofs), it is considered that the scheme meets the requirements to cater for the expected child occupancy on the site;
- Energy – 20% energy reductions targeted but outstanding issues are the extent of the district heat network, evidence of the sizing and efficiency of the CHP, commitment to photovoltaic panels
- Climate change and adaptation – Scheme satisfactorily addresses the relevant issues;
- TFL comments – level of car parking, especially for the restaurant is contested; expects contributions towards the Preston's Road roundabout and improvements in connectivity to Blackwell DLR; cycle parking complies with policy; no significant impact on the local bus network; delivery and servicing plan and construction

management plan required if the scheme is approved; the sound barrier on the Aspen Way flyover should be accommodated on site; welcomes the travel plan

- LDA comments – principle of development supported; welcomes childcare provision; financial contribution towards healthcare should be considered; encourages LBTH to consider employment and training initiatives; supports the provision of serviced apartments;
- Legal considerations – LBTH to consult the mayor when a resolution is made;
- Financial considerations – none apply
- Conclusion – affordable housing (compliant), Mix (compliant), Density (compliant), Urban design (compliant), access (compliant), children’s playspace (complaint), energy (non-compliant), Climate change (compliant), Transport (non-compliant)
- Recommendations - (1) Energy – provide further clarification; (2) reduce the restaurant parking.

Additional comments were received in respect of the commuted sum for off-site provision of family-sized affordable housing. The benefits of the off-site affordable housing were recognised. Although, at this stage, the delivery cannot be quantified in real terms given there are no planning permissions or guaranteed outcomes, other than by means of a payment to the Council. As such, there is no onus of the developer to complete the affordable housing prior to the completion of the market units.

(Officer comments: See section 8 for full discussion of the above matters.)

**The Government Office of London**

6.15 No comments received

**Environment Agency (Statutory Consultee)**

6.16 No objection to the scheme and recommends the following conditions:

- Flood warning system required
- Land contamination investigation and assessment required
- Verification report for remediation required
- Amendment to remediation strategy, to address instances where new contaminants are found during works
- No infiltration of groundwater without approval
- Method of piling and foundations required

(Officer Comment: The above conditions are recommended if the Committee were to grant planning permission.)

**TFL (Statutory Consultee)**

6.17 No comments received

**DLR**

6.18 No comments received

**BBC**

6.19 No comments received

**English Heritage (Statutory Consultee)**

6.20 EH advise that the comments in respect of the previous application PA/08/274 apply to this application. EH have concern about the scheme’s impact on conservation area views (E.g. from All Saints church, East India Dock Road) and the effect of the materials and design, especially its shiny finish.

(Officer comment: The impact to conservation area views is discussed in section 8 under ‘Design’.)

**English Heritage (Archaeology)**

- 6.21 No objection to the scheme. An appropriately worded condition for a program of archaeology to be agreed.

(Officer comment: An appropriately worded condition is recommended if the Council was to consider approval of the application.)

**London City Airport (Statutory Consultee)**

- 6.22 No comments received.

(Officer comment: Although, LCA did not comment on the revisions, the changes to the scheme do not involve any alteration to the height, location or appearance of the towers. Therefore, it is considered that the previous comments from the LCA apply i.e. that they have no objection to the proposal.)

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

- 6.23 The Authority has no safeguarding objection to the proposal.

**Thames Water Authority**

- 6.24 Comments in respect of the revisions are the same as previously provided:

Waste comments:

- It is the developers responsibility to provide adequate drainage
- No building should be located within 3m of sewers without Thames Water approval
- Petrol/oil interceptors in the car parking areas is required
- Fat trap for all catering establishments is required

Water Comments

- Recommends a condition for a water supply impact study, prior to the commencement of the scheme, as it is considered that the water supply infrastructure in the area is insufficient

Additional comments

- Peak sewer discharge should not exceed the historic peak. This is achievable by on-site detention

(Officer comment. It is recommended that these matters are dealt with by planning conditions and informatives if the Council is consider granting planning permission)

**British Waterways**

- 6.25 No objection to the proposed development, it being noted that they previously recommended conditions in respect of the following:

- Details of landscaping
- Details of lighting and CCTV
- Risk assessment and method statement to be provided in respect of works adjacent the water
- Feasibility study for water borne freight movement

(Officer Comment: The conditions are recommended if the Council considers granting planning permission.)

**Lea Valley regional Park Authority**

- 6.26 No comments received

**Metropolitan Police**

- 6.27 Metropolitan Police advise that they are happy with the scheme.

**London Fire and Emergency Planning Authority (LFEPA)**

6.28 The Authority advises that there is no change to their previous advice, as follows:

- Comments are as per previous application PA/08/274, that they raise no objection to the scheme having received the following clarification:
  - The stacking arrangement of the parking facility
  - The lower car park plan
  - Inclusion of the escape stair for the basement
  - Reliance on an engineering design solution needs to be clarified
- Cooking facilities in flats should not interfere with means of escape although this is a building control issue
- Consideration could be given to domestic fire sprinklers

(Officer Comment: This advice was forwarded to the agent for their information.)

### **London Borough of Greenwich**

6.29 The borough no to make in respect of the revisions.

### **Natural England**

6.30 Natural England advise they have no further comments to make other than those given in respect of PA/08/274. They felt that the Environmental Statement does did not consider fully the nesting and breeding of birds. They noted Black Redstarts are found in LBTH, and the Isle of Dogs has the most breeding pairs. A condition is therefore recommended to ensure impacts during works are minimised. The nesting, breeding and seasonal requirements should be factored into the construction program as well as in a management strategy for the birds on site during this phase. A management program is recommended for maintaining planting on site and to include the green/brown roofs in this plan. A legal agreement is recommended to secure the maintenance and continued provision of accessible natural green space.

(Officer Comment: The Thompson Ecology Habitat Survey was submitted as part of the Environmental Impact Assessment (EIA). It states that there was no evidence of Black Redstarts on site. In addition to this, the ecological consultant advised that Black Redstarts prefer to nest in derelict sites of brick and rubble rather than trees. Advice was that a new habitat would be provided for Black Redstarts in the form of the proposed brown roofs. Finally, the s106 legal agreement includes monies to improve the open space in between the site and Poplar Dock, which has the potential to support natural green space.)

### **Port of London Authority**

6.31 The Authority raised no objection to the application. The Authority considers the site to be ideally placed to allow the bulk of building materials to come by river and suggests a condition or planning agreement should be imposed to ensure this.

(Officer Comment: An appropriately worded informative is recommended for the Authority to be consulted as part of the discharge of the construction management plan condition to establish what opportunities exist to utilise waterborne transport.)

### **National Grid**

6.32 The Authority considers the risk to be negligible.

### **Canary Wharf Group PLC**

6.33 No comments received

### **Crossrail**

6.34 The Authority advise that the application site is outside the limits of land that is subject to consultation under the Safeguarding Direction. Therefore, they do not wish to make any comments regarding this application and the revisions.

## **CABE**

6.35 No comments to make on the scheme and the revisions.

## **Barkantine Tenants and Residents Association**

6.36 No comments received.

## **Alpha Grove and Barkantine Tenants Association**

6.37 No comments received

## **Maritime Greenwich World Heritage Site**

6.38 No further comments made received.

(Officer Comment: It should be noted that objections were received in addition to those for the previous application PA/08/274. Whilst the site is considerable distance from Maritime Greenwich, it is visible from Greenwich Park and is in the GLA London View nevertheless. Concern is raised regarding the enlargement of the cluster of tall building to east and west of the Canary Wharf cluster which may create a wall of buildings. The gap is important as it visually defines Canary Wharf and extending this group of buildings as viewed from the park is a concern. Also, there is concern for scale and design of the tower. The this matter was considered in the ES and additional written justification was submitted previously in support of the scheme, as discussed in detail in Section 8 under 'Design'.)

## **The Greenwich Society**

6.39 No comments received.

## **7. LOCAL REPRESENTATION**

7.1 A total of 987 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

7.2 No. of individual responses: Nil

## **8. MATERIAL PLANNING CONSIDERATIONS**

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

1. Landuse
2. Housing
3. Design
4. Amenity for future occupiers and users
5. Neighbour Impacts
6. Transport Impacts
7. Sustainability
8. Planning Contribution

### **Landuse**

### Mixed-use

8.2 National, regional and local policy promotes a mixed use development approach on this site, subject to the following considerations.

- 8.3 In respect of national policy, PPS 1 'Creating Sustainable Development', it promotes the more efficient use of land with higher density, mixed-use schemes. It suggests using previously developed, vacant and underutilised sites to achieve national targets. The effective use of land and the range of incentives/interventions to facilitate this are also encouraged in PPS3 'Housing'.
- 8.4 In respect of regional policy, The London Plan (Consolidated 2008), 2A.1 'Sustainability Criteria' also promotes the optimal use of land. Policy 2A.9 'The Suburbs: Supporting Sustainable Communities' refers to promoting change and enhancing of quality of life with higher-density, mixed-use development and by considering means of improving sustainability of land use. Policy 3B.1 'Developing London's Economy' seeks to support the economy of London by promoting a range of premises of different types and sizes thereby encouraging mixed uses. Policy 3B.3 'Mixed Use Development' (90) mentions that mixed uses are also encouraged within the sub-regional development frameworks. Identifying capacity to accommodate new job and housing opportunities, through mixed-use development, is encouraged in Policy 5C.1 'The Strategic Priorities for North East London' of the London Plan.
- 8.5 Further in respect of Policy 5C.1, the priorities for the sub-region include, amongst other things, to ensure substantial expansion of population growth is accommodated in a sustainable way. The Mayor's North East London sub-region is a priority for development, regeneration and infrastructure improvement. It has many of the capitals largest development sites as well as a large number of areas suffering multiple deprivation. Nationally important change and regeneration is anticipated in this region. Improvements to transport infrastructure will facilitate employment growth and areas of deprivation will need to be addressed by development. The sub-region demands improvement, with a concerted effort by agencies to raise standards of education, health, services public facilities and training opportunities.
- 8.6 In addition, the North-East Sub Regional Framework of the London Plan indicates that the application site is on the northern edge of the Isle of Dogs Opportunity Area. Policy 2A.5 'Opportunity Areas' states that planning frameworks should set out a sustainable development program that, amongst other things, will contribute to exceeding minimum guidelines for housing and delivering good design.
- 8.7 Policy 3B.3 'Mixed Use Development' indicates that in the CAZ and the north of the Isle of Dogs Opportunity Area, any increases in office floorspace should be accompanied by a mix of uses including housing.
- 8.8 In respect of local policy, the LBTH UDP 1998 identifies the site as falling within the Central Area Zone. Strategic Policy ST12 seeks to encourage the availability of and accessibility to a range of recreational, cultural and leisure facilities within the central area zone. Policy CAZ1 states that a balance of central London core activities, of a scale and type that is compatible with London's role as a financial, commercial and tourist centre, will be encouraged (courts, government departments, embassies, commodity markets/companies/corporations, media, galleries/museums, cinemas/stadia/halls/theatres, hotels and educational establishments).
- 8.9 Whilst the UDP makes no reference to residential development in the Central Area Zone, the Council's most up-to-date statement, the Interim Planning Guidance (IPG), does. In the IPG, the application site falls outside the Central Activity Zone. Although, it is designated as development site 'ID58' in the IPG (and the Isle of Dogs AAP), for a residential-led, mixed-use development. Policy CP8 'Tower Hamlets' Global Financial and Business Centre and the Central Activities Zone' recognises that parts of the borough play a strategic and international role as a global financial and business centre. Therefore, the Council will amongst other things, encourage office development and employment opportunities in the north of the Isle of Dogs. It should be noted that the Policy also

indicates that new housing may be appropriate where it is not proposed in Preferred Office Locations and does not replace viable office sites.

- 8.10 Pursuant to CP19 'New Housing Provision' of the IPG, the Council will seek to address housing need by directing all required housing provision to brownfield sites that are appropriate. The only circumstances where this will not be supported are in instances where sites are identified for alternative uses including employment, open space, community/social facilities. The IPG states that population growth and housing delivery will continue to be a key driver of change in the Borough with the Isle of Dogs (as well sites specifically allocated for housing as is the case for the subject application) being identified as being one of the areas where the Council will seek to accommodate the majority of housing growth.
- 8.11 A review of national, regional and local policy above indicates that there is a presumption in favour of considering residential development within a mixed use scheme on this site. This is explicit in the IPG and the London Plan. Although, the UDP implies that landuses other than residential development take priority in the CAZ, there is an emphasis on seeking compatible uses rather than exclusion of any particular one.
- 8.12 Furthermore, there are approvals for residential-led, mixed-use developments in this area, some since the adoption of the UDP in 1998, and in some cases, since the original London Plan adoption in 2004 and the IPG (formerly Council's Local Development Framework Core Strategy 2006 as well as the Isle of Dogs Area Action Plan 2006). Such schemes include the following (see locality map below):
- Phase II Electron Building, Aspen Way – Application PA/04/973 was granted on 08 December 2005 for buildings containing 437 residential flats and 229sqm commercial floorspace;
  - 'No. 1 The Gateway' being land bound by Poplar High St, Preston's Road and Poplar Business Park – application PA/04/510 was granted on 13 March 2006 for 243 residential units, 1,084sqm retail;
  - Building C New Providence Wharf – The first application PA/00/267 was granted 22 June 2001 for 735 residential units, 29,500sqm hotel, 42600sqm office plus retail, restaurant, health club and car parking; a second application PA/06/2101 was granted 31 January 2008 for 484 residential flats, 323sqm retail, and 948sqm fitness club;
  - Building D New Providence Wharf – The first application PA/03/1387 was granted 06 October 2004 for 257 flats and 86sqm A1/A2/A3/B1 use; a second application PA/04/1858 was granted 06 October 2004 for 257 flats, 210 room hotel, and 86sqm A1/A2/A3/B1 use;
  - Poplar Dock – The history in section 4 of this report indicates approvals for residential development since 1997 with the most recent application being approved in January 2001 (PA/99/1540);
  - 'The White Swan', Yabsley Street - Application PA/01/1323 was granted 20 December 2002 for 113 residential units and 154sqm A3 use;
  - Alberta House – Application PA/07/241 was granted 20 September 2007 for 133 residential units, 47sqm retail A1/A3 and 26sqm community D1 uses; and
  - Reuters/Blackwall Yard – Application PA/03/1515 was granted 15 July 2005 for 708 residential units, plus D2 leisure, a non-residential institution D1, Business B1a and retail A1/A2/A3 uses.





### Density

- 8.13 Policy 3A.3, 'Maximising the Potential of Sites' of The London Plan, CP20 'Sustainable Residential Density' and HSG1 'Determining Residential Density' of the Interim Planning Guidance, outline the standards for maximising the intensity and the efficient use of sites. Members were previously concerned about the amount of development on the site and in this regard, it is noted that the number of residential units have increased from 397 to 414 units (from 940 to 1023 habitable rooms).
- 8.14 Subsequently, the proposal is equivalent to 2557.5 habitable rooms per hectare. This is compared to 2350 habitable rooms per hectare in the original version of this scheme as well as 2633 habitable rooms per hectare of PA/08/274. All three variations have been in excess of published local and regional guidance. These are as follows:
- London Plan: 650-1100 habitable rooms per hectare in an area of a Public Transport Accessibility Index (PTAL) 4-6 for central areas (within 800m walking distance of Canary Wharf); and
  - LBTH Interim Guidance: 650-1100 habitable rooms per hectare in PTAL 4-6 in northern isle of Dogs area.
- 8.15 Although the density is in excess of the range of the London Plan and IPG, it is considered acceptable for the following reasons:
- There are no significant impacts identified for neighbours for example, overshadowing, microclimate (wind), loss of outlook, loss of privacy;
  - There are no significant impacts identified for future residents including noise and air quality as discussed later in section 8 under 'Amenity for future occupiers';
  - There are no symptoms of overdevelopment for example, poor design (see 'Design', insufficient floorspace for residential accommodation, inappropriate housing mix (See 'Housing');
  - The scheme is of high architectural quality (See 'Design');
  - Tall buildings are appropriate in this location (See 'Design');
  - The scheme has acceptable access to public transport (See 'Transport');
  - Planning contributions for transport, health, education and amenity space will be secured to compensate for the demand that the scheme will pose to local service and facility provision (See 'S106 planning contributions'.
- 8.16 For these reasons the scheme is considered to be an efficient use of the site and not over-dense.
- 8.17 Furthermore, higher density is also promoted by Interim Planning Guidance Policy CP20 'Sustainable Residential Density' which states:

*"The council will resist any proposed housing development that results in an inefficient use*

or under-development of a site.”

- 8.18 It should also be noted that the Mayor was supportive of the density in his Stage 1 response. In the conclusion of the report, the scheme’s density was considered to be ‘compliant’ with the London Plan and no changes were recommended to the scheme in this regard.
- 8.19 In addition, high density schemes in excess of the nominated range have been approved in the immediate vicinity. For example:
- No.1 The Gateway (PA/04/00510) - 2259 habitable rooms per hectare;
  - Building C, New Providence Wharf (PA/06/2101) - 1256 habitable rooms per hectare;
  - Alberta House (PA/07/241) – 1300 habitable rooms per hectare; and
  - Electron (PA/04/973) – 1196 habitable rooms per hectare.
- 8.20 Therefore, on balance, the density is considered acceptable given that the proposal poses no significant impacts and is appropriate to the area context.

### Housing

- 8.21 In response to Member’s concern about the amount of development proposed and the effect of this on the future occupiers, especially families, the applicant has undertaken to amend the scheme to address this concern. Firstly, family-sized affordable housing has been removed from the scheme and replaced with non-family sized units. Table 1 shows the new unit mix of 414 units on site.

**Table 1 – On-site unit mix (414 units)**

	Market Housing			Affordable Housing					
	Private Sale			Intermediate			Socially Rented		
Unit Mix	Unit No	Unit %	LDF %	Unit No	Unit %	LDF %	Unit No	Unit %	LDF %
Studio	66 (66)	19%	25%	10 (10)	17%	0	0	0	0
1 Bed	87 (174)	25%	25%	21 (42)	35%	37.5 %	2 (4)	2%	20%
2 Bed	149 (447)	43%	25%	29 (87)	48%	37.5 %	7 (21)	8%	35%
3 Bed	43 (172)	13%	25%	-	-	25%		90	30%
4 Bed	-	-							10%

5 Bed	-	-							5%
Total	345 (859)	100%	100%	60 (139)	100%	100%	9 (25)	100%	100%

8.22 Secondly, to off-set the loss of family-sized affordable housing on-site, a financial contribution in-lieu (£12.857m) is proposed for the off-site provision of the family-sized affordable housing. Table 2 shows an indicative unit mix for the purposes of calculating the financial contribution. Two scenarios are shown in the table. Version 1 is for securing solely 3 bedroom dwellings and Version 2 is for securing a mix of 3, 4 and 5 bedroom dwellings.

**Table 2 – Unit Mix for calculating off-site contributions**

Unit Mix	Market Housing			Affordable Housing								
	Private Sale			Intermediate			Socially Rented V.1*			Socially Rented V.2*		
	Unit No	Unit %	LDF %	Unit No	Unit %	LDF %	Unit No	Unit %	LDF %	Unit No	Unit %	LDF %
Studio	66 (66)	19%	25%	10 (10)	17%	0	0	0	0	0	0	0
1 Bed	87 (174)	25%	25%	21 (42)	35%	37.5 %	2 (4)	2%	20%	2 (4)	3%	20%
2 Bed	149 (447)	43%	25%	29 (87)	48%	37.5 %	7 (21)	8%	35%	7 (21)	11 %	35%
3 Bed	43 (172)	13%	25%	-	-	25%	71 (299)	90	30%	37 (185)	58	30%
4 Bed	-	-							10%	12 (72)	18 %	10%
5 Bed	-	-							5%	6 (42)	10 %	5%
Total	345 (859)	100%	100%	60 (139)	100%	100 %	80 (324)	100 %	100 %	64 (324)	100 %	100 %

8.23 The key aspects of the revised proposal are discussed in detail below.

### Financial contribution for off-site provision of family-sized affordable housing

- 8.24 Pursuant to Policy HSG3 of the LBTH Interim Planning Guidance, the Council will consider the off-site provision of affordable housing or a financial contribution (commuted sum) where an appropriate alternative site has been identified which the Council considers will be a better outcome than providing the affordable housing on site.
- 8.25 In this revised application, the applicant proposes a financial contribution in-lieu, rather than bringing forward a second site to accommodate the affordable housing. This approach is compliant with Policy HSG 3 and provides the Council with funding to secure affordable housing, rather than reliance on the applicant to bring it forth. The Housing team support this approach, citing the following advantages to this scenario, namely:
- Family housing at a lower density;
  - Family housing with lower service charges;
  - Family housing where there are established services and infrastructure;
  - Family housing bought or developed on existing estates where there is an established management operation and caretaking facility;
  - The family housing units will not subject to the sub-regional nominations agreements meaning that 100% of the units will go to tower hamlets residents; and
  - Potential scope to provide family housing on a borough-wide basis i.e. in more than one location rather being limited to a site secured by an applicant.
- 8.26 In respect of securing an appropriate sum, the Council's Housing Team have considered the illustrative mix Version 1 and Version 2 in Table 2 and find it acceptable. Based on this mix, the financial contribution recommended is £43k per habitable room, being equivalent to the average new-build purchase price for a 3 bedroom, 5 person dwelling in the borough. Based on a total of 299 habitable rooms in both the Version 1 and Version 2 mix, a total contribution of £12.857m has been agreed with the applicant and is considered acceptable. The money will be administered by the Section 106 Planning Contribution Officer of Development Schemes to the Housing Team to spend on delivery of family-sized affordable housing.
- 8.27 In respect of the second requirement of policy HSG3, namely, the delivery of affordable housing on an alternative site, this will be guided by the LBTH 'draft 2009-2012 Housing Strategy'. The strategy was adopted by Cabinet at its December 2008 meeting.
- 8.28 The priorities for the strategy include: increasing family housing particularly in the social rent tenure; and meeting the London Plan target for homes on an annual basis up to 2016-17. The strategy expresses the Council's housing agenda and commitment to delivering housing to meet the needs of residents including social housing for families. In terms of delivery, the strategy sets out a pilot program, 'The Local Homes Initiative', whereby the Council, in partnership with RSLs, will identify specific sites for the delivery of affordable housing using s106 funding. The draft strategy notes that, in many instances, the prospective sites that could come forward have already been identified during the Housing Choice process. The Council can potentially source sites across its portfolio of properties as well as negotiating to develop land of preferred partner RSLs in the borough. The monies could be spent to build new housing or purchasing housing on existing estates (ex-Right to Buy properties) which could be brought up to Decent Homes Standards. In addition to the previously mentioned advantages of the in-lieu contribution, there is added security given that the responsibility for delivery of the affordable housing is with the Council, rather than the applicant.
- 8.29 Overall, it is considered that the proposal has addressed the requirements of Policy HSG3, that the in-lieu contribution is sufficient and there is certainty of delivery of the off-site affordable housing by the Council. The offsite provision of the family-sized affordable is considered to be a positive and desirable means of addressing Member's concerns about the amenity for future residents, especially families. Following discussions with officers

from the GLA, it is understood that they will support this approach, now that they are clearer about its operation.

#### Affordable Housing and split

- 8.30 Policy 3A.9 of the London Plan sets the strategic target that 50% of all new housing provision should be affordable. In addition, Policy 3A.10 encourages councils to have regard for the need to encourage rather than restrain residential development, as well as the individual circumstances of a site. Targets should be applied flexibly, taking account of individual site costs, the availability of public subsidy and other scheme requirements.
- 8.31 PPS3 states that the Government is committed to providing high quality housing for people who are unable to access or afford market housing. Policy CP22 of the IPG document states that the Council will seek to maximise all opportunities for affordable housing on each site, in order to achieve a 50% affordable housing target across the Borough, with a minimum of 35% affordable housing provision being sought.
- 8.32 As discussed above, in response to members concerns, the mix of units has been modified by removing the family-sized affordable housing. Table 1 shows the actual unit mix on site and table 2 is the illustrative mix for the purposes of calculating the financial contribution.
- 8.33 In respect of on-site provision, the scheme would provide 16% affordable housing (69 units, equating to 164 habitable rooms). Although, it should be emphasised that equivalent to 35% affordable housing will be achieved overall, based on the illustrative mix of Table 2. The provision comprises of the in-lieu financial contribution for family sized housing off-site as well as providing 69 non-family units on-site. This is 5% more affordable housing than the 30% provision of the original version of this scheme as well as the earlier application PA/08/274 (committee reports **attached**). Therefore, the revised scheme is a better outcome as the affordable housing offer is considerably larger and policy compliant.
- 8.34 Furthermore, it responds to Member's concerns by removing a significant component of family-sized affordable housing from the Trafalgar Way site in favour of a financial contribution for its off-site delivery by the Council. Therefore, the scheme is in accordance with CP22 which seeks affordable housing to achieve balanced and mixed communities and Policy HSG3 which allows for off-site provision of affordable housing which is more appropriate to need and results in a better outcome.
- 8.35 In respect of affordable housing split and pursuant to the London Plan Policy 3A.9 affordable housing target of 50%, 70% of this should be social rent and 30% should be intermediate rent.
- 8.36 Policy CP22 of the Council's IPG requires an 80:20 split between social rented and intermediate housing.
- 8.37 In further reference to Table 1, the on-site affordable housing provision achieves a 26:84 split in favour of intermediate housing. However, it should be emphasised that planning contributions for off-site provision of family-sized affordable housing achieves equivalent to a 70:30 split in favour of social rent as per Table 2.
- 8.38 It is considered appropriate to give greater emphasis to the overall split given that PPS3 and the London Plan consider affordable housing provision and need at a regional level rather than a site-by-site basis. Furthermore, Policy 3A.10 of the London Plan indicates there is a need to encourage rather than restrain development as well as to have regard for the individual circumstances of the site. It is in direct response to Member's concerns about site circumstances that the applicant has removed family-sized affordable housing thus altering the on-site affordable housing split which was previously policy compliant (70:30).

8.39 Overall, the scheme is considered to address policy 3A.9 and 3A.10 of the London Plan as well as CP22 of the IPG in providing a suitable affordable housing split to address housing need especially in the social rent tenure, whilst responding to the site circumstances.

Unit mix

8.40 Paragraph 20 of Planning Policy Statement 3 states that “*key characteristics of a mixed community are a variety of housing, particularly in terms of tenure and price and a mix of different households such as families with children, single person households and older people*”.

8.41 Pursuant to policy 3A.5 of the London Plan the development should “...offer a range of housing choices, in terms of housing sizes and types, taking account of the housing requirements of different groups, such as students, older people, families with children and people willing to share accommodation.”

8.42 Pursuant to Policy HSG7 of the LBTH UDP 1998, new housing development should provide a mix of unit sizes where appropriate, including a substantial proportion of family dwellings of between 3 and 6 bedrooms. On developments of 30 dwellings or more, family dwellings should normally be in the form of family houses with private gardens. Exceptions to this policy apply where family housing is proposed in locations where physical conditions are unsuitable for family dwellings, as in the case of 2 Trafalgar Way, which is a small and therefore, constrained site.

8.43 Policy HSG 2 of the LBTH IPG seeks an appropriate mix of housing including family housing. The required mix based on units size and tenure is set out within Table 2. A more convenient summary of family sized housing requirements is provided in table 3 below. It includes a comparison to original version of the application as well as the family housing achieved across the entire borough as published in the Annual Monitoring report 2006-7.

**Table 3 – Family housing provision**

Tenure	% Policy req't	% Original scheme PA/08/1321	% Revised V.1	% Revised V.2	% Annual Monitoring 2006-7
Social-rented	45	75	89	86	17.5
Intermediate	25	5	0	0	2.5
Market	25	17	12	12	4.1
Total	30	24	23.5	20.9	7.1

8.44 For intermediate housing the policy requires 25% family housing and the scheme provides 0%. For social-rent housing, 45% is required and 86-89% is provided. In the market housing, 25% is required and 12% is provided. The overall family housing provision in the scheme is 20.9%.

8.45 Whilst short on of the nominated percentages in the market and shared ownership tenures, this should be considered within the following context:

- The difficult site context which is small and therefore, constrained;

- The need to balance housing provision with other necessary planning contributions;
- The comparatively high proportion of family housing in the social rent tenure;

8.46 In addition, the scheme exceeds the amount achieved across the borough based on the most recently published LBTH Annual Monitoring Report 2006-7 and is therefore, a positive step towards LBTH achieving key housing targets to better cater for housing need. Overall, it is felt that the family housing offer is the best possible compromise.

#### Wheelchair Housing and Lifetime Homes

8.47 Policy HSG9 'Accessible and Adaptable Homes' of the Interim Planning Guidance requires housing to be designed to Lifetime Homes Standards including 10% of all housing to be designed to a wheelchair accessible or "easily adaptable" standard. A total of 10.1% (42 units) is provided, in compliance with this policy.

#### Floorspace Standards

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

8.49 The floorspace schedule for the scheme shows that the total floor area of each flat as well as individual rooms, complies with the SPG requirements.

#### Amenity Space

8.50 Pursuant to PPS3, paragraph 16 states that, the matters to consider, when assessing design quality in housing developments, include the extent to which the proposed development "...provides, or enables good access to, community and green and open amenity and recreational space (including play space) as well as private outdoor space such as residential gardens, patios and balconies". Further still, paragraph 17 of PPS3 states that "where family housing is proposed, it will be important to ensure that the needs of children are taken into account and that there is good provision of recreational areas, including private gardens, play areas and informal play space".

8.51 Policy HSG 16 'Housing Amenity Space' of the adopted UDP 1998 requires schemes to incorporate adequate provision of amenity space. The Residential Space SPG 1998 sets the minimum space criteria. Similarly, Policy HSG7 'Housing Amenity Space' of the IPG sets minimum criteria for private as well as communal and children's playspace. It should be noted that the policy states that, variation from the minimum provision of communal space can be considered where the Council accepts the provision of a high quality, useable and public accessible open space in the immediate area of the site (It being noted that this situation is proposed, involving the upgrade to an open space adjacent to site and Popular Dock). The amenity space standards of the UDP and IPG are summarised below.

#### **Residential Space SPG 1998 requirement**

<b>Tenure</b>	<b>Proposed</b>	<b>SPG Requirement</b>	<b>Total (m<sup>2</sup>)</b>
Family Units	43	50sqm of private space per family unit	2,150
Non-family units	371	50sqm plus an additional 5sqm per 5 non-family units;	421
Child Bed spaces	75	3sq.m per child bed space	225

<b>Total</b>			<b>2,796</b>
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### Interim Planning Guidance

<b>Units</b>	<b>Total</b>	<b>Minimum Standard (sqm)</b>	<b>Required Provision (sqm)</b>
Studio	76	6	456
1 Bed	110	6	660
2 Bed	185	10	1850
3 Bed	43	10	430
4 Bed	-	10	-
5 Bed	-	10	-
<b>TOTAL</b>	<b>414</b>		<b>3,396</b>
<b>Communal amenity</b>			<b>454</b>
50sqm for the first 10 units, plus a further 5sqm for every additional 5 units			
<b>Total Housing Amenity Space Requirement</b>			<b>3850</b>

- 8.52 A total provision of approximately **5,923sqm** amenity space is achieved on site by the following components:
- 2473sqm is private amenity space for the residential C3 flats in the form of balconies;
  - 420sqm of communal amenity space at podium level (excluding brown/green roofs);
  - 380sqm of children's play area;
  - 100sqm of outdoor space relating to the crèche;
  - 2550sqm of open space adjacent to the site at Poplar Dock
- 8.53 It is considered that exceeding the total amenity space provision will off-set the shortfall in private amenity space. Importantly, all flats benefit from a private balcony. Furthermore, the shortfall in private amenity space is considered to be outweighed by the range and quality of amenity spaces proposed which will be practical and useable, contributing to the amenity of future occupiers. The podium level amenity spaces including children's playspace are considered to be desirable, being readily accessible for users and benefiting from maximum solar access and desirable outlook onto Poplar Dock to the south. Finally, the communal amenity space provision is well above the level sought by Policy HSG7 of the IPG, thereby offsetting the shortfall in private space provision.
- 8.54 It is further noted that 225sqm of child play space is required by the SPG which is exceeded in the scheme which achieves a total of 480sqm in the form of a dedicated play space at podium level as well as 100sqm of outdoor play area associated with the crèche, also at the podium level.

## Design

### Introduction

- 8.55 Guidance in the form of policy, as well as approved schemes nearby, guides the design considerations of this scheme. It should be noted that there are no external changes posed as part of the revision to the application.
- 8.56 As discussed in the previous report to Committee, pursuant to regional Policy contained within The London Plan (Consolidated 2008), Policy 4B.1 'Design Principles for a Compact City' requires schemes, amongst other criteria, to create/enhance the public realm, respect



local context/character and be attractive to look at. Policy 4B.9 'Tall Buildings – Location' outlines considerations for the siting of tall buildings which includes tall buildings as a "catalyst" for regeneration. Policy 4B.10 'Large-Scale Buildings – Design and Impact' provides further guidance on design considerations, including context, attractiveness and quality.

- 8.57 In consideration of Local Policy and the saved policies of the adopted UDP 1998, Policy DEV1 'Design Requirements' indicates a need for a development to be sensitive to the area, the capabilities of the site, consideration of street frontages, building lines roof lines and street patterns and provide for safety and security. Within the Interim Planning Guidance CP4 'Good Design' buildings and spaces should be high quality, attractive, safe and well integrated. Policy CP48 'Tall Buildings' confirms that tall buildings can be considered anywhere if justified and all proposals should seek, amongst other things, to contribute to a high quality, attractive environment, respond to context and contribute to vitality.
- 8.58 In addition to the Planning Statement, the application is supported by full drawing sets including landscaping plan, as well as a Design and Access Statement, Landscape Design Statement, Townscape and Visual Assessment (within the EIA).

### Tall Buildings

- 8.59 The scheme is defined as a tall building pursuant to the LBTH Interim Planning Guidance, namely:
- "Buildings or structures generally exceeding 30m in height, or which are significantly higher than the surrounding buildings (usually 2 or more storeys higher), dependant on the scale of existing development and character of the area"*
- 8.60 Accordingly, local and regional tall buildings policies advise on the relevant considerations for tall buildings and discussed below in detail below. Moreover, there is a range of published national policy including PPS1, PPS3 and PPG15 as well guidance that includes 'By Design' published by DETR/CABE in 2000.
- 8.61 Policy CP49 Tall Buildings of the LBTH Interim Planning Guidance states:
- "3) All proposals for tall buildings must:*
- a) contribute positively to a high quality, attractive environment;*
  - b) respond sensitively to the surrounding local context;*
  - c) not create unacceptable impacts on the surrounding environment, including the surrounding amenity;*
  - d) contribute to the social and economic vitality of the surrounding area; and*
  - e) not create unacceptable impacts on social and physical infrastructure"*
- 8.62 In respect of 3a, the scheme is considered to contribute positively to a high quality and attractive environment for the following reasons:
- It proposes good internal floorspace as well as a range of outdoor open space options as detailed under the 'Housing' chapter of this report;
  - The scheme provides complimentary facilities to the residential C3 uses, including a gymnasium and crèche which will benefit future residents;
  - The scheme provides for waste, recycling and cycle storage to serve future residents; and
  - The application proposes high quality external finishes, creative architectural treatments, including the sky gardens suspended between the towers as well as perforated metal panel cladding. All of this creates a very distinctive and unique architectural statement that will add to the variety of buildings in this evolving urban context.

- 8.63 In respect of 3b the scheme responds sensitively to the context in the following ways:
- In terms of ground floor treatment, the building is designed in such a way that it addresses the ground floor street frontages with a series of entrances, and open pedestrian thoroughfares, whilst minimising the impact of vehicular access to the western edge of the site and a discrete point at the southern edge of the scheme;
  - In terms of upper levels, the two contemporary towers reduce the appearance of bulk in the skyline as compared with a single tower as shown further in earlier design options for the site;
  - It utilises durable metal and glass finishes in a creative way that will add to the skyline and compliment the existing diversity of architectural style in this location;
  - Moreover, it is an outward looking scheme with rounded building form that presents an interesting façade from all vantage points;
  - The towers are seen in the context of other taller buildings in this location;
  - Nevertheless, it does not fill in or detract from the tall building cluster of Canary Wharf; and
  - There is no adverse impact to any views.
- 8.64 In respect of 3c, the scheme does not pose any unacceptable impacts on neighbours including overshadowing, microclimate (wind), noise, privacy/overlooking or general disturbance impacts, which is discussed in detail later in section 8 'Neighbour Impacts'.
- 8.65 In respect of 3d, the proposal contributes socially and economically to the surrounding area by providing housing of appropriate mix in terms of affordable and family housing, as well as satisfying amenity spaces standards, Lifetime Homes standards and providing for minimum 10% wheelchair accessible housing along with accessible parking for people with a disability is also provided. All this contributes to the creation of a sustainable and diverse community in the local area. In addition to the economic benefits of growing a sustainable community and local businesses, the scheme itself is predicted to generate between 165-200 Jobs.
- 8.66 In respect of 3e, planning contributions towards transport improvement, health, education and the upgrade of open space adjacent to Poplar Dock will all be secured to ensure the impact on local infrastructure is mitigated.
- 8.67 Policy DEV27 Tall Buildings Assessment of the Interim Guidance states:

*"Applications for all tall buildings must satisfy the criteria listed below:*

*Design and Context*

- 1. Demonstrate the design is sensitive to the context of the site.*
- 2. Achieve high architectural quality and innovation in the design of the building, including a demonstrated consideration of its scale, form, massing, footprint, proportion and silhouette, facing materials, relationship to other buildings and structures, the street network, public and private open spaces, watercourses and waterbodies, or other townscape elements.*
- 3. Where the site is outside a location identified for tall building clusters in CP48, demonstrate the consideration of built form design alternatives other than tall buildings.*
- 4. Demonstrate consideration of the appearance of the building as viewed from all angles, and its night-time appearance, as demonstrated through an Accurate Visual Representation.*
- 5. Not adversely impact on important views including strategic London-wide views and important local views, including their settings and backdrops, as demonstrated through an Accurate Visual Representation.*
- 6. Provide a positive contribution to the skyline, when perceived from all angles,*

*assisting to consolidate clusters within the skyline, as demonstrated through an Accurate Visual Representation.*

- 7. Not adversely impact on Conservation Areas, Listed Buildings, historic assets, World Heritage Sites, scheduled monuments, areas of archaeological importance or potential, or their settings.*
- 8. Where residential uses are proposed, include high quality, useable communal and private amenity spaces.*
- 9. Achieve a very high standard of safety and security for occupants of the development and users of the immediate surrounding area.*
- 10. Be visually integrated into the streetscape and the surrounding area.*
- 11. Present a human scaled development at the street level.*
- 12. Respect the local character and seek to incorporate and reflect elements of local distinctiveness.*
- 13. Incorporate adaptable design measures.*

#### *Environment*

- 14. Demonstrate the privacy, amenity and access to sunlight and daylight for surrounding residents and building occupants will not be adversely affected by the development and that acceptable levels of privacy, amenity and sunlighting and daylighting conditions will be achieved for future occupants of the development.*
- 15. Not adversely impact on the microclimate of the surrounding area, including the proposal site and public spaces.*
- 16. Demonstrate consideration of sustainability throughout the lifetime of the development, including the achievement of high standards of energy efficiency, sustainable design, construction, and resource management.*
- 17. Not adversely impact on biodiversity or open spaces, including watercourses and waterbodies and their hydrology, as well as their settings and views to and from them.*
- 18. Achieve high internal and external noise standards, including the consideration of appropriate mixes of uses and use locations within the development.*

#### *Socio-Economic Impacts*

- 19. Contribute positively to the social and economic vitality and of the surrounding area at the street level through its proposed mix of uses.*
- 20. Be acceptable in terms of its potential social impacts, and maximise positive social impacts, as demonstrated through a Social Impact Assessment.*

#### *Access and Transport*

- 21. Incorporate the principles of inclusive design.*
- 22. Be located in an area with good public transport access.*
- 23. Take into account the transport capacity of the area, and ensure the proposal will not have an adverse impact on transport infrastructure and transport services.*
- 24. Respect, and, where possible, improve permeability with, the surrounding street network, and take into account impacts on the movement of people.*
- 25. Have good access to, or contribute to the provision of, high quality pedestrian and cyclist routes between the site and public transport, public open space, shops and social and community facilities.*
- 26. Provide publicly accessible areas within the building, including the ground floor, and where there are opportunities to provide viewing platforms, the top floor.*

#### *Additional Considerations*

- 27. *Where residential uses are proposed, comply with the density requirements in policy HSG1.*
- 28. *Conform to Civil Aviation requirements.*
- 29. *Not interfere, to an unacceptable degree, with telecommunication and radio transmission networks.*
- 30. *Demonstrate consideration of public safety requirements as part of the overall design, including the provision of evacuation routes.”*

- 8.68 Points 1, 2, 8, 10, 12, 14, 15, 19, 20 and 21 have been addressed in the considerations of CP 49 tall Buildings.
- 8.69 In respect of 3, alternatives have been considered but not deemed suitable in the pre-application discussions with LBTH and in the applicant’s Design and Access Statement, which accompanies the application.
- 8.70 Regarding 4 (views), Computer generated Images (CGIs), as well as artist perspectives in the design and access statement and analysis in Chapter 11 of the EIA, indicate consideration of the external appearance from all angles as well as its night-time appearance.
- 8.71 The requirements of points 5, 6 and 7 (consideration of views) has also been considered namely:
  - Strategic London-wide views,
  - the contribution made to the skyline
  - any listed buildings, conservation areas and world heritage sites and their settings.
- 8.72 In respect of 9, safety and security is achieved with access to the upper levels controlled at ground level by foyer access. Minimisation of blank frontages, as well as the activity associated with the MacDonald’s restaurant, will ensure surveillance to maintain safety and security and deter crime.
- 8.73 In respect of 11, a human scale is achieved at street level with a series of single storey commercial premises, as well as the residential foyer which breaks up façade of the building and provides multiple doorways and windows. This prevents continuous or blank frontages.
- 8.74 In respect of 13, adaptability is incorporated into the scheme by generous floor-to-ceiling heights at ground floor level to accommodate the needs of commercial uses. The residential flats including wheelchair accessibility, lifetime homes and minimum floorspace standards in the design, as discussed previously.
- 8.75 In respect of 16, sustainability has been considered with energy efficient and renewable energy measures in the scheme. It achieves 10% of energy from renewable sources, as well as a 20% reduction in Carbon Dioxide, as detailed in the Planning Statement, the Design and Access Statement and supporting Energy Renewable Toolkit.
- 8.76 In respect of 17, there is no impact identified to biodiversity or open spaces including watercourses, waterbodies and their hydrology. The Environment Agency, Natural England and the Council’s Arborculturalist have raised no objections to the scheme subject to various conditions, informatives and s106 heads of terms.
- 8.77 In respect of 18, the internal noise standards have been considered by LBTH Environmental Health Team, who are satisfied that there will be no significant impact to neighbours.
- 8.78 In respect of 22, the site has good access to public transport with a site specific Public Transport Accessibility Level (PTAL) of 4 and is within an area considered generally to be

PTAL 6a.

- 8.79 In respect of 23, the proposal is considered to be within the capacity of the area.
- 8.80 In respect of 24, the proposal makes a financial contribution to funding works to the Preston's Road roundabout. This will improve pedestrian links in the surrounding area and especially links to nearby Blackwell DLR station.
- 8.81 In respect of 25, the above monies will contribute to linking the development into the wider area and further afield with improved links to the DLR station. This will also assist in linking the site to the London Cycle Network, including, the dedicated link along Cable Street to Tower Bridge which provides access to greater London.
- 8.82 In respect of additional consideration 27 – 30:
- The scheme is in excess of the density provisions for the area. However, this is considered justified given the high quality external appearance, the internal amenity achieved, the variety of amenity space provided on site plus the significant planning contributions that have been secured for the scheme;
  - Previously, no objections have been raised by London City Airport and the National Air Traffic Services Ltd (NATS). The external design and height is unchanged in this revision;
  - No objections have been received from the BBC. The s106 legal agreement includes an obligation for monitoring and mitigating of any impacts, in accordance with the analysis contained in the Environmental Impact Assessment;
  - No objection has been received from LBTH Building Control. Such matters can be dealt with at the detailed design phase under the Building Regulations.
- 8.83 Policies DEV 1 and DEV 2 of the LBTH adopted UDP 1998 as well as consolidated London Plan Policies 4B.8 Tall Buildings – Location, Policy 4B.1 Design Principles for a Compact City', Policy 4B.3 'Maximising the Potential of Sites' 4B.9 'Large-Scale Buildings – Design and Impact are also considered to be addressed by the above comments.
- 8.84 It is concluded that the principle of a tall building is supported on this site having regard to local and regional policy.

#### External Appearance

- 8.85 The building's appearance is considered to be one of the strongest aspects of the proposal, offering an attractive and complimentary addition to the skyline in this area.

#### Local Context

- 8.86 As discussed previously under 'Tall Buildings', regard has been had for the impact of the proposal on the surrounding area. The 'Townscape and Visual' assessment in Chapter 11 of Volume 01 of the Environmental Impact Assessment (EIA) considers 12 view points within the Isle of Dogs, Poplar and North Greenwich which show the before and after changes in the skyline. Regard is also had to surrounding areas in general as well as specific consideration of the Cold Harbour and Naval Row Conservation Areas, All Saints and Matthias Church as well as other individually listed structures and buildings are also assessed. In respect of the conservation areas, it is evident that all the identified areas have been already impacted upon in various degrees by development either within the conservation area itself and/or adjacent. In respect of the listed structure (E.g. West India and Millwall Docks, Blackwell Basin and Poplar Dock which are locally listed) these are not nearer than 260m to the site, nor do any of them enjoy their original settings. Such factors are a consideration when analysing the significance of any impact of the proposal.
- 8.87 The analysis provided in the EIA was undertaken having regard to national, regional and

local guidance and within the context of a methodology set out in the 2002 edition of the Guidelines for Landscape and Visual Impact Assessment (GVLIA) produced by the Landscape Institute and the Institute of Environmental Management and Assessment (IEMA). The report conclusions are that:

- The design offers something distinctive and different to the townscape;
- There is no significant impact to the setting of listed buildings, conservation areas, the riverscape or any adverse impact on any protected or strategic views or vistas;
- That the impact will be lessened as nearby consented schemes are of similar heights;
- The towers will not appear in isolation based on the 12 views analysed, but will form part of the cluster of buildings in this part of the north eastern edge of the Isle of Dogs; and
- The scheme would have a visual benefit to the townscape of Poplar by adding a development of high visual quality.

- 8.88 An objection was received from English Heritage in response to the previous version of the scheme. Concern was raised about the possible impact to sensitive conservation area views (for example from the portico of All Saints Church, East India Dock Road) and its materials and detailed design (especially a shiny finish). In considering this objection in detail, the details of the conservation area and listed items of All Saints were considered, along with policy and the assessment of the EIA.
- 8.90 The All Saints Conservation Area was designated in 1986 and contains the 1920s All Saints Church which is grade II\* listed. The namesake of the conservation area is evident in Poplar owing to its Spire which is a landmark for the area. The 'Townscape and Visual' assessment reports that the church forms a group with two listed terraces. The conservation area also takes in residential streets to the south of the church. The townscape surrounding the church is evident today including some three/four storey residential properties of the late Georgian period, with important examples being listed including terraces on Montague Place and Bazeley Street, as well as the Rectory on Newby Place. However, the 'Townscape and Visual' notes that, following wartime bombing and the subsequent redevelopment, the setting of the church and the townscape has been eroded. In this way, the setting of this listed building and the conservation area in general is not pristine and it is considered that this should be considered when evaluating the impact of the proposal of views in and around and out of the All Saints Conservation Area.
- 8.91 In respect of Policy, in addition to those identified previously under 'Tall Buildings', PPS1 considers the role of design in planning but cautions us not to impose architectural styles and tastes. Instead, it states that we should consider overall scale, density, massing, height, landscape, layout and access of new development in relation to neighbouring buildings and the local area more generally (paragraph 38). Nevertheless, when assessing schemes "*Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted*" (paragraph 34). PPG 15 'Planning and the Historic Environment' refers to consideration of preserving or enhancing the conservation area when considering proposals that fall outside conservation areas (paragraph 4.14) and is applicable in this situation.
- 8.92 Within the EIA, Figures 11.4 and 11.5 visually quantify the change in view from St Anne's Church in the images presented. Whilst there is a moderate change in view, given the architectural quality of the proposed building, the visual impact on the view is neutral and therefore acceptable.
- 8.93 As demonstrated in this section and under 'Tall Buildings', the possible impact to St Anne's Church is has been considered. The following has been established:
- That a tall building is acceptable;
  - This scheme is considered to be high quality architecture; and

- The EIA concludes that the change in view created by this building has a neutral effect which is acceptable.

8.94 Therefore, the proposal is considered to have been adequately assessed in terms of its potential impact to St Anne's. The proposal is not considered to have a significant detrimental impact on St Anne's Church. The high quality architecture will not have a significant impact to the views and the high quality finishes proposed in this scheme will be secured by an appropriately worded condition to ensure construction is undertaken in accordance with the proposed design.

8.95 In considering the effect of the materials and specifically the shiny finish, it is noted that such matters would be controlled by an appropriately worded condition requiring details and samples of the materials to be submitted for approval in writing by the local planning authority LBTH prior to commencement. An appropriately worded informative is recommended for English Heritage to be consulted on such details, prior to discharging the condition.

### Wider Context

8.96 The 'Townscape and Visual' assessment in Chapter 11 of the EIA has considered the wider context, including the view from General Wolfe Statue in Greenwich Park. From this viewpoint the scheme will alter view 5A.1 of the 'London Panorama' of the 'View Protection Framework' as set out in the Mayor's 'London View Management Framework' 2007. The EIA visually represents and analyses the effect of the scheme on this view framework. The EIA has also had regard to Greenwich Maritime World Heritage site, which includes the Old Royal Naval College, the Fan Museum, The National Maritime Museum, The Royal Observatory, The Queens House and Greenwich Park (Grade I registered park). However, the scheme does not affect any linear views, townscape views or any protected vistas defined within the framework.

8.97 Although Maritime Greenwich has not commented on the subject scheme, they objected previously to the withdrawn application PA/08/274. They raised concern about the enlargement of the cluster of tall buildings to east and west of the Canary Wharf cluster, thereby creating a wall of buildings. They consider the gap is important as it visually defines Canary Wharf. Extending this group of buildings as viewed from General Wolfe Statue is therefore a concern.

8.98 In considering the impact of the scheme on the Canary Wharf Cluster and View 5A.1, it is noted that this report has established:

- That a tall building is acceptable;
- The proposal's architectural style is not a concern, providing materials and finishes are conditioned.

8.99 Paragraph 3.53 makes specific reference to the acceptability of the incremental clustering at Canary Wharf and outlines circumstances where tall buildings outside designated clusters would be considered.

8.100 Specific guidance is also offered in respect of London panoramas in paragraph 3.37 which indicates:

- London panoramas are vulnerable to development in the front and middle ground;
- Buildings in these areas should fit within the prevailing pattern of development;
- Proposals should not detract from the panorama as a whole; and
- Landmarks should be afforded an appropriate setting and canyoning effects should be prevented.

8.101 A review of the London View Framework indicates clear priorities in considering the impact of this view:

- The effect on St Paul's as the strategic Landmark,
  - Canary Wharf as another landmark,
  - The impact to the backdrop of the World heritage site (Maritime Greenwich); and
  - The effect on the panorama overall.
- 8.102 The previous objection by the Maritime Greenwich World Heritage site is necessarily concerned with the last three points.
- 8.103 The 'Townscape and Visual' assessment provided in the EIA shows before and after representations of the effect the proposal will have on Strategic Views. It concludes:
- The scheme is nowhere near the view path of St Paul's;
  - The scheme is distinct and separate to the Canary Wharf cluster of buildings;
  - The scheme would be consolidated within an undesignated cluster of taller elements that already exist and will be added to with recent approvals such as New Providence Wharf;
  - This undesignated cluster is within the backdrop of the Greenwich World Heritage site and is reflective of the form, scale and location of a series of clusters including Canary Wharf to the left and the Greenwich power station and the Millennium Dome (O2) to the right.
- 8.104 As described in the EIA, the scheme does not detract from the Canary Wharf cluster. The change in the panorama is considered to be minor, with the significance of the change being moderate and the overall effect being beneficial.
- 8.105 The EIA demonstrates that the scheme does not detract from the distinct Canary Wharf cluster, as it is visually separated. It clearly does not fill in the gap between Canary Wharf and tall elements to the north of the Isle of Dogs and Poplar. The scheme will remain within a distinct undesignated cluster of taller elements. As discussed earlier, an appropriately worded condition for materials will make certain that the scheme is a beneficial addition to the panorama. Therefore, the objection of the Maritime Greenwich World Heritage Site is not a sustainable reason for refusal.

### **Amenity for Future Occupiers and Users**

- 8.106 Pursuant to national policy, PPS1 'Delivering Sustainable Development' states that, with good planning, we get the right development that makes a positive difference to people's lives (paragraph 1). The core principle underpinning this is a sustainable development approach which has the simple idea of ensuring a better quality of life for everyone, now and in the future (paragraph 3).
- 8.107 PPS3 'Housing' is the framework for delivering the governments housing objectives. In respect of amenity, one of the objectives of this policy is to ensure the delivery of high quality homes and sustainable communities (paragraph 9), planning authorities should have regard to this in deciding applications, as well as taking into account relevant regional and local policies (paragraph 68).
- 8.108 Pursuant to regional policy, The London Plan (Consolidated 2008), Policies 4B.1 'Design Principles for a Compact City', 4B.5 'Creating an Inclusive Environment', 4A.3 'Sustainable Design and Construction', 4B.10 'Large-scale Buildings – Design and Construction', consider the need to ensure amenity for future occupiers and users.
- 8.109 Pursuant to local policy, the adopted UDP 1998, Policy DEV2 states that all development should seek to protect the amenity of residential occupiers.
- 8.110 In respect of the Council's IPG 2008, Policy CP1 requires, amongst other things, that all new development achieves the highest quality of design, the highest level of amenity and improves liveability. Policy CP3 'Sustainable Environment' indicates, amongst other things



that, as part of assessing applications, the Council will take into account potential impacts of development. CP4 'Good Design' and DEV1 'Amenity' seek to improve amenity.

- 8.111 In consideration of the original version of this scheme at the October 2008 Strategic Development Committee meeting, as well as the previous case PA/08/274 in the May 2008 meeting, Member's expressed concerns in respect potential impacts to future residents, in particular, noise and air quality. Since that time, the applicant has provided further assessment and clarification to the Environmental Statement in order to provide comfort to Members that their concerns have been fully explored. Whilst the final details of noise and air quality mitigation measures would be normally conditioned, the applicant has acknowledged Member's concerns and has provided details of mitigation.
- 8.112 Concurrently, additional information in respect of the policy background, baseline situation and details of the assessment undertaken in the Environmental Statement (ES) are summarised in this report as further comfort. Whilst a full range of potential impacts to future occupiers and users have been considered, it should be noted that the particular emphasis of this report is in the areas where Members have concerns, namely, noise and air quality.

Noise impact

- 8.113 The noise impact on future residential occupiers was raised previously by Members. It is noted that the Environmental Statement, includes a full PPG24 noise impact assessment along with the consideration of a full range of environmental issues as reported later in section 8.
- 8.114 PPG24 'Planning and Noise' is the overarching guidance for local planning authorities on the use of their planning powers to minimise the adverse impacts of noise. The aim of this guidance is to "...provide advice on how the planning system can be used to minimise the adverse impact of noise without planning unreasonable restrictions on development".
- 8.115 As a general principle, noise can be a material consideration in the consideration of planning application. Whilst PPG 24 advises that one of the tasks of planning is to guide development to the most appropriate locations, it states that this will be hard to reconcile in some cases.
- 8.116 Although, PPG24 is not intended to preclude development. PPG24 states that local planning authorities "...should consider whether it is practicable to control or reduce noise levels or to mitigate the impact of noise, through the use of conditions and planning obligations". The individual circumstances of an application should be considered. As such, PPG24 is not considered to preclude the consideration of residential development on 2 Trafalgar Way in principle. This is further supported by the inference that can be drawn from the 'Development Control' section which refers to the use of planning conditions to ensure noise effects are mitigated "...where it is proposed to grant permission for noise-sensitive development in areas of high ambient noise".
- 8.117 PPG24 also introduces a concept of Noise Exposure Categories (NECs) ranging from A, B, C and D. An NEC A represents a situation where noise is unlikely to be a determining factor; categories B and C are situations where mitigation may make development acceptable; and category D indicates the situations in which development should normally be refused. The noise levels in each category are reproduced in table 4 below.

**Table 4: NECs for dwellings – LaeqT dB**

Noise source		A	B	C	D
Road traffic	0700-2300hrs	<55	55-63	63-72	>72

	2300 – 0700hrs	<45	45-57	57-66	>66
Air traffic	0700-2300hrs	<57	57-66	66-74	>74
	2300 – 0700hrs	<48	48-57	57-66	>66
Rail	0700 – 2300hrs	<55	55-66	66-74	>74
	2300 – 0700hrs	<45	45-59	59-66	>66
Mixed	0700 – 2300hrs	<55	55-63	63-72	>72
	2300 – 0700hrs	<45	45-57	57-66	>66
All sources					

8.118 In addition to PPG24, there is a range of standards and guidance to consider in an assessment of noise impact.

8.119 The World Health Organisation (WHO) document 2000 reflects recent international research into the health effects of exposure to noise and subsequently, the guidance is reproduced in Table 5.

**Table 5: WHO precautionary guidelines for noise levels**

Specific Environment	Critical health effect(s)	dB LAeq,t	Time base Hours	dB LAmax,f
Outdoor Living area	Serious annoyance, daytime and evening	55	16	-
	Moderate annoyance, daytime and evening	50	16	-
Dwelling indoors	Speech intelligibility and moderate annoyance, daytime and evening	35	16	-
Inside bedrooms	Sleep disturbance, night-time	30	8	45
Playground	Annoyance (external source)	55	During play	-

8.120 The WHO guidelines are broadly consistent with British Standard (BS) 8233: Sound Insulation and Noise Reduction for Buildings – Code of Practice (1999), in the consideration of indoor noise levels. See Table 6 below. In addition, BS8233 refers to the standards for acceptable noise levels in gardens and balconies. It is desirable not to exceed 50 LAeq,t db with 55LAeq,T db being the upper limit that can be accepted.

**Table 6: BS8233 Indoor criteria**

Criteria	Typical conditions	Design range	
		Good	Reasonable
Reasonable resting/sleeping conditions	Living rooms	30 dB LAeq,t	40 dB LAeq,t
	Bedrooms	30 dB LAeq,t	35 dB LAeq,t & 45dB LAmax,F

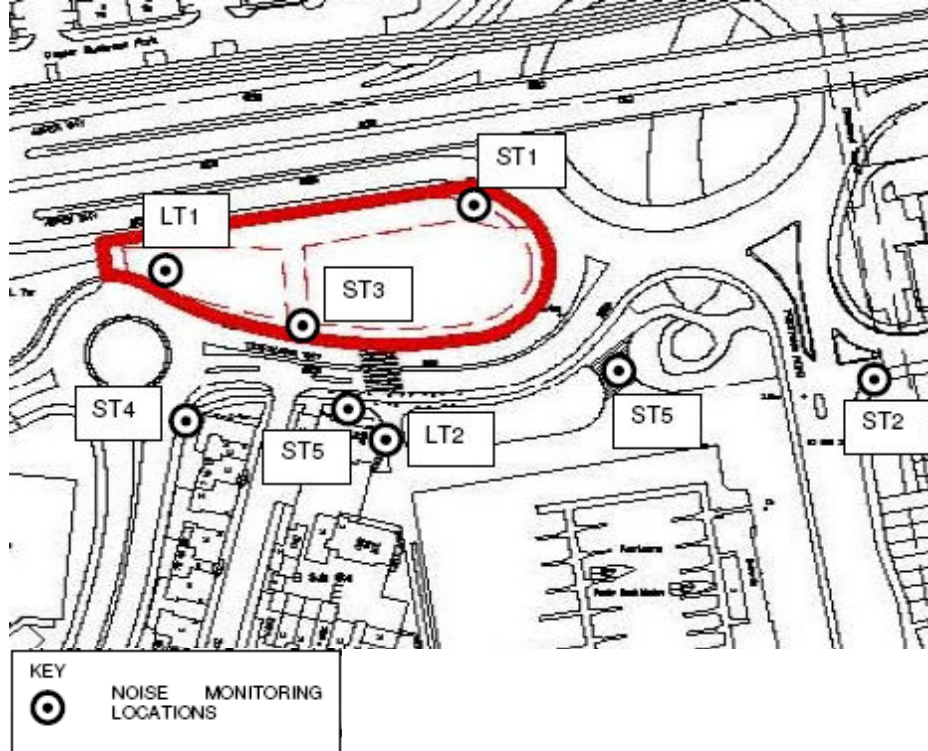
8.121 As part of the assessment of the existing noise levels affecting 2 Trafalgar Way, the

Environmental Impact Assessment (EIA) identified the noise sources in the area, namely:

- Traffic noise from Aspen Way and Trafalgar Way;
- Rail noise from the DLR;
- Air traffic associated with London City Airport;
- Traffic and operation noise associated with the MacDonalDs use; and
- Operation noise and traffic from Billingsgate Market.

8.122 To establish the baseline, the EIA included Long Term noise monitoring (between 7 - 14days) as well as short-term (daily) noise monitoring at specific points as shown on the locality map below.

**Locality map: Long Term (LT) and Short Term (ST) monitoring locations**



8.123 It should also be noted that the impacts of the scheme on itself during the construction and operational phase (traffic, uses, mechanical ventilation, and mechanical plant) have been considered.

8.124 The EIA monitoring results are reported in the ES, which conclude that the site falls within NEC 'C' during the daytime and NEC 'D' during the night time. Consequently, it is necessary to demonstrate that acceptable noise levels can otherwise be achieved through appropriate mitigation in accordance with PPG24.

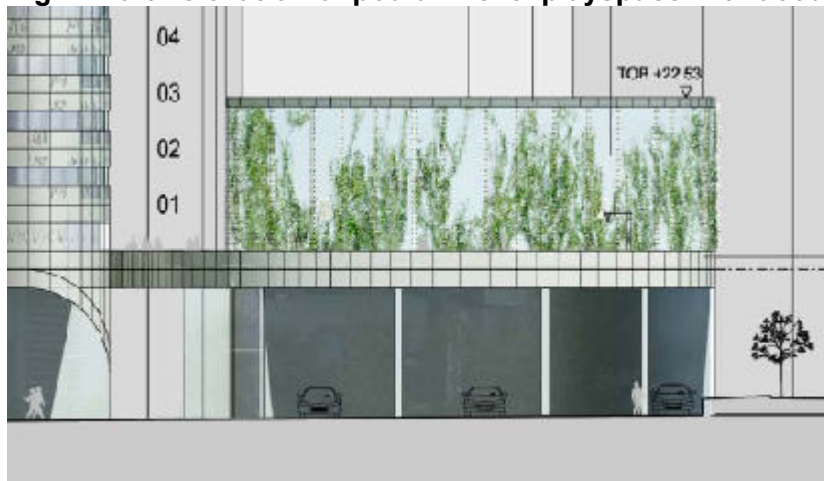
8.125 Following modelling of the impact on the scheme using these results, mitigation measures are recommended for internal and external spaces. By way of a crude summary for the subject scheme, noise mitigation measures will be focussed on the north-facing facades and amenity spaces with the level of mitigation reducing with height. The specific requirements for different parts of the scheme are discussed below.

8.126 In respect of the internal spaces of residential flats, the following mitigation is proposed:

- Triple glazed windows to floors 01 - 10 (i.e. thermally insulated Type 3 glazing '16.8/16/16.8', meaning a window comprising 16.8mm-thick pane of glass, then, a 16mm air gap, then, another 16.8mm thick pane of glass); and
- Fixed un-openable windows and a mechanical ventilation system for the first 5 floors.

- 8.127 The combination of these measures will ensure that internal noise levels achieve equivalent to an NEC 'A' rating. Subsequent upper levels do not require mitigation as exposure to noise sufficiently reduces with height. Therefore, upper levels will have a lesser glazing specification, openable windows and a trickle (natural) ventilation system.
- 8.128 Illustrative information about possible mechanical ventilation and trickle ventilation systems that could be used in this scheme are contained in an appendix to this report.
- 8.129 In respect of private balconies and terraces of residential flats, mitigation will be achieved by enclosing these amenity spaces as winter gardens.
- 8.130 These measures will ensure that the noise levels are reduced below the maximum WHO guideline of 55dB LAeq,t for balconies.
- 8.131 Similarly, for the podium-level children's playspace, the 5.3m high transparent acoustic barrier will ensure noise levels are below the maximum WHO requirement of 55 dB LAeq,t. See Figure 1 below.

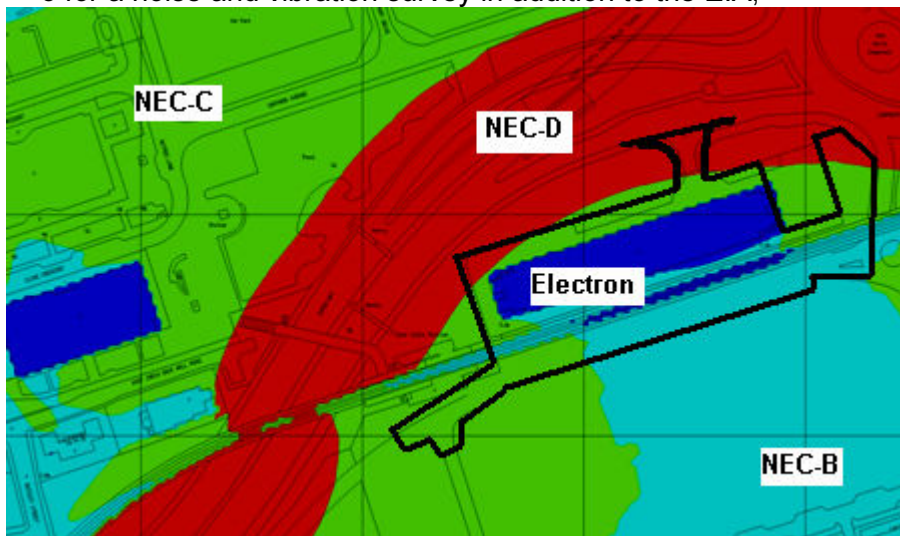
**Fig.1: North elevation of podium-level playspace with acoustic barrier**



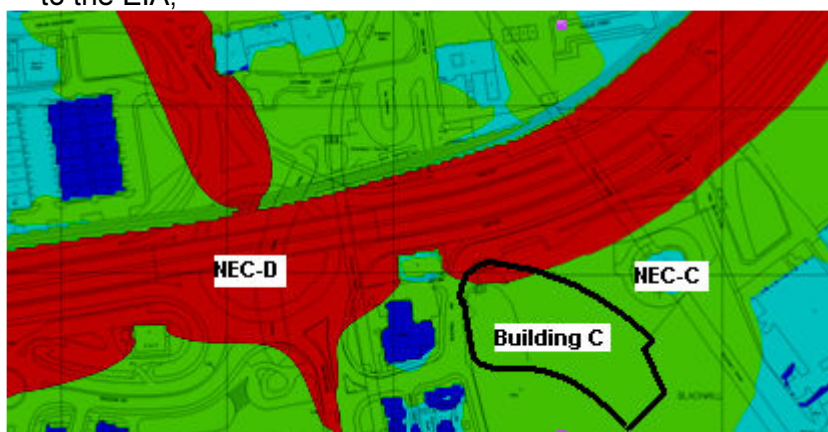
- 8.133 In addition, the mechanical plant within the podium level will be insulated to a level to comply with BS4142 'Method for Rating Industrial Noise Affecting Mixed Residential and Industrial Areas'.
- 8.134 Notwithstanding the specific mitigation proposed, the site layout has sought to minimise the noise impact from the outset. There is emphasis in the design of orientating as many internal and external spaces as possible, away from noise sources to the north such as Aspen Way and the DLR. The broadest sides of the residential towers are oriented to the east and west whilst the ground and podium levels are oriented to the south. This layout reduces the full exposure to the noise sources to the north. Consequently, the level of mitigation that may have otherwise been needed is minimised. Consequently, the reduced amount of intervention with specific mitigation measures makes for a more desirable and enjoyable development for future residents.
- 8.135 Overall, the EIA demonstrates that noise impact has been given comprehensive consideration to the satisfaction of the Council's Environmental Health Team. Appropriate and reasonable mitigation measures have been identified to safeguard internal living areas as well as outdoor amenity spaces from unacceptable levels of noise, also agreed by the Environmental Health Team. Therefore, the scheme complies with PPG24 and other relevant guidance and standards which seek to minimise the adverse effects of noise. Thus, Member's can be confident that noise impact to future residents has been fully explored and resolved. As such, it is not considered to represent a sustainable reason for refusal.

8.136 In addition, as referred to in section 4 'Planning History', section 8 'Principle', it should be noted that the Council has already approved significant residential developments in this area. Whilst the individual site circumstances vary, the schemes share a common theme of a high quality design that has sought to maximise the development potential of the site whilst taking into account of the site constraints including a limited site area and the need to mitigating impacts, including noise. This is shown in a review of nearby residential developments in falling within and NEC C-D in the area (see the three noise contour maps below). All these schemes have windows and balconies facing Aspen Way and the DLR; that the noise impact encountered was not so severe as to necessitate a blank façade, or precluded development altogether. These schemes include:

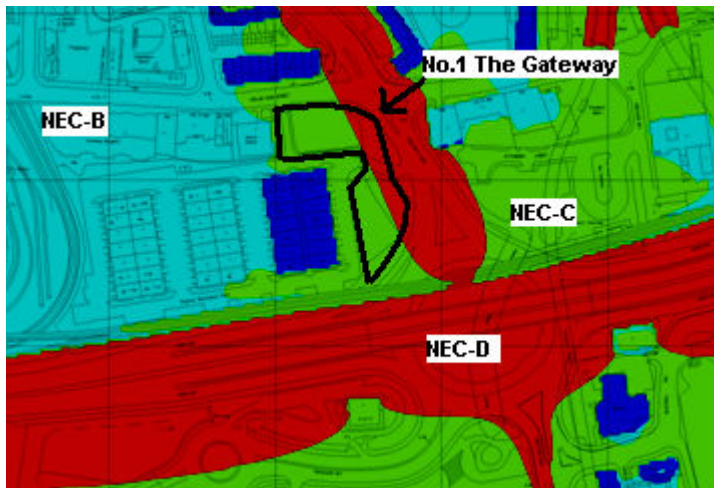
- Phase II Electron Building, Aspen Way (PA/04/973 approved 08 December 05) – the occupied development comprising of 1 x 25 and 2 x 22 storey buildings, containing 437 residential flats and 229sqm commercial floorspace, was required to discharge condition 6 for a noise and vibration survey in addition to the EIA;



- Building C New Providence Wharf (PA/06/2101 approved 31 January 2008) – Although it is yet to be built out, the scheme comprises of a part 12/44 storey building, comprising of 484 residential flats, 323sqm retail, and 948sqm fitness club. The scheme will be required to discharge condition 5 which requires a noise and vibration survey in addition to the EIA;



- 'No.1 The Gateway' being Land bound by Poplar High St, Preston's Road and Poplar Business Park (PA/04/510 granted 13 March 2006) – This scheme is nearing completion and occupation. It comprises of 1 x 13 and 1 x 25 storey buildings, 243 residential units, 1,084sqm retail. Noise impact reports for road and DLR noise were considered at the time of the assessment and no conditions were considered necessary.



8.137 Consequently, not only has the subject application dealt with noise impact and proposed appropriate mitigation measures, there is a consistent approach of the Council for supporting intensive residential development in this area with appropriate mitigation measures rather than an approach precluding development. This is all presented to offer further comfort to Member's that their concerns have been fully explored, that there are no unacceptable noise impacts posed to future residents to the satisfaction of the Environmental Health Team. Furthermore, that a recommendation for approval is consistent with previous decisions in this part of the borough.

Air quality impacts

8.138 The air quality impact to future residential occupiers was raised previously by Members. It is noted the ES includes an air quality assessment along with the full range of environmental considerations as reported later in section 8. This section of the report indicates the policy framework for consideration of air quality, the baseline situation at Trafalgar Way and the mitigation measures that will ensure future occupiers have a suitable level of air quality.

8.139 In respect of national policy, the 'Air Quality Strategy for England, Scotland, Wales and Northern Ireland' (AQS 2007) sets the framework to reduce adverse health effects from air pollution along with the Air Quality (England) Regulations 2002. In terms of pollution from road traffic, consideration is given for nitrogen dioxide (NO2) and particulate matter (PM10). NO2 is a gas produced by the reaction between oxygen and nitrogen in combustion engines. PM10 are small particles suspended in the air as a consequence of road transport. The Strategy and Regulations are summarised below.

Pollutant	AQS		AQS Objective	
	Concentration (ugm-3)	Ave period	Exceedence per year	Target date
NO2	200	1hr	18	31/12/2005
	40	Annual	-	31/12/2005
PM10	50	24hr	35	31/12/2004
	40	Annual	-	31/12/2004

8.140 Planning Policy Statement 23 sits within the pollution control framework of the Pollution Prevention and Control Act 1999 and the Pollution Prevention and Control Regulations 2000. In terms of planning, the PPS seeks to determine the appropriate location for development that may give rise to pollution as well as ensuring that proposed development is not affected by existing pollution sources as far as possible.

8.141 The abovementioned national policies are material considerations in the determination of planning applications. They also accord with EU air quality directives. It should be noted that

there are a raft of other complimentary guidance for air quality from different national and European bodies.

- 8.142 In respect of regional policy, The London Plan (Consolidated 2008), Policy 4A.19 'Improving Air Quality' states that, amongst other things, boroughs should consider air quality including its formal assessment, especially in air quality management Areas.
- 8.143 Pursuant to local policy, the UDP 1998 does not have any policies specifically deal with air quality. However, within the IPG 2008, Policy CP3 'Sustainable Development' seeks to improve the quality of the environment by, amongst other things, ensuring that developments minimise air quality impacts. It should be noted that the whole borough is declared an Air Quality Management Area (AQMA). An Air Quality Action Plan has been prepared and seeks to ensure development in the borough addresses the National Air Quality Strategy referred to above.
- 8.144 The assessment of the air quality for the subject application has used baseline-line 2007 data for Trafalgar Way in an empirical (mathematical) model. The model makes assumptions about factors like forecast traffic volumes, meteorological (weather) influences and the effect of the development upon itself E.g. traffic generation. The model is used to establish the level of air quality at different points (receptors) around the development as selected by the Council's Environmental Health Team. The locations of the chosen receptors are as follows:
- Podium level children's playspace;
  - Balconies with line-of-site to Aspen Way in Tower B, commencing at level 01;
  - North-facing terraces between the towers, commencing level 04; and
  - Internal rooms on the northern side commencing at level 01.
- 8.145 The assessment considered the AQS that needs to be achieved, as well as the air quality experienced at 2 Trafalgar Way. In addition, the results for air quality when mitigation measures are implemented.
- 8.146 Crudely, air quality improves with height and as such, mitigation measures are normally required at lower levels of the development. The assessment indicates that at above the first five residential floors the air quality at 2 Trafalgar Way meets the standard required. The specific requirements for mitigation at different parts of the development are discussed below.
- 8.147 The mitigation needed for internal rooms is a combination of fixed/unopenable windows and mechanical ventilation system for the first 5 residential floors. The remaining upper floors will have openable windows and a trickle (natural) ventilation system.
- 8.148 In respect of private balconies and terraces of residential flats, fixed unopenable glazing to create winter gardens on floors 01 – 05. For the first three residential floors, windows will be fixed, necessitating mechanical ventilation for those levels.
- 8.149 Balconies at higher levels do not require any form of enclosure for air quality mitigation purposes. Although, they will nevertheless be enclosed to mitigate noise impact as was discussed earlier.
- 8.150 The transparent acoustic barrier surrounding the children's play area will also serve to mitigate air quality impacts on this space.
- 8.151 As discussed previously under 'Noise impact' the building layout assists in minimising the impacts on future occupiers to some degree in the first instance, thereby minimising the mitigation that may have otherwise been required. Consequently, the reduced amount of intervention by the specific mitigation measures mentioned above makes for a more desirable and enjoyable development for future residents.

- 8.152 Therefore, the EIA demonstrates that air quality has been given comprehensive consideration to the satisfaction the Council's Environmental Health Team, Appropriate and reasonable mitigation measures have been identified to safeguard internal living areas as well as outdoor amenity spaces from unacceptable levels of air quality, also agreed by the Environmental Health Team. Therefore the scheme addresses the abovementioned national, regional and local policies which seek to ensure development minimises air quality impacts. Thus members can be confident that achieving suitable air quality for future residents has been fully explored and resolved. As such, it is not considered to represent a reason for refusal.
- 8.153 Furthermore, as discussed previously under 'Noise Impact', there is a history of approvals in this area for significant residential development. As previously pointed out, whilst, the individual circumstances vary, each scheme shares a common theme of being a high quality design that has sought to maximise the development potential of its site, whilst taking into account the constraints including a limited site area and the need to mitigate impacts, including air pollution.
- 8.154 Consequently, not only has the subject application dealt with air quality and proposed appropriate mitigation, there is a consistent approach of the Council supporting intensive residential development in this area that has appropriate mitigation, rather than the approach of precluding development. This is all presented to offer further comfort to Member's that their concerns have been fully explored, that there are no unacceptable air quality impacts posed to future residents to the satisfaction of the Environmental Health Team. Furthermore, that a recommendation for approval is consistent with previous decisions in this part of the borough.

#### Other amenity considerations

- 8.155 In addition to Member's concerns, and as reported previously reported to Committee, the scheme also addresses the following amenity consideration, thereby delivering a high quality environment for future occupiers:
- Waste and recycling storage is in accordance with Policy Dev15 'Waste and Recyclables Storage';
  - The provision of secured cycle parking for residents and visitors is in accordance with Policy DEV16 'Walking and Cycling Routes and Facilities';
  - The provision of car parking, including spaces for people with a disability, in accordance with Policy DEV3 'Accessibility and Inclusive Design' and DEV19 'Parking for Motor Vehicles';
  - Renewable energy and sustainability in the design.
  - The provision of open space is in accords with the requirements of the Interim Planning Guidance and is considered satisfactory in this regard as discussed previously under 'Housing';
  - Although some window to window separation distances are at 16m, this is merely at the closest point of the spherical towers. No significant privacy, overlooking or outlook impacts result, as the outlook from the towers is a 365 degree panorama, with offset windows, rather than being single aspect buildings which directly face each other.
- 8.156 No other potential amenity impacts have been identified. Overall, taking into account all matters in an on-balance assessment, the amenity of future occupiers and users of the scheme is satisfactorily achieved and appropriate mitigation proposed to a suitable level of noise attenuation and air quality. The scheme accords with policies stated in this section which seek to protect the amenity of future occupiers. Therefore, there are no sustainable reasons for refusal in this regard.



## Neighbour Impacts

- 8.157 Impacts during construction such as noise, dust, vibration and general disturbance, vehicular movements are temporary and not a planning consideration. Nevertheless it is noted that these will be mitigated through a construction management plan and any unreasonable or excessive impacts will be subject to investigation and enforcement action.
- 8.158 There are no significant neighbour impacts identified with the operation of the scheme. The overshadowing affects of the proposal were considered by the Council's Environmental Health Team and were not considered significant. There are no significant privacy/overlooking impacts and any noise or general disturbance impacts. Vehicular access and parking is discussed under 'Transport'. Any impacts to the capacity of service provision including education, health and transport will be mitigated by the s106 planning contributions.

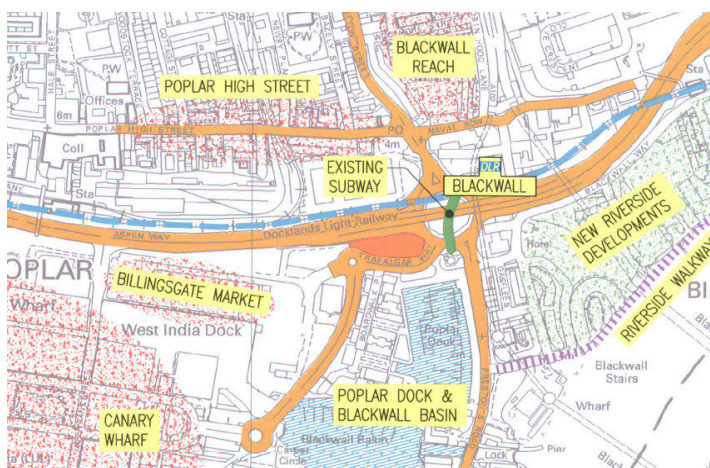
## Transport

- 8.159 In consideration of national policy, PPG13 'Transport' seeks to integrate planning and transport from the national to local level. Its objectives include: promoting more sustainable transport choices; promoting accessibility using public transport, walking and cycling; and reducing the need for travel, especially by car. Both PPS1 'Delivering Sustainable Development' and PPS3 'Housing' seek to create sustainable developments.
- 8.160 Pursuant to regional policy, The London Plan (Consolidated 2008), 2A.1 'Sustainability Criteria', 3A.7 'Large Residential Developments', state that developments should be located in areas of high public transport accessibility. In addition to this criteria Policy 3C.1 'Integrating Transport and Development' also seeks to promote patterns and forms of development that reduce the need for travel by car. Policy 3C.2 advises that, in addition to considering proposals for development having regard to existing transport capacity, boroughs should "...take a strategic lead in exploiting opportunities for development in areas where appropriate transport accessibility and capacity exists or is being introduced". Policy 3C.19 'Local Transport and Public Realm Enhancements' indicates that boroughs (as well as TFL) should make better use of streets and secure transport, environmental and regeneration benefits, through a comprehensive approach of tackling adverse transport impacts in an area. In respect of Policy 3C.20 'Improving Conditions for Buses', the Mayor, TFL and boroughs will work together to improve the quality of bus services, including consideration of the walkways *en route* to bus stops from homes and workplaces, to ensure they are direct, secure, pleasant and safe.
- 8.161 In respect of local policy, the UDP 1998, Policy ST25 seeks to ensure new housing development is adequately serviced by public transport. Policy ST28 seeks to reduce unnecessary dependency on cars. Policy ST30 seeks to improve safety and convenience for all road users including cyclists and pedestrians. Policy T16 states that the consideration of planning applications will take into account the requirements of the proposed use and any impact posed. Policy T18 indicates that priority will be given to pedestrians in the management of roads and the design and layout of footways. Improvements to the pedestrian environment will be introduced and supported in accordance with Policy T19, including the retention and improvement of existing routes and where necessary, their replacement in new management schemes in accordance with Policy T21.
- 8.162 Having regard for the IPG 2008, DEV17 'Transport Assessment' states that all developments, except minor schemes, should be supported by a transport assessment. This should identify potential impacts, detail the schemes features, justify parking provision and identify measures to promote sustainable transport options. DEV18 'Travel Plans' requires a travel plan for all major development. DEV19 'Parking for Motor Vehicles' sets maximum parking levels pursuant to Planning Standard 3.

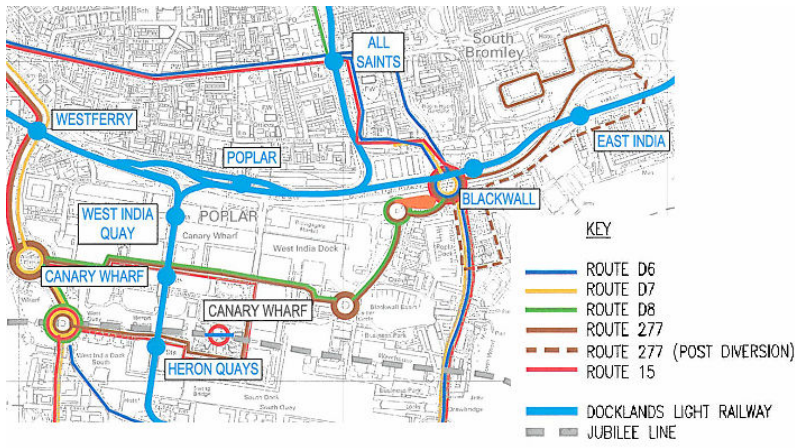
- 8.163 A Transport Assessment and Travel Plan document, produced by WSP Development and Transportation (Oct 07) was submitted in support of the scheme. It considers the accessibility of the site having regard to all available modes of transport in the surrounding area; it predicts the level of trip generation of the development in terms of different modes of transport, such as trips by car, DLR and walking; it assesses the effects of the scheme on the transport capacity of different modes in the area; it presents the sustainability strategy adopted for the scheme; and it also considers the servicing and refuse for the site. Of particular note is the Connectivity Report which considers the sites integration into the area.
- 8.164 In addition, a financial contribution of **£1,563,264** has been agreed for connectivity improvements to Trafalgar Way and Preston's Road roundabout. This will enhance the integration of this island site with the local area and its range of transport, facilities, and services. This responds to the concerns expressed by Members about the perceived isolation of this island site currently, notwithstanding the audit of pedestrian and cycling connections as part of the connectivity report.
- 8.165 Key aspects of the scheme are discussed below including the improvements in site connectivity.

### Connectivity

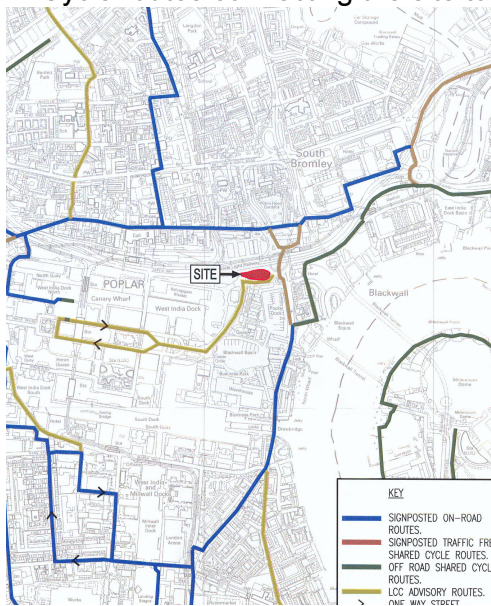
- 8.166 In the course of considering of the original version of this scheme in the October 2008 Strategic Development Committee meeting, as well as the previous case PA/08/274 in the May 2008 meeting, Member's expressed concern for the site's level of connectivity with the surrounding area, especially in light of the considerable amount of development proposed.
- 8.167 This section seeks to offer comfort to Member's that their concerns have been fully explored. A Connectivity Report was included in the Transport Assessment submitted in support of the application. It has examined the area context, the destinations of travel, the linkages between, and the potential improvements to them.
- 8.168 In respect of the area context, the illustrative plan below shows the significant barrier to north-south movement posed by Aspen Way.



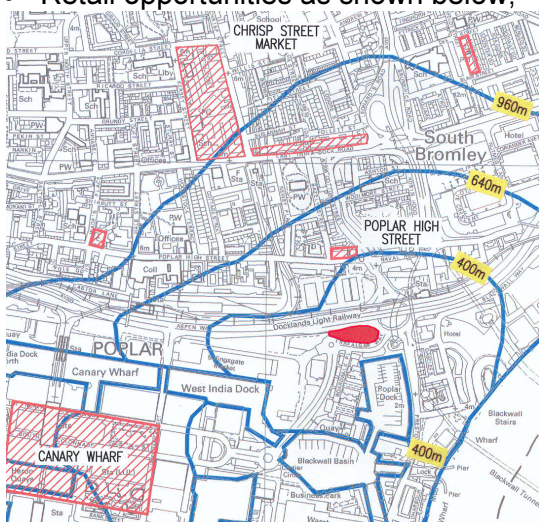
- 8.169 The Connectivity Report identifies the following destinations in the area that could be accessed by future residents of the scheme:
- Public transport services provided by DLR, London Underground and bus routes D6, D7, D8, 15 and 277 which are available in the area as shown below;



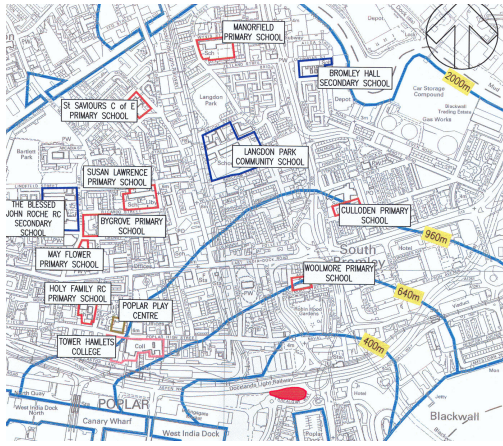
- Cycle routes connecting the site to greater London shown below;



- A future Crossrail station which could be within 0.5km of the site;
- Retail opportunities as shown below;



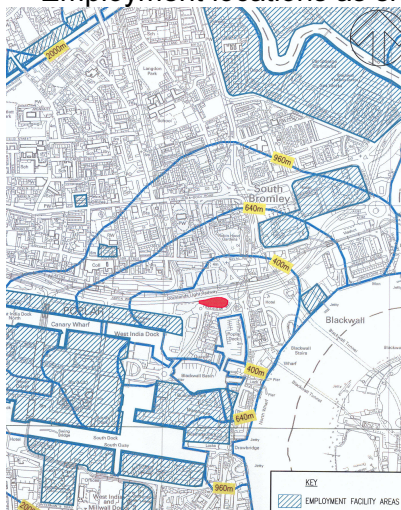
- Education locations as shown below;



- Healthcare locations as shown below;



- Employment locations as shown below;



- Recreation opportunities in locations shown below;



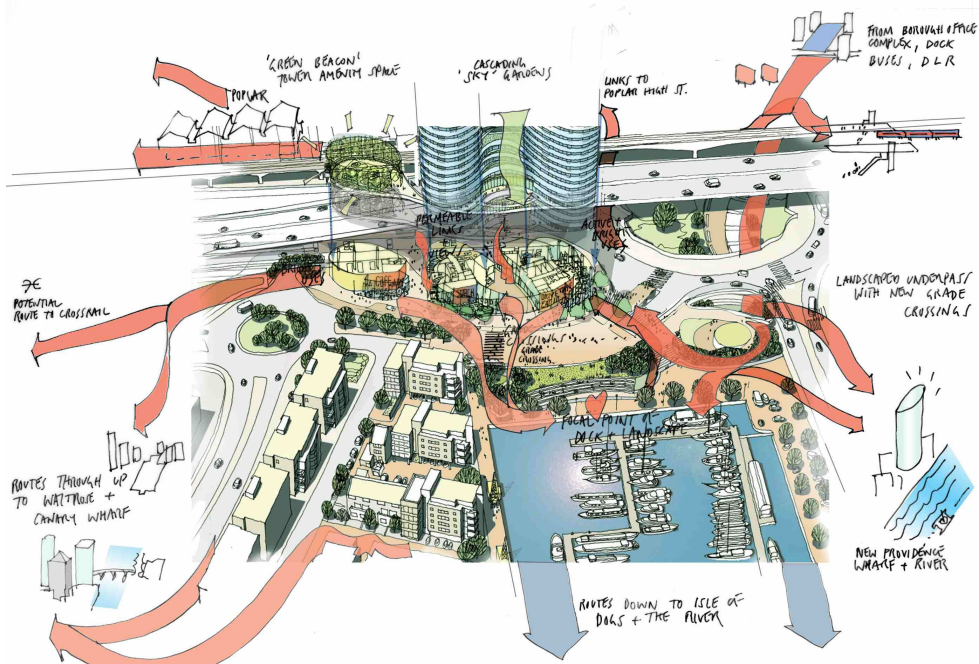
- 8.170 The above analysis indicates that a large number destinations are within walking distance of the application site:
- Public transport (Bus 0.3-0.4km; Underground 0.4-1km; DLR <0.4km)
  - Schools (Primary 0.4-0.6km; Secondary 1-1.5km)
  - Playground (0.4-0.6km)
  - Playing fields/Park (0.8-1km)
  - Shops (Local 0.4-0.8km; District centre 1.5-2km)
  - Healthcare (Centres 0.8km & 1km; Hospital 5km)
- 8.171 Given that a majority of destinations are to the north, improving north-south connectivity is a priority
- 8.172 The Connectivity Report includes a comprehensive audit of pedestrian and cycle connectivity in all directions has been undertaken. In summary:
- The report considers the site has excellent connectivity to the south towards the Isle of Dogs as well as to Poplar Dock, Blackwall Basin and South Dock;
  - In terms of northbound routes: the key destination is Polar High Street which can be reached in four to five minutes on foot by a route that is assessed as having good quality; London Cycle Network routes provide links to City of London, Hackney and Royal Docks; although, pedestrian links could be enhanced by at-grade crossing on Preston's Road roundabout;
  - For eastbound routes: there is good connectivity to Blackwall DLR and Mulberry Place; the subway system is well maintained although there are obvious benefits if an at-grade crossing was created; although, it is suggested that this would only result in minimal reduction in travel times to destinations in comparison the existing subway system nevertheless, the benefits are more to do with personal security particularly for night time usage; and
  - For westbound routes: there is generally good connectivity to the Canary Wharf Estate which has numerous pedestrian points and excellent security; pedestrian and cycle connections could be significantly enhanced by measures along Trafalgar Way,

immediately adjacent the application site; cycling opportunities to the west along Trafalgar Way and Poplar High Street are available.

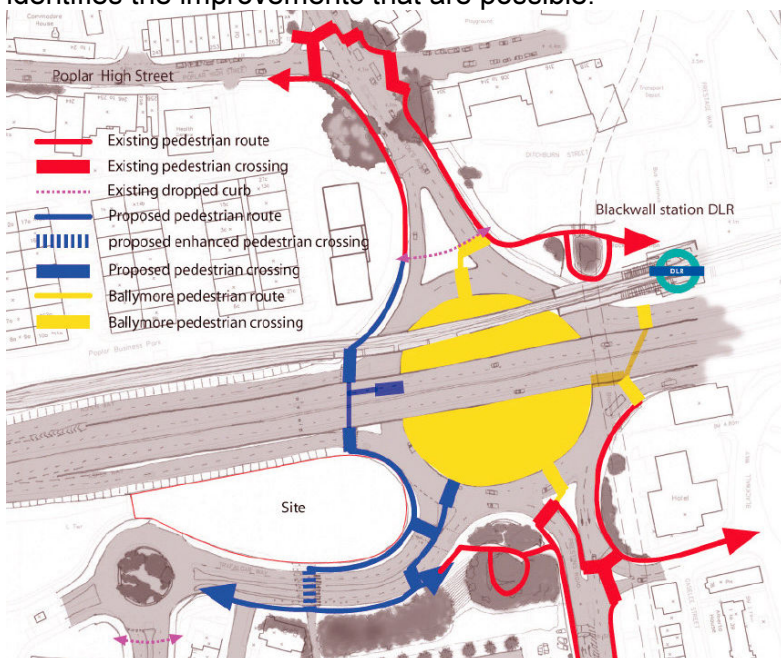
8.173 The connectivity improvements recommended by the report relate to pedestrian connections across Trafalgar Way and Preston's Road roundabout. To this end, the applicant has agreed to a planning contribution of **£1,563,264** to fund these works.

- 8.174 In terms of the upgrade to Trafalgar Way, this involves:
- Construction of a raised table for virtually the length of the site;
  - Construction of a landscaped median strip with mature tree planting; and
  - Reinstating the pedestrian crossing.

8.175 The diagram below illustrates the connections that would be achieved.



8.176 In terms of the future upgrade to Preston's Road roundabout, the illustrative plan below identifies the improvements that are possible.



8.177 At the time of the development of New Providence Wharf to the east of the subject site,

there was concern about the suitability of the Preston's Road subway system to accommodate the increasing population expected in this area. At that time, the Council's Highways Team recommended that pedestrian connectivity improvements be explored given their survey of pedestrian using the subway.

- 8.178 As part of the Building C New Providence Wharf application PA/06/2101 (approved 24 April 2008), the s106 planning agreement included an obligation for the applicant to establish a legal framework for a working group (consisting of Council, developers, statutory stakeholders and other parties) to deliver pedestrian connectivity improvements to Preston's Road roundabout. This, along with the s106 planning contribution will facilitate the creation of a scheme and the financial means to implement it. In addition, sites such as 2 Trafalgar Way would contribute as they came forward for development.
- 8.179 The delivery of the roundabout improvements is split in two phases. Phase 1 involves the modelling/justification to finalise the design. Aspects of this design to be implementation in phase 1 including:
- Provision of 4 x signalised pedestrian crossings across the roundabout (Aspen Way eastbound slip road, eastern arm of the roundabout, southern arm of the roundabout, northern arm of the roundabout);
  - Alterations to boundary walls to create a more direct access between Aspen Way eastern slip road and the East India DLR station;
  - Infill of the subway system if necessary; and
  - Reinstatement of highway (E.g. curbs, pavements, signs, street lighting, and road marking) and utilities infrastructure (e.g. surface water drainage).
- 8.180 It was intended that the framework and costs of phase 1 would be largely borne by the New Providence Wharf application. Later schemes such as 2 Trafalgar Way would contribute to the remaining elements, particularly phase 2.
- 8.181 Phase 2 of the roundabout improvement involves:
- Construction of a pedestrian bridge across the Preston's Road roundabout;
  - Roundabout to provide direct, at-grade north-south connection; and
  - Finalisation of the scheme (e.g. landscaping).
- 8.182 In summary, there is a comprehensive approach underway to improve connectivity particularly for the pedestrian environment as guided by national, regional and local policy. This will enhance the ability for future residents to access the public transport options, as well as the employment, educational, and medical services and recreational opportunities of the surrounding area. Therefore, this outcome should provide comfort to Members that their concerns regarding connectivity have been fully explored and resolved. Future residents will not be isolated; rather, this scheme will integrate them into the area and all the opportunities it has to offer. Consequently, this issue is not considered a sustainable reason for refusal.

#### Existing MacDonald's car parking and Drive-thru

- 8.183 In respect of the provision of the MacDonald's and associated facilities, including parking and drive-thru, this is an existing aspect of the operation of the MacDonalds which will be retained.

#### Residential car parking design and numbers

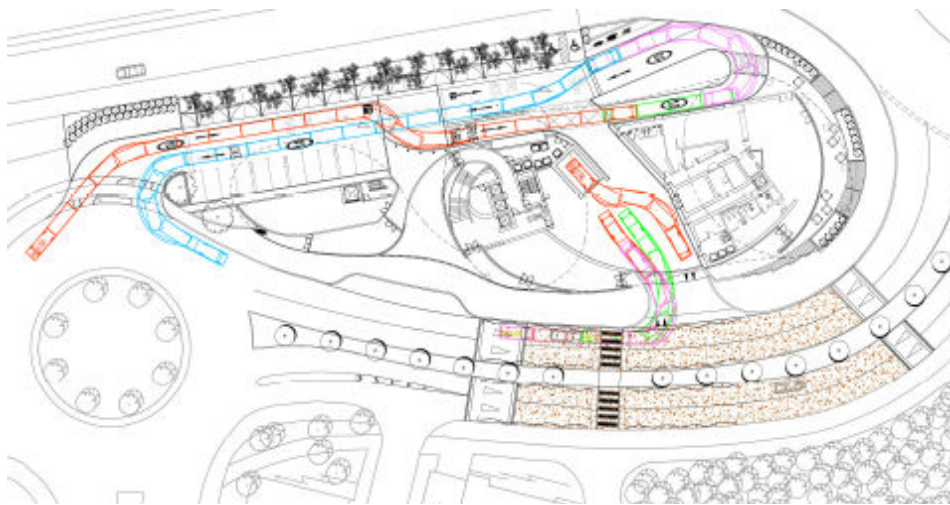
- 8.184 The residential car storage facility has been considered by the Highways Team in their discussions with the applicant's consultant. The mechanised car parking system is considered to be acceptable and especially beneficial for users with a disability whom may otherwise have difficulty in using a basement parking area. Sufficient car queuing area for the basement access point is available on site to deal with peak demand. Therefore there

is no significant impact to warrant refusal.

- 8.185 In respect of provision, a total of 97 car spaces are proposed. This represents 0.23 spaces per unit provision against policy which allows for up to 0.5 spaces per unit. Therefore the scheme is policy compliant and a reason for refusal in this regard is not sustainable.

#### Vehicle/pedestrian conflicts and safety

- 8.186 The ground floor plan below shows an elliptical ('8'-shaped) circulation system for the drive through facility with vehicles entering and leaving the site at the western end. The restaurant parking is also accessed from the western end of the site, it being noted that this is an existing parking access and egress point for MacDonalds. The access to the residential car lift is via a separate access from the south, which also provides an egress for the restaurant parking and loading.



- 8.187 In respect of the pedestrian interface, pedestrian thoroughfares and entry points to the tower and ground floor commercial activities are located on the southern and eastern edges of the site. These are pedestrian only areas, not accessible by vehicles. Consequently, there is no safety concern as there is no interaction with vehicle traffic. Where there is the possibility of interaction, it is in the area to the rear of site in the Macdonald's parking area and drive-thru loop. In considering the potential conflict, it should be noted that the Macdonald's parking and drive-thru is existing. Where pedestrians may choose to take the shortest path between car parking and the restaurant entrances, the development provides for a marked pedestrian crossing, thereby alerting drivers and giving priority to pedestrians. Therefore, the ground floor layout is considered acceptable, having addressed pedestrian access and safety which such that it has priority.

#### Road capacity

- 8.188 In respect of transport capacity, the Highways Team has considered this issue and raised no objection. The scheme is within the capacity of the local road network based on detailed analysis and 24hr traffic surveys and is therefore acceptable in this regard.
- 8.198 It should be noted that the Strategic Transport Team suggest that the highway network is reaching capacity in this area. Therefore, future applications that further intensify activity in this area will need to clearly demonstrate that their cumulative impact upon the network is not significantly adverse.

#### Planning contributions

- 8.190 The s106 agreement includes the requirement for a car-free development to prevent future



occupiers from applying for parking permits in the area. Also, planning contributions have been secured for connectivity improvements as discussed previously.

### Concluding remarks

- 8.191 In summary, the provision of parking for both the commercial and residential components of the scheme is acceptable. The ground level design provides separation/segregation between pedestrian and vehicles and in other instances, measures to alert drivers and to ensure pedestrians are given priority. Importantly, pedestrian access to the residential towers does not involve interaction with vehicles. The scheme is also within the capacity of the local road network based on detailed analysis and 24hr traffic surveys. A significant planning contribution is secured for works to upgrade the Preston's Road roundabout and Trafalgar Way, thereby achieving significant improvements in north-south connectivity. Therefore, the development is considered acceptable and is recommended for approval.

### **Environmental Impact Assessment (EIA)**

- 8.192 A scoping opinion was prepared by Romboll Whitybird in July 2007 and commented upon by both the Environment Agency and LBTH in August 2007. Recommendations for ecological enhancements through the scheme were also made by Thomson Ecology in November 2007. Subsequently, the application is supported by an EIA addressing the following topics:

- Socio-economics;
- Transport and access;
- Noise and vibration;
- Air quality;
- Land quality;
- Water resources;
- Townscape and visual amenity;
- Microclimate (wind);
- Daylight and Sunlight;
- Aviation safety;
- Television and radio interference;
- Waste resources;
- Sustainability; and
- Mitigation and residual effects

- 8.193 At the time of lodgement of the current application, the Environmental Statement (ES) was updated to reflect the variations as compared with the previous scheme PA/08/274. The following points are noted:

- Additional information was provided in respect of chapters 5 'socio-economics' and 10 'water resources' and placed re-notified. No objection was received.
- It was considered that there was sufficient information in chapter 11 'townscape and visual' along with the plans, and other documents to fully assess the impact of the proposal. It is noted that there is no change in the appearance from the previous application which was considered to be acceptable.
- It is considered that archaeology has been adequately addressed in a separate report and no further information needed. Whilst the site does not fall within an archaeological priority area, a stand-alone archaeological assessment was nevertheless provided. English Heritage (Archaeology) considered the application and recommended an appropriately worded condition and informative for investigation/recording. It is noted in the archaeology report that there is only potential for pre-historic peat deposits, there was not evidence of any significant Roman, Saxon medieval or early post medieval occupation, and that the site was part of the London docks in the 19<sup>th</sup> century.

- Notwithstanding comments by Natural England, LBTH ecology officer considers that ecology has been adequately addressed and no further information is needed. The Council's ES Scoping Report indicated that there were no negative effects expected and that the site has very few ecological features. It was suggested that this situation could be significantly improved by providing brown roofs. As part of the application, brown roofs are proposed. Also, the site survey by Thomson Ecology concluded that there was limited potential for nesting birds and negligible ecological value in general. Therefore, no further surveying was recommended. The Council's Ecology Officer, Parks and Open Spaces, has assessed the scheme and raises no objection.

8.194 In concert with the latest amendments to the scheme, a further report was prepared. It confirms that the issues and final conclusions as to the acceptability of the scheme are unchanged from the point of view of the environmental assessment. Consultee responses to the ES are provided in section 6. Detailed consideration of issues is provided throughout section 8. It is considered that all relevant issues have been taken into account and no significant impacts will result for existing and future residents as well as the surrounding environment.

## **S106 Planning Contributions**

### Introduction

8.195 Circular 05/2005 outlines, among other things, the broad principles of Planning Obligations. Obligations can take the form of private agreements or unilateral undertakings given by a developer and are '*intended to make acceptable development which would otherwise be unacceptable in planning terms*'.

8.196 Planning obligations can be used in the following three ways:

- (i) They may be used to *prescribe* the nature of the development to ensure it is suitable on planning grounds. For example by requiring a given proportion of housing is affordable;
- (ii) Secondly they may require a contribution to *compensate* against loss or damage that will result from a development. For example loss of open space;
- (iii) Thirdly obligations may be used to *mitigate* against the impact of a development. For example through increased public transport provision.

8.197 Planning Obligations should only be sought where they are found to meet the 5 key tests of the Secretary of States policy, as outlined in Circular 05/2005. The tests should be considered in conjunction with the guidance contained within the circular and can be summarised as follows: -

- (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.

8.198 Circumstances may arise where it is not feasible for a development scheme to be both economically viable and compliant with all local, regional and national planning policy requirements. Guidance within the circular states that in such cases, '*where the development is needed to meet the aims of the development plan, it is for the local authority and other public sector agencies to decide what the balance of contributions should be*'.

8.199 Similarly the circular states that decisions on the amount of contributions *'should be based [on] negotiation with developers over the level of contribution that can be demonstrated as reasonable to be made whilst still allowing development to take place'*.

8.200 Policy DEV4 of the adopted UDP and Policy IMP1 of the emerging Local Development Framework, Submission Document clearly indicate that the Council will seek to enter into planning obligations with developers where appropriate and where necessary for a development to proceed.

#### Overview of s106 offer

8.201 Previously, an affordable housing toolkit, indicated that only a planning contribution of £5,000 per unit and 28% affordable housing was possible. Following LBTH negotiations, the agent agreed to contribute £8,000 per unit and 30% affordable housing. This current version of the application secures 35% affordable housing, £8k per unit as well as a contribution in-lieu of providing family sized affordable housing off-site. The **£16.169m** package of contributions is considered acceptable and discussed in more detail below.

#### Affordable housing

8.202 In respect of affordable housing, the **35%** affordable housing offer comprises a proportion of units on site (**69 units**) plus an off-site contribution (**£12.857m**) in-lieu of affordable family housing.

8.203 In terms of delivery of housing via in-lieu contributions, the Planning Contributions Overview Panel (PCOP) manages these funds and allocates it for projects.

8.204 Contributions would put towards Council-lead and preferred partner RSL programs for affordable family housing in the borough on both council and RSL land. Projects can be to build new family housing, or purchasing family housing on existing estates (ex-right to buy dwellings for example) which will then be brought up to Decent Homes standard.

8.205 The advantages of taking a commuted sum in-lieu of onsite provision, or requiring the developer to secure an alternative site to deliver of family housing, are as follows:

- Family housing at lower density;
- Family housing with lower service charges;
- Units where there is established services and infrastructure;
- Units bought or development on existing estates benefit from established management operations and caretaking;
- Units are not subject to the sub-regional nominations agreements meaning 100% of units go to tower hamlets residents; and
- Potential scope to provide family housing borough wide in more than one location.

#### Health

8.206 The Primary Care Trust (PCT) requested the developer contribute £2,202,419 health (£505,379 Capital + £1,697,040 Revenue) towards primary care needs of future residents. Given the range of contributions being sought for this site, the five tests of the Circular 05/2005 as well as a pro-rata rate of what was agreed for PA/08/274, it is considered that seeking only the capital component could be readily justified. The full justification for not seeking a revenue contribution is provided in the previous reports for the subject scheme and PA/08/274 is attached. A pro-rata contribution which covers the capital contribution for 414 units (**£569,664**) however, is considered to be satisfactory.

#### Education

8.207 In respect of an education contribution, the Council's Education department have requested a contribution of £419,628 towards the provision of school places. The s106

package will contribute **£632,592** towards the education needs which represents a pro-rata contribution of what was previously secured in negotiations as part of PA/08/274.

### Transport

- 8.208 In respect of transport, the Traffic and Transportation Team verbally confirmed the acceptability of a pro-rata contribution of **£1,563,264** for improvements to the Preston's Road roundabout and pedestrian linkages across Trafalgar Way.
- 8.209 In addition, there will be standard S278 highway improvements/ modifications, including:
- new access points,
  - Modification of existing access points and general repaving as required.

No formal advice had been received from TFL in respect of contributions they would consider appropriate such as contributions towards buses or the DLR although this may be provided through the Stage 2 comments from the GLA.

- 8.210 A 'Car Free' agreement is recommended to restrict the occupants from applying for residents parking permits in the area.

### Amenity space

- 8.211 In respect of other heads of terms, British Waterways (BW) previously requested a contribution for upgrade and improvement of BW land adjacent Poplar Dock which will serve as amenity space. The agent indicates an initial independent estimate of £560,000.00 for such works as part of the previous application PA/08/274. However, given the available monies potentially secured and the current estimate for the transport contributions, a contribution of £522,989.00 was realistic and considered acceptable. A pro-rata **£546,480** is secured as part of this application.
- 8.212 The agreement will include the requirement for the design, including landscaping to be submitted for approval in writing to LBTH prior to commencement. Council's arborculturalist and Parks and Landscape team, as well as British Waters and Natural England, will need to consider the detailed design prior to commencement.

### Other heads

- 8.213 Other heads of terms include Transport Assessment, TV/radio reception monitoring and impact mitigation, employment/training initiatives and public art opportunity.
- 8.214 Overall, the revised planning contributions negotiated by LBTH with the developer are considered to be acceptable, in line with the guidance of the Circular, and will mitigate the impacts of the development.

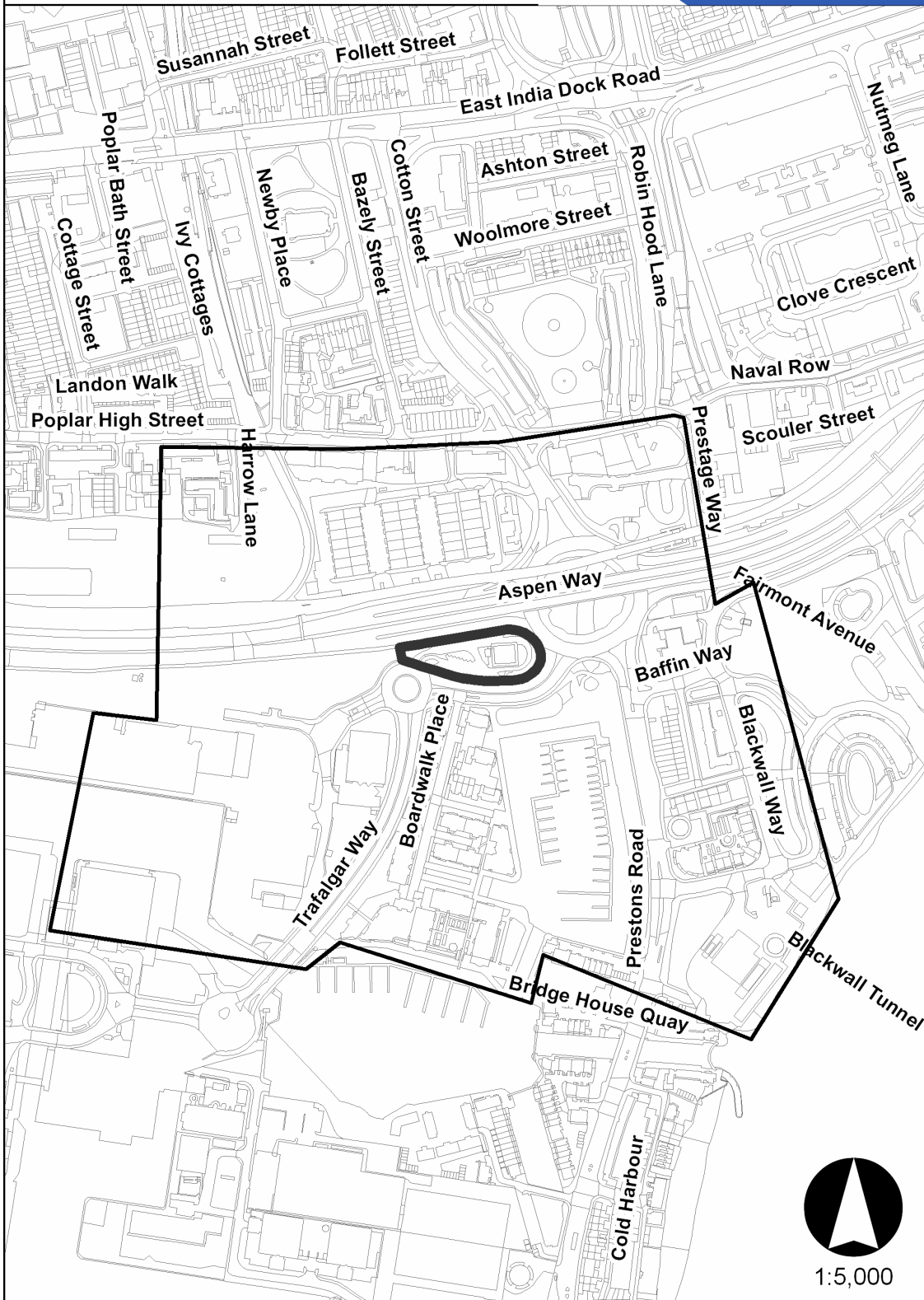
## **9.0 Conclusions**

- 9.1 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.

### **List of Appendices**

- **Site Plan**
- **9<sup>th</sup> Oct 2008 report for PA/08/01321**
- **29<sup>th</sup> May 2008 report for PA/08/00274**
- **Illustrative trickle and mechanical ventilation examples**

Planning Application  
Site Map



Planning Application Site Boundary



Consultation Area



Land Parcel Address

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. The Site Map was reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationary Office (c) Crown Copyright. London Borough of Tower Hamlets LA100019288

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<b>Committee:</b> Strategic Development	<b>Date:</b> 09 October 2008	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b>
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Planning Application for Decision	
<b>Case Officer:</b> Jason Traves		<b>Ref No:</b> PA/08/01321	
		<b>Ward(s):</b> Blackwall and Cubitt Town	

## 1. APPLICATION DETAILS

**Location:** Site At 2 Trafalgar Way  
**Existing Use:**  
**Proposal:** Redevelopment of the site to provide a residential-led, mixed use scheme comprising 355 residential units, 48 serviced apartments, re-provision of a drive-through restaurant (Class A5), retail or financial and professional service units (Class A1/A2), crèche, gymnasium, associated amenity space and car parking.

**Drawing No's:** Plan No's:  
 950-100-C3; 950-32-C2; 950-SK-34; 950-33-C2  
 0215: A0000-01; A1000-01; A1100-01; A1101-01; A1102-01, A1103-01; A1104-03; A1105-03; A1106-03; A1107-03; A1108-03, A1109-03; A1200-01, A1201-01; A1202-02; A1203-01; A1300-01; A1301-01; A1302-01; A1303-01; A1304-01; A1305-01; A1306-00; A1307-01; A1400-01; A1401-01; A1402-01

1045: L90-200-G; 201-E; L90-202-B; L90-203-A; L90-204-A; L90-300-D

Documents:  
 Planning Statement  
 Supplement to Planning Statement  
 Archaeology Assessment  
 Affordable Housing Toolkit  
 Statement of Community Involvement  
 Design and Access Statement  
 Energy Renewable Toolkit  
 Addendum to the Energy renewable Toolkit  
 Environmental Statement – Non Technical Summary  
 Environmental Statement – Volume 01  
 Environmental Statement – Volume 02  
 Environmental Statement – Volume 03  
 Transport Assessment  
 Addendum to Transport Assessment  
 Service Apartment Provision at 2 Trafalgar Way, Canary Wharf

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

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

**Applicant:** 2 Trafalgar Way Limited and McDonalds Real Estate LLP Limited  
**Owner:** As above  
**Historic Building:** N/A  
**Conservation Area:** N/A

## 2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

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

(1) The principle of a mixed use scheme is acceptable on this site as supported by PPS1: Creating Sustainable Development, as well as Policies 2A.1, 2A.9, 3B.1, 3B.3 and 5C.1 of the London Plan (Consolidated 2008) which seeks the efficient use of sites, in a way that is sustainable.

(2) A high density scheme is considered to be an efficient use of the site that results in no significant adverse impact. Whilst exceeding the density nominated in the London Plan (Consolidated 2008) and LBTH Interim Planning Guidance (2633 habitable rooms per hectare) it is considered to be acceptable on balance for the following reasons:

- The scheme is of high architectural quality;
- A tall building is appropriate in the areas context;
- There are no symptoms of overdevelopment;
- There are no adverse impacts to neighbours, residents and users of the site;
- There is access to public transport;
- Significant planning contributions have been secured to mitigate the demand for local facilities and services.

(3) The scheme is considered to deliver good-quality housing that will cater for the needs of residents within the Borough. The scheme provides for the maximum possible affordable housing (30%) having regard to the Affordable Housing (Three Dragons) toolkit. It is also balanced by the need to secure planning contributions in other matters. On balance, it is acceptable in respect of Policy CP22 of the LBTH Interim Planning Guidance which seeks affordable housing to ensure a balanced and mixed community.

(4) The proposed family housing achieves the amount required in the social rent and shared ownership tenures, pursuant to CP21 of the Interim Planning Guidance. It therefore meets housing needs in this respect. In terms of overall family housing provision (24%), the scheme considerably exceeds the levels secured borough-wide as shown in the LBTH Annual Monitoring Report 2006/7. Moreover, it is considered acceptable in view of the tight confines of the site. As such, the scheme is in line with Policy CP21 which seeks to ensure a sustainable community.

(5) In addition to the provision of affordable and family housing, there is a good standard of residential amenity achieved in this scheme. In particular:

- All flats exceed the minimum floorspace standards in accordance with HSG13 of the LBTH Adopted UDP 1998 and 'Residential Space' SPG;
- Communal amenity open space is provided in accordance with HSG16 of the LBTH adopted UDP 1998, Policy HSG7 of the Interim Planning Guidance and Residential Space SPG;
- Every flat has a balcony;
- A children's play area and crèche is provided in accordance with HSG16 of the LBTH adopted UDP 1998, Policy HSG7 of the Interim Planning Guidance and Residential Space SPG;



- Over 10% wheelchair housing is provided in accordance with HSG9 of the Interim Planning Guidance;
- The scheme has been designed to Lifetime Homes standards, in accordance with HSG9 of the Interim Planning Guidance.

(6) The architectural quality of this tall building is appropriate for the site. Additionally, it has no significant visual impact posed on the surrounding context. Consideration of the criteria of tall buildings policy DEV27 'Tall Buildings Assessment' LBTH Interim Planning Guidance and Policies 4B.1 'Design Principles for a Compact City', Policy 4B.10 'Large-Scale Buildings – Design and Impact' and Policy 4B.9 'Tall Buildings – Location' of The London Plan (Consolidated 2008) indicate that the scheme satisfies the context, design, and amenity criteria and is therefore appropriate in this location. Furthermore, there are no adverse impacts upon views, including those from St Annes Church or any significant impact to the view from General Wolfe Statue in Greenwich Park pursuant to The Mayor's London View Management Framework' 2007. As such, the proposal is in line with Policy DEV27 'Tall Buildings Assessment' LBTH Interim Planning Guidance and Policies 4B.1 'Design Principles for a Compact City', Policy 4B.10 'Large-Scale Buildings – Design and Impact' and Policy 4B.9 'Tall Buildings – Location' of The London Plan (Consolidated 2008) which seek to ensure tall buildings have high architectural quality and are appropriately located.

(7) No significant loss of privacy, overlooking, noise and disturbance or overshadowing impacts to neighbours are identified. Therefore, the proposal is in accordance with DEV2 of the LBTH Adopted UDP 1998, and Policy DEV1 of the Interim Planning Guidance which seek to protect neighbour amenity.

(8) The scheme is considered to be within the transport capacity of the area, with no significant impact posed. An extensive analysis indicates that the local road system has the capacity to accommodate the trips generated by this scheme. It is also considered that there is no safety impact posed to residents and users on site, owing to the ground floor level design. In respect of the re-provision of MacDonald's car parking and drive-thru facility, these were already approved. The residential car parking is below the maximum threshold for residential parking provision suggested by policy and is therefore considered acceptable. Finally, the scheme secures planning contributions to upgrade the Aspen Way roundabout. This will improve access between the site and Blackwall DLR station giving future residents improved public transport accessibility to greater London. Therefore the scheme is considered to be in accordance with PPG13 as well as Policies 2A.1, 3A.7, and 3C.1 of the London Plan (Consolidated 2008) and Policies CP1, CP41, CP43, DEV16 of the LBTH Interim Planning Guidance which seek to ensure development in sustainable locations, which caters for the needs of future residents and users, without unacceptable harm to the local area.

(11) The scheme secures significant planning contributions to mitigate the demand of additional residents on local facilities and services. In accordance with Circular 05/2005 of planning contributions, the scheme secures affordable housing (30%) as well as contributions for transport, education, health and amenity space improvements and to acoustic barrier treatment along Aspen Way. The contributions have increased significantly as compared to the original offer. Following extensive analysis, they are considered to represent the maximum contribution possible. Therefore, the contributions are considered acceptable.

### 3. RECOMMENDATION

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

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

- B. The prior completion of a **legal agreement** to secure the following planning obligations:
- a) A proportion of **30%** based on habitable rooms of the proposed units to be provided as affordable housing with a 70:30 split between social rent and shared ownership tenures;
  - b) Provide **£1,340,480.00** towards highway improvements;
  - c) Provide **£542,440.00** towards education to mitigate the demand of the additional population on education facilities;
  - d) Provide **£488,480.00** towards medical facilities to mitigate the demand of the additional population on medical facilities;
  - e) Provide **£468,600.00** towards an improved public space between the site and Poplar Dock to supplement the private and communal open space achieved of site;
  - f) Provide for car club, car-free agreement, Travel Plan, TV/radio reception monitoring and impact mitigation, employment/training initiatives, public art opportunity

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

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

**Conditions:**

- 1) Time limit for Full Planning Permission
- 2) Details of the following are required:
  - External appearance and materials board
- 3) Full particulars of the children's play area are required
- 4) Parking for a maximum 97 cars (60 x residential basement spaces, 37 x MacDonalds restaurant spaces)
- 5) Hours of construction limits (0800 – 1800, Mon-Fri: 0800 – 1300 Sat)
- 6) Piling hours of operation limits (10am – 4pm)
- 7) Details of insulation of the ventilation system and any associated plant required
- 8) Wheel cleaning facility during construction
- 9) Renewable energy measures, satisfying 20% of energy demand to be implemented in accordance with the ES and Renewable Energy Toolkit.
- 10) Land contamination study required to be undertaken with remediation certificate
- 11) Method of piling to be implemented as required by EA
- 12) No infiltration to ground waters required by the Environment Agency (EA)  
Flood warning system as required by the EA
- 17) Archaeology details required by English Heritage
- 18) Full particulars of a delivery and servicing plan to be agreed prior to the commencement of development
- 19) Full particulars of insulation measures, including the barrier around the children's play area, shall be provided in accordance with the PPG 24 noise assessment contained in the ES  
Full particulars of air quality criteria including background values, receptors, and mitigation are required
- 20) The waste and recycling facilities to be provided in accordance with the approved plans
- 21) Construction Management Plan required
- 22) Full particulars of the green roof to be provided
- 23) Full particulars of extract ventilation and ductwork
- 24) Lifetimes Homes standards and 10% should be wheelchair accessible
- 25) No roller shutters on commercial units
- 26) Code for sustainable homes compliance

- 27) Full details of the CHP are required
- 28) Water supply impact studies to be agreed prior to commencement as required by Thames Water
- 29) Details of works to highways to be submitted
- 30) Full particulars of PVs are required
- 31) Full particulars of the air quality mitigation measures to be submitted
- 32) Any additional conditions as directed by the Corporate Director Development and Renewal

### **Informatives**

- 1) Subject to s106 agreement
- 2) Consult the Environment Agency in terms of conditions 10-17
- 3) Consult Metropolitan Police in terms of conditions 2 & 3
- 4) Consult English heritage on materials condition 2
- 5) Consult LBTH Parks, LBTH landscape, natural England, BW and English Nature on the s106 for poplar dock
- 6) Consult port of London authority form construction mgt plan
- 7) Site notice specifying the details of the contractor required
- 8) EA prior approval for dewatering
- 9) Registration of food premises
- 10) Inspection prior to occupation
- 11) Obtaining consent under the pollution act prior to commencement
- 12) Submission of an archaeological project design
- 13) S278 highways agreement
- 14) Licence for structures oversailing the public highway
- 15) Drainage provision
- 16) Fitting petrol/oil interceptors
- 17) Installation of fat traps
- 18) Water supply provision.
- 19) No adverts without consent
- 20) Surface water discharge (BW)
- 21) Advert consent required for all signage
- 22) Bird boxes and planting bluebells per Thomson ecology recommendations
- 23) Dock wall concern of BW

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

## **4. PROPOSAL AND LOCATION DETAILS**

### **Proposal**

- 4.1 The proposal is for redevelopment of the MacDonald's restaurant/drive-thru site to provide a residential-led mixed use scheme. It includes two towers of 29 storey and 35 storeys in height. It is proposed to include 355 residential units, 48 serviced apartments, re-provision of the drive-through restaurant, retail / financial and professional service units, a crèche and gymnasium. In addition amenity space including a children's play area atop a podium level is proposed. Car parking is provided at ground level for the drive-through restaurant and in a basement for the residential units.
- 4.2 The details of the scheme are as follows:
- The provision of 604sqm Gross Estimated Area (GEA) of restaurant (A3) floorspace and 163sqm Retail (A1/A2) predicted to generate between 30 jobs in the operational

- pahse and 146 jobs during the construction phase;
- 21,799sqm of residential (C3) flats with sizes ranging between studio – 5 bedroom;
- Affordable housing provision which equates to 30% of total habitable rooms;
- Residential design that achieves level 3 for the Code for Sustainable Homes Criteria as well as 12% wheelchair housing;
- Incorporation of energy efficient and sustainable measures (i.e. the Combined Heat and Power plant) into the scheme that reduce carbon emission by 20%;
- A total of 6069sqm of amenity space comprising:
  - 2400sqm of private amenity space for residential C3 flats in the form of balconies;
  - 219sqm of private amenity space for the short-term let apartments in the form of balconies;
  - 380sqm of children’s playspace at podium level;
  - 420sqm communal space at podium level;
  - 100sqm associated with the podium level crèche;
  - 2550sqm of publicly accessible space at ground floor level, located between the site and Poplar Dock which will be upgraded as part of the s106 planning contribution undertaking;
- The provision of 97 car parking spaces comprising 60 spaces for the residential (C3) uses and 37 spaces for the MacDonald’s restaurant. 2 spaces of the MacDonalds parking are for people with a disability whilst all spaces in the residential are accessible for people with a disability;
- The provision of 407 secure cycle spaces for both residential and employment components of the mixed use scheme as well as visitors to the site; and
- The provision of refuse and recycling facilities

4.3 Noteworthy features of the scheme including the towers and the basement are described in paragraphs 4.3 and 4.4 of the May 2008 Strategic Development Committee Report which is **attached**.

#### **Differences between the previous and current schemes**

##### *Overview*

- 4.4 The differences are summarised as follows:
1. The change in use of 48 residential (C3) units into serviced apartments on levels one to three;
  2. A subsequent reduction in the residential units from 397 to 355;
  3. Installation of a 5.3m high acrylic transparent noise barrier surrounding the perimeter of the podium level of the children’s playspace;
  4. The provision of photo voltaic (PV) panels at roof level.
  5. Improvements to the wider vision landscaping and public realm including increased planting and additional public art locations identified

##### *Floorspace*

4.5 The changes in quantum of each landuse is summarised as follows:

#### **Floorspace**

<b>Use</b>	<b>Proposed area PA/08/1321 (GIA sqm)</b>	<b>Change compared to previous app PA/07/274 (GIA sqm)</b>
Residential (C3)	29,705sqm 355 units	- 3,552 - 40 units
Serviced Apartments (C1)	3,217 48 units	+ 3217 + 48 units
Retail (A1, A2)	132	- 31

Restaurant/drive-thru (A3/A5)	604	No change
Creche (D1)	98	No change
Health Club (D2)	88	No change
<b>Total</b>	<b>33,844</b>	<b>- 366</b>

*Residential C3 unit mix by tenure*

- 4.6 The differences in the schedule of residential C3 accommodation for both schemes are evident in the following tables:

**Dwelling Schedule**

<b>Withdrawn scheme PA/08/274 (Hab rms)</b>	<b>Market Sale</b>	<b>Social Rent</b>	<b>Shared Ownership</b>
Studios	63 (63)	-	4 (4)
1 Bedroom flat	86 (172)	5 (10)	10 (20)
2 Bedroom flat	105 (315)	12 (36)	13 (39)
3 bedroom flat	47 (188)	33 (132)	9 (36)
4 Bedroom flat	0 (20)	7 (35)	-
5 Bedroom flat	0	1 (6)	-
<b>Total Units</b>	<b>301 (758)</b>	<b>58 (219)</b>	<b>36 (99)</b>
<b>Total Affordable Units</b>		<b>94</b>	<b>(318)</b>

**Dwelling schedule**

<b>Current scheme PA/08/1321 (Hab rms)</b>	<b>Market Sale</b>	<b>Social Rent</b>	<b>Shared Ownership</b>
Studios	54 (54)	-	10 (10)
1 Bedroom flat	77 (154)	1 (2)	11 (22)
2 Bedroom flat	90 (270)	12 (36)	15 (45)
3 bedroom flat	45 (180)	31 (124)	2 (8)
4 Bedroom flat	-	7	-

		(35)	
<b>Total Units</b>	<b>266</b>	<b>51</b>	<b>38</b>
	(658)	(197)	(85)
<b>Total Affordable Units</b>		<b>89</b>	
			(282)

#### *Family housing by tenure*

4.7 A comparison of family sized housing between the schemes is summarised below. In the subject application, family housing comprises:

- 75% of flats in the market tenure (5% rise);
- 5% in the shared ownership tenure (20% drop); and
- 17% in the market tenure (1% rise).

Overall, there is a reduction in total family housing to 24% (1% drop).

#### **Family Housing**

<b>Tenure</b>	<b>% Policy req't</b>	<b>% PA/08/274</b>	<b>% PA/08/1321</b>
Social-rented	45	70	<b>75</b>
Intermediate (Shared ownership)	25	25	<b>5</b>
Market	25	16	<b>17</b>
<b>Total</b>	<b>30</b>	<b>25</b>	<b>24</b>

#### *Amenity space*

4.8 The scheme provides the same amount of amenity open space as the previous application. In summary it provides a total of 6069sqm of amenity space comprising:

- 2400sqm of private amenity space for residential C3 flats in the form of balconies;
- 219sqm of private amenity space for the short-term let apartments in the form of balconies;
- 380sqm of children's playspace at podium level;
- 420sqm communal space at podium level;
- 100sqm associated with the podium level crèche; and
- 2550sqm of publicly accessible space at ground floor level, located between the site and Poplar Dock which will be upgraded as part of the s106 planning contribution undertaking.

#### **Site and Surroundings**

4.9 The island site has a total area of 0.4 hectares and is located to the south of Aspen Way and to the North of Poplar Dock. The site slopes down gently towards the east. The site is currently occupied by a MacDonald's restaurant and drive-thru takeaway facility. The site currently benefits from landscaping and on-site car parking for 41 cars.

4.10 Pursuant to the London Borough of Tower Hamlets (LBTH) adopted Unitary Development Plan (UDP) 1998, the following designations apply:

- Central Activity Zone;

- Flood Protection Area;
- is within 200m of east-west Crossrail; and
- is adjacent a site of nature conservation importance.

Pursuant to the LBTH Interim Planning Guidance (IPG) the site is identified as site 'ID58' and is proposed to be used for residential (Class C3) and employment (Class B1) purposes. It also falls within a Flood Risk zone 2 – 3.

- 4.11 Pursuant to the Isle of Dogs Area Action Plan (AAP), the site is specifically identified as site 'ID58' (for Residential C3 and Employment B1 uses), is adjacent to a new housing focus area and the Crossrail route.
- 4.12 Pursuant to the Mayor's London Plan, the site is identified within an area of regeneration, is adjacent to the Canary Wharf Opportunity Area and is within an area with a Public transport Accessibility Level (PTAL) of 6a.
- 4.13 Pursuant to the Mayor's East London Sub-regional Development Framework, the site is identified within a mixed use area with strong arts, cultural and entertainment character.
- 4.14 To the north of the site is Aspen Way, and further north is a mix of predominantly residential development. To the south is a recent residential development and the Poplar Dock marina. To the west is Billingsgate Market and Canary Wharf, whilst to the east is a mix of residential and commercial floorspace (office and retail) as well as a hotel. Blackwell DLR station is close to the site, to its north east, across Aspen Way.

### Planning History

The previous application, PA/08/274 was for redevelopment to provide a residential-led, mixed use scheme. The scheme comprised of two towers of 29 and 35 storeys in height respectively. The proposed use was 397 residential C3 units, the re-provision of the drive-through restaurant, as well as retail, financial and/or professional service units. Also, a crèche and gymnasium. The scheme provided amenity space including a children's play area located atop a podium level. Residential C3 parking was proposed in a basement whilst ground floor parking would be retained at ground floor for the restaurant use.

- 4.16 At the meeting of 29<sup>th</sup> May 2008, the Strategic Development Committee resolved to refuse the application. Consequently, the decision notice was prepared with a reasons for refusal as follows:

*"1. The development is located in close proximity to major arterial roads containing very high levels of traffic that result in poor air quality and high noise levels (Noise Category Level D as identified in PPG24). The design of the development, consisting of a high density pair of towers atop a podium, has not responded appropriately to the constraints of the site, will create a low level of residential amenity for future residents and does not enable well designed mitigation of the external noise and pollution impacts. The development in its current form is therefore considered to be poorly designed for residential development and does not comply with PPS 23 and PPG 24, policies 3A.3, 4B.1, 4B.9 and 4B.10 of the London Plan (Consolidated with Alterations since 2004); policies ST23, DEV1 and DEV2 of the Unitary Development Plan 1998 (as saved 2007) and policies CP1, CP3, CP4, CP20, CP48, DEV1, DEV2, DEV5, DEV10, DEV11, DEV27 and HSG1 of the Interim Planning Guidance 2007: Core Strategy and Development Control, which seek to ensure appropriate levels of environmental amenity for future residents."*

- 4.17 It is noted that the application was withdrawn by the agent on 02 July 2008, prior to issuing the decision notice.

## 5. POLICY FRAMEWORK

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

### **Unitary Development Plan 1998 (as saved September 2007)**

Proposals: CAZ, Flood Protection Area, within 200m of east-west Crossrail, adjacent a site of nature conservation importance

Policies:	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV3	Mixed Use Developments
	DEV4	Planning Obligations
	DEV8	Protection of Local Views
	DEV9	Control of Minor Works
	DEV12	Provision Of Landscaping in Development
	DEV43	Protection of Archaeological Heritage
	DEV44	Preservation of Archaeological Remains
	DEV46	Protection of Waterway Corridors
	DEV50	Noise
	DEV51	Contaminated Soil
	DEV55	Development and Waste Disposal
	DEV56	Waste Recycling
	DEV69	Efficient Use of Water
	EMP1	Promoting economic growth and employment opportunities
	EMP5	Compatibility with Existing Industrial Uses
	EMP6	Employing local People
	EMP8	Encouraging Small Business Growth
	EMP10	Development Elsewhere in the Borough
	EMP12	Business Uses in Industrial Employment Areas
	EMP13	Residential Development in Industrial Employment Areas
	HSG7	Dwelling Mix and Type
	HSG13	Internal Space Standards
	HSG 14	Provision for Special Needs
	HSG15	Development Affecting Residential Amenity
	HSG16	Housing Amenity Space
	T10	Priorities for Strategic Management
	T16	Traffic Priorities for New Development
	T18	Pedestrians and the Road Network
	T21	Pedestrians Needs in New Development
	S10	Requirements for New Shop front Proposals
	OS9	Children’s Playspace
	U2	Development in Areas at Risk from Flooding
	U3	Flood Protection Measures

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

Proposals: IPG – ID58 (Res C3, Employment B1), Flood risk zone 2 and 3, Isle of Dogs AAP  
IOD AAP – , mixed use site, ID58 (Res C3 Employment B1), adjacent new housing focus area, adjacent res led mixed use adjacent crossrail route

Core Strategies:	CP1	Creating Sustainable Communities
	CP2	Equality of Opportunity
	CP3	Sustainable Environment
	CP4	Good Design



	CP5	Supporting Infrastructure
	CP9	Employment Space for Small Businesses
	CP11	Sites in Employment Use
	CP15	Provision of a Range of Shops and Services
	CP19	New Housing Provision
	CP20	Sustainable Residential Density
	CP21	Dwelling Mix and Type
	CP22	Affordable Housing
	CP24	Special Needs and Specialist Housing
	CP25	Housing and Amenity Space
	CP28	Healthy Living
	CP29	Improving Education Skills
	CP31	Biodiversity
	CP37	Flood Alleviation
	CP38	Energy Efficiency and Production of Renewable Energy
	CP39	Sustainable Waste Management
	CP41	Integrating Development with Transport
	CP43	Better Public Transport
	CP46	Accessible and Inclusive Environments
	CP47	Community Safety
	CP48	Tall Buildings
Policies:	DEV1	Amenity
	DEV2	Character and Design
	DEV3	Accessibility and Inclusive Design
	DEV4	Safety and Security
	DEV5	Sustainable Design
	DEV6	Energy Efficiency
	DEV7	Water Quality and Conservation
	DEV8	Sustainable Drainage
	DEV9	Sustainable Construction Materials
	DEV10	Disturbance from Noise Pollution
	DEV11	Air Pollution and Air Quality
	DEV12	Management of Demolition and Construction
	DEV13	Landscaping and Tree Preservation
	DEV14	Public Art
	DEV15	Waste and Recyclables Storage
	DEV16	Walking and Cycling Routes and Facilities
	DEV17	Transport Assessments
	DEV18	Travel Plans
	DEV19	Parking for Motor Vehicles
	DEV20	Capacity of Utility Infrastructure
	DEV21	Flood Risk Management
	DEV22	Contaminated Land
	DEV25	Social Impact Assessment
	DEV27	Tall Buildings Assessment
	EE1	Industrial Land Adjoining Industrial Land
	EE2	Redevelopment/Change of Use of Employment Sites
	EE3	Relocation of Businesses Outside of Strategic Industrial Locations and Local Industrial Locations
	RT3	Shopping Provision Outside of Town Centres
	RT4	Shopping Provision Outside of Town Centres
	HSG1	Determining Housing Density
	HSG2	Housing Mix
	HSG3	Affordable Housing
	HSG4	Ratio of Social Rent to Intermediate Housing
	HSG7	Housing Amenity Space
	HSG9	Accessible and Adaptable Homes

HSG10 Calculating Provision of Affordable Housing  
CON5 Protection and Management of Important Views

### **Supplementary Planning Guidance/Documents**

Residential Space Standards  
Archaeology and Development  
Isle of Dogs Action Plan (AAP)

### **The Mayor's Spatial Development Strategy for Greater London, The London Plan (Consolidated with Alterations since 2004) 2008**

Consider adding 2A.7, 2A.10, 3A.3, 3A.6

London Plan – area for regeneration, adjacent canary wharf opportunity area

East London Sub-Regional Development Framework – Mixed uses with strong arts, cultural and entertainment character

PTAL 6a (area only)

Polices	2A.1	Sustainability Criteria
	2A.7	Areas for Regeneration
	2A.9	The suburbs: Supporting Sustainable Communities
	3A.1	Increasing London's Supply of Housing
	3A.2	Borough Housing Targets
	3A.5	Housing Choice
	3A.7	Large Residential Developments
	3A.9	Affordable Housing Targets
	3A.10	Negotiating Affordable Housing in Individual Private Residential and Mixed use Schemes
	3A.17	Addressing the Needs of London's Diverse Population
	3A.18	Protection and Enhancement of Social Infrastructure and Community Facilities
	3A.20	Health Objectives
	3A.23	Health Impacts
	3A.24	Education Facilities
	3A.23	Community Strategies
	3A.24	Meeting Floor Targets
	3A.28	Social and Economic Impact Assessments
	3B.1	Developing London's Economy
	3B.2	Office Demand and Supply
	3B.3	Mixed Use Development
	3C.1	Integrating Transport and Development
	3C.2	Matching Development with Transport Capacity
	3C.23	Parking Strategy
	3D.11	Open Space Provision in DPDs
	3D.14	Biodiversity and Nature Conservation
	4A.22	Spatial Policies for Waste Management
	4A.7	Renewable Energy
	4A.4	Energy Assessment
	4A.3	Maximising the Potential of Sites
	4A.16	Water Supplies and Resources
	4A.17	Water Quality
	4A.18	Water and Sewerage Infrastructure
	4A.20	Reducing Noise and Enhancing Soundscapes
	4A.33	Bringing Contaminated Land into Beneficial Use
	4B.1	Design Principles for a Compact City
	4B.2	Promoting World Class Architecture and Design
	4B.3	Enhancing the Quality of the Public Realm
	4B.5	Creating an Inclusive Environment
	4A.3	Sustainable Design and Construction

4B.9	Tall Buildings – Location
4B.10	Large Scale Buildings – Design and Impact
5C.1	The Strategic Priorities for North East London

**Mayor of London’s Sub Regional Development framework For East London  
Mayor of London SPG, London View Management Framework 2007**

**Government Planning Policy Guidance/Statements**

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

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

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

**6. CONSULTATION RESPONSE**

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

**TH Primary Care Trust (PCT)**

6.2 The TH PCT requested a total planning contribution of £2,093,574.00 (Capital element £482,091.00 and Revenue element £1,611,482.00):

(Officer Comment: See section 8 of this report for discussion of s106 contributions.)

**LBTH Landscape Section**

6.3 No comments received.

**LBTH arborculturalist**

6.4 No comments received

**LBTH Ecology**

6.5 No objection to the application.

**LBTH Highways**

- 6.6
- Located in a high PTAL area;
  - Residential parking is in line with policy and is acceptable;
  - Restaurant parking not in line with current policy and has less than 10% accessible spaces provided. This is an existing use, is not considered to be justification to depart from policy
  - Loading and car club bays on the street cannot be supported
  - Concern about circulation system for restaurant-related vehicles and conflict between vehicles as well as pedestrians
  - Recommends a car free agreement, s106 for Highways works and s278 agreement

(Officer Comment: These issues are discussed in section 8: ‘Transport’.)

### **LBTH Energy Officer**

- 6.7
- In consideration of energy efficiency and renewable energy, a condition is recommended requiring a feasibility study of the cooling, heating and power systems proposed, as well as the renewable energy systems to be employed in the scheme
  - In respect of sustainability, a condition is recommended for full details of the compliance with Code for Sustainable Homes criteria, prior to commencement and occupation

(Officer comment: The conditions are recommended if the Committee is minded to approve the application.)

### **LBTH Environmental Health – Health**

- 6.8 No comments received

### **LBTH Environmental Health – Construction, Noise/vibration, Microclimate (wind) and BRE (daylight sunlight) Issues**

- 6.9
- Final details of the noise assessment and odour control in respect of the restaurant ventilation ductwork should be conditioned
  - Final details of the noise barrier to the children’s play area at podium level required
  - Final details of noise mitigation measures of the gymnasium to protect residents is required
  - Final details of noise mitigation measures for the facades to address category D road noise
  - Final details of noise mitigation measures for the penthouse apartments to deal with aircraft noise
  - Concern raised in respect in the reduction of VSC light values, although they advised that ADF values are tolerable
  - Recommends a shadow analysis be undertaken
  - Details of the microclimate mitigation measures at particular locations as identified are required.

(Officer Comment: Further discussions with the officer confirmed that matters raised had been sufficiently dealt with by submission of additional information. In addition, an appropriately worded condition is recommended for full particulars of the noise barrier surrounding the children’s play area).

### **LBTH Environmental Health – Land Contamination Issues**

- 6.10 No comments received.

### **LBTH Environmental Health – Air quality**

- 6.11 The Air Quality officer indicates that the following matters should be conditioned:
- The choice of background concentration values;
  - The choice of receptors for the assessment;
  - The criteria used to inform the assessment; and
  - Emission data for the CHP

(Officer comment: Appropriately worded conditions are recommended if the Council recommends approval.)

### **LBTH Education**

- 6.12 No comments received.

### **LBTH Waste**

- 6.13 No comments received.

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

- 6.14
- Principle of development – supported;
  - Housing – Satisfied the 30% affordable housing is the maximum possible;
  - Serviced apartments should be resisted;
  - Density – reduction as a consequence of serviced apartments is acceptable and still a suitable maximising of the site in accordance with London plan Policy;
  - Mix – not significantly affected in the current application;
  - Views of the Greenwich World Heritage Site – only a marginal effect on the setting of the world heritage site and its listed buildings;
  - Layout and appearance – ground floor is well-considered; service entrance cuts across pedestrian environment; circulation spaces and flat layout fairly spacious; final details of the noise barrier around the playspace should be agreed with LBTH; elevations and appearance is one of the strongest aspects of the development; transport s106 contributions welcomed;
  - Access – over 10% of units wheelchair accessible/adaptable;
  - Children’s playspace – child occupancy calculated at 140 kids and the playspace required is 1400sqm. Given that 6125sqm amenity space is being provided including the crèche and ecological space (brown roofs), it is considered that the scheme meets the requirements to cater for the expected child occupancy on the site;
  - Energy – 20% energy reductions targeted but outstanding issues are the extent of the district heat network, evidence of the sizing and efficiency of the CHP, commitment to photovoltaic panels
  - Climate change and adaptation – Scheme satisfactorily addresses the relevant issues;
  - TFL comments – level of car parking, especially for the restaurant is contested; expects contributions towards the Preston’s Road roundabout and improvements in connectivity to Blackwell DLR; cycle parking complies with policy; no significant impact on the local bus network; delivery and servicing plan and construction management plan required if the scheme is approved; the sound barrier on the Aspen Way flyover should be accommodated on site; welcomes the travel plan
  - LDA comments – principle of development supported; welcomes childcare provision; financial contribution towards healthcare should be considered; encourages LBTH to consider employment and training initiatives; supports the provision of serviced apartments;
  - Legal considerations – LBTH to consult the mayor when a resolution is made;
  - Financial considerations – none apply
  - Conclusion – affordable housing (compliant), Mix (compliant), Density (compliant), Urban design (compliant), access (compliant), children’s playspace (complaint), energy (non-compliant), Climate change (compliant), Transport (non-compliant)
  - Recommendations - (1) Energy – provide further clarification, (2) reduce the restaurant parking.

(Officer comments: See section 8 for full discussion of the above matters.)

### **The Government Office of London**

- 6.15 No comments received

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

- 6.16 No objection to the scheme and recommends the following conditions:
- Flood warning system required
  - Land contamination investigation and assessment required
  - Verification report form remediation required
  - Ammendment to remediation strategy, to address instances where new contaminants are found during works
  - No infiltration of groundwater without approval
  - Method of piling and foundations required

(Officer Comment: The above conditions are recommended if the Committee were to grant planning permission.)

**TFL (Statutory Consultee)**

- 6.17 Advice that the noise barrier along the Aspen Way flyover should be relocated to the application site unless the developer can demonstrate why this is not viable.

(Case Officer comment: Discussions with TFL further indicated that their concern about the barrier was in respect of maintenance and liability issues associated with the structure. Also the potential safety concern of drivers being distracted by advertising hoardings. The planning agent has advised that it is not possible to relocate the barrier to the application site. Given that noise mitigation is acceptably achieved through window glazing specification, it has been agreed with the Council's Environmental Health Team for the noise barrier to be deleted from the application.)

**DLR**

- 6.18 No comments received

**BBC**

- 6.19 No comments received

**English Heritage (Statutory Consultee)**

- 6.20 EH advise that the comments in respect of the previous application PA/08/274 apply to this application. EH have concern about the scheme's impact on conservation area views (E.g. from All Saints church, East India Dock Road) and the effect of the materials and design, especially its shiny finish.

(Officer comment: The impact to conservation area views is discussed in section 8 under 'Design'.)

**English Heritage (Archaeology)**

- 6.21 No objection to the scheme. An appropriately worded condition for a program of archaeology to be agreed.

**London City Airport (Statutory Consultee)**

- 6.22 No safeguarding objection to the proposed development

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

- 6.23 The Authority has no safeguarding objection to the proposal.

**Thames Water Authority**

- 6.24 Waste comments:

- It is the developers responsibility to provide adequate drainage
- No building should be located within 3m of sewers without Thames Water approval
- Petrol/oil interceptors in the car parking areas is required
- Fat trap for all catering establishments is required

Water Comments

- Recommends a condition for a water supply impact study, prior to the commencement of the scheme, as it is considered that the water supply infrastructure in the area is insufficient

Additional comments

- Peak sewer discharge should not exceed the historic peak. This is achievable by on-site detention

(Officer comment. It is recommended that these matters are dealt with by planning conditions and informatives if the Council is consider granting planning permission)

### **British Waterways**

6.25 No objection was raised to the scheme. The Authority recommended the following conditions:

- Details of landscaping
- Details of lighting and CCTV
- Risk assessment and method statement to be provided in respect of works adjacent the water
- Feasibility study for water borne freight movement

(Officer Comment: The conditions are to be imposed if the Council considers granting planning permission.)

### **Lea Valley regional Park Authority**

6.26 No comments received

### **Metropolitan Police**

- 6.27
- Does not consider that previous advice has been taken on board
  - Considers there to be too many odd shaped buildings which create recessed and hidden areas
  - Concern about the restaurant drive-through route and the potential it has for accidents
  - Still many areas that do not benefit from overlooking or an active frontage
  - Issue of terrorism using vehicle born weapons and that CCTV would not mitigate these concerns

(Officer Comment:

- In respect of recessed areas and overlooking, it is considered that the activity at the ground floor associated with the restaurant, flats and short-term let apartments will provide a deterrent to crime and anti-social behaviour that may otherwise occur on a less active site;
- In respect of the drive-through route, the potential for accidents cannot be quantified and would appear to be no higher than previously. It is considered that there is no significant impact that would justify a refusal of this matter;
- The potential threat of terrorism is not quantified. Given there is no supporting information justifying the validity of this assertion, a reason for refusal cannot be justified.)

### **London Fire and Emergency Planning Authority (LFEPA)**

- 6.28
- Comments as per previous application PA/08/274, that they raise no objection to the scheme having received the following clarification:
    - The stacking arrangement of the parking facility
    - The lower car park plan
    - Inclusion of the escape stair for the basement
    - Reliance on an engineering design solution needs to be clarified
  - Cooking facilities in flats should not interfere with means of escape although this is a building control issue
  - Consideration could be given to domestic fire sprinklers

(Officer Comment: This advice was forwarded to the agent for their information.)

### **London Borough of Greenwich**

6.29 The borough raise no objections.

### **Natural England**

6.30 Natural England advise they have no further comments to make other than those given in

respect of PA/08/274. They felt that the Environmental Statement does not consider fully the nesting and breeding of birds. They noted Black Redstarts are found in LBTH, and the Isle of Dogs has the most breeding pairs. A condition is therefore recommended to ensure impacts during works are minimised. The nesting, breeding and seasonal requirements should be factored into the construction program as well as in a management strategy for the birds on site during this phase. A management program is recommended for maintaining planting on site and to include the green/brown roofs in this plan. A legal agreement is recommended to secure the maintenance and continued provision of accessible natural greenspace.

(Officer Comment: The Thompson Ecology Habitat Survey was submitted as part of the Environmental Impact Assessment (EIA). It states that there was no evidence of Black Redstarts on site. In addition to this, the ecological consultant advised that Black Redstarts prefer to nest in derelict sites of brick and rubble rather than trees. Advice was that a new habitat would be provided for Black Redstarts in the form of the proposed brown roofs. Finally, the s106 legal agreement includes monies to improve the open space in between the site and Poplar Dock, which has the potential to support natural greenspace.)

#### **Port of London Authority**

- 6.31 The Authority raised no objection to the application. The Authority considers the site to be ideally placed to allow the bulk of building materials to come by river and suggests a condition or planning agreement should be imposed to ensure this.

(Officer Comment: An appropriately worded informative is recommended for the Authority to be consulted as part of the discharge of the construction management plan condition to establish what opportunities exist to utilise waterborne transport.)

#### **National Grid**

- 6.32 The Authority consider the risk to be negligible.

#### **Canary Wharf Group PLC**

- 6.33 No comments received

#### **Crossrail**

- 6.34 The Authority advise that the application site is outside the limits of land that is subject to consultation under the Safeguarding Direction. Therefore, they do not wish to make any comments regarding this application.

#### **CABE**

- 6.35 No comment on the scheme.

#### **Barkantine Tenants and Residents Association**

- 6.36 No comments received.

#### **Alpha Grove and Barkantine Tenants Association**

- 6.37 No comments received

#### **Maritime Greenwich World Heritage Site**

- 6.38 No further comments made in addition to those for the previous application PA/08/274. here they noted the site is considerable distance from Maritime Greenwich. Nevertheless it is visible from Greenwich Park and is in the GLA London View. Concern is raised regarding the enlargement of the cluster of tall building to east and west of the Canary Wharf cluster which may create a wall of buildings. The gap is important as it visually defines Canary Wharf and extending this group of buildings as viewed from the park is a concern. Also, there is concern for scale and design of the tower.

(Officer Comment: The agent has provided CGIs and additional written justification in support



of the scheme in response to these concerns as discussed in detail in Section 8 under 'Design'.)

### **The Greenwich Society**

6.39 No comments received

## **7. LOCAL REPRESENTATION**

7.1 A total of 985 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No. of individual responses: 7 Against: 2 Support: 5 Neutral: 0

7.2 The following local groups/societies made representations:

- Poplar Dock Boat Users Association

7.3 The following comments were raised in representations that are material to the determination of the application:

#### Positive

- Support for the scheme in view of the improvements to local pathways/walkways
- The scheme is considered to improve traffic routes
- The scheme will be an improvement to the environment in general
- The scheme is considered improve the visual amenity of the area
- The scheme is considered to be high quality

#### Negative

- Traffic generation and access issues with particular reference to the construction phase
- Noise
- Another residential development is not needed in this area

(Officer comment: These matters were considered in the previous application PA/08/274 and are unchanged by the current application)

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

- It was noted in comments that there are no negative comments from boaters at Poplar Dock
- Indicated that there was concern whether or not the McDonalds would be retained, it being noted that it is a facility benefiting the local community.
- Littering
- A stand alone fast food outlet is not suitably located in this area
- Damage to roads and footpaths during construction

## **8. MATERIAL PLANNING CONSIDERATIONS**

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

1. Consideration of the previous reasons for refusal
2. Landuse
3. Housing
4. Design
5. Amenity for future occupiers and users
6. Neighbour Impacts

7. Transport Impacts
8. Sustainability
9. Planning Contribution

### **Reason for refusal**

- 8.2 Prior to being withdrawn, the Committee resolved to refuse the scheme. Although not issued, the draft decision notice was prepared with the reason for refusal as follows:

*“1. The development is located in close proximity to major arterial roads containing very high levels of traffic that result in poor air quality and high noise levels (Noise Category Level D as identified in PPG24). The design of the development, consisting of a high density pair of towers atop a podium, has not responded appropriately to the constraints of the site, will create a low level of residential amenity for future residents and does not enable well designed mitigation of the external noise and pollution impacts. The development in its current form is therefore considered to be poorly designed for residential development and does not comply with PPS 23 and PPG 24, policies 3A.3, 4B.1, 4B.9 and 4B.10 of the London Plan (Consolidated with Alterations since 2004); policies ST23, DEV1 and DEV2 of the Unitary Development Plan 1998 (as saved 2007) and policies CP1, CP3, CP4, CP20, CP48, DEV1, DEV2, DEV5, DEV10, DEV11, DEV27 and HSG1 of the Interim Planning Guidance 2007: Core Strategy and Development Control, which seek to ensure appropriate levels of environmental amenity for future residents.”*

- 8.3 As outlined in section 4 the amended scheme comprises a series of modifications to improve amenity for future residents. These are summaries as follows:

- A reduction in residential C3 units from 394 to 355 thereby reducing the overall intensity of the scheme in respect of permanent residents on the site. Consequently, there is a reduced impact to local facilities and infrastructure included transport, health, education and open space provision;
- Replacing the residential C3 uses at the first to third floors with short term let apartments. This will mean that permanent residents are located on the upper floors affording greater separation and dispersion from the noise and air pollution source of Aspen Way;
- The installation of noise barriers surrounding the podium level play space to offer further amelioration of noise impact to residents and users of the development;

- 8.4 In addition, the Council’s Environmental Health section has recommended appropriately worded conditions to further ensure air quality is addressed in the detailed design and construction of the application to safeguard a suitable level of amenity for future residents.

- 8.5 Overall, the application is considered to offer improved level of amenity for a reduced number of residents. It is therefore considered that the concerns raised by the committee about the intensity of the development and level of amenity have been responded to and appropriately addressed in the revised scheme. The application is considered to accord with PPS 23 and PPG 24, policies 3A.3, 4B.1, 4B.9 and 4B.10 of the London Plan (Consolidated with Alterations since 2004); policies ST23, DEV1 and DEV2 of the Unitary Development Plan 1998 (as saved 2007) and policies CP1, CP3, CP4, CP20, CP48, DEV1, DEV2, DEV5, DEV10, DEV11, DEV27 and HSG1 of the Interim Planning Guidance 2007: Core Strategy and Development Control, which seek to ensure appropriate levels of environmental amenity for future residents.

### **Landuse**

#### Introduction

- 8.6 As noted in the ‘Site and Surroundings’ section 4 of this report, the site is designated as ‘ID58’ in the Isle of Dogs AAP and is proposed to be used a residential-lead, mixed-use

purposes.

#### Principle of mixed use

- 8.7 National, regional and local policy promotes a mixed use development approach on this site, subject to the following considerations.
- 8.8 In respect of national policy PPS 1: Creating Sustainable Development (Jan 05), the PPS promotes in its 'General Approach' the more efficient use of land with higher density, mixed-use schemes. It suggests using previously developed, vacant and underutilised sites to achieve national targets. This consideration of the effective use of land, and the range of incentives or interventions to facilitate this is also encouraged in 'Effective Use of Land' of PPS3 'Housing' (Nov 06).
- 8.9 In respect of regional policy, The London Plan (Consolidated 2008), 2A.1 'Sustainability Criteria' also promotes the optimal use of land. Policy 2A.9 'The Suburbs: Supporting Sustainable Communities' refers to promoting change and enhancing of quality of life with higher density, mixed use development and by considering means of improving sustainability of land use. Policy 3B.1 'Developing London's Economy' seeks to support the economy of London by promoting a range of premises of different types and sizes thereby encouraging the mixed uses. Policy 3B.3 'Mixed Use Development' (90) mentions that mixed uses are also encouraged with sub-regional development frameworks. Identifying capacity to accommodate new job and housing opportunities, through mixed-use development, is encouraged in Policy 5C.1 'The Strategic Priorities for North East London'.
- 8.10 In policy terms, a mixed use scheme is policy compliant on this site. Therefore, this mixed use residential and commercial scheme is acceptable in principle.

#### Principle of short-term let apartments

- 8.11 The principle of short-term let apartments is acceptable being in accordance with Policy EE4 of the LBTH Interim Planning Guidance. A 'Serviced Apartment Provision at 2 Trafalgar Way' statement was provided in support of the scheme indicating the apartments would address the policy criteria by including the following:
- Dedicated reception and lobby;
  - Regular cleaning
  - Laundry and linen service
  - 24 hour room service
  - Internet and entertainment services
  - A centrally managed telephone service
  - Maximum occupation of units for 90 days
  - The operator will manage and business of the serviced apartments by a lease or contractual agreement.
- 8.12 Accordingly, the apartments are considered to comply with the requirements of Policy EE4 Serviced Apartments of the LBTH Interim Planning Guidance which seeks to ensure accommodation is provided on a short term basis only and provides a sufficient level of service for the temporary occupiers.

#### Density

- 8.13 Policy 3A.3, 'Maximising the Potential of Sites' of The London Plan, CP20 'Sustainable Residential Density' and HSG1 'Determining Residential Density' of the Interim Planning Guidance, outline the standards for maximising the intensity and the efficient use of sites.
- 8.14 The proposal is equivalent to 2350 habitable rooms per hectare (compared to 2633 habitable rooms per hectare of PA/08/274) which is in excess of published local and regional guidance. These are as follows:
- London Plan: 650-1100 habitable rooms per hectare in an area of a Public

Transport Accessibility Index (PTAL) 4-6 for central areas (within 800m walking distance of Canary Wharf);

- LBTH Interim Guidance: 650-1100 habitable rooms per hectare in PTAL 4-6 in northern isle of Dogs area.

8.15 The density is in excess of the range of the London Plan and LBTH Interim Guidance. However, it is considered that the density is acceptable for the following reasons:

- There are no significant impacts identified for neighbours;
- There are no significant impacts identified for future residents;
- There are no symptoms of overdevelopment, including poor design, substandard accommodation, inappropriate housing mix;
- The scheme is of high architectural quality;
- Tall buildings are appropriate in this location;
- The scheme has acceptable access to public transport;
- Planning contributions for transport, health, education and amenity space will be secured to compensate for the demand that the scheme will pose to local service and facility provision.

8.16 For these reasons the scheme is considered to be an efficient use of the site and not over-dense.

8.17 Furthermore, higher density is also promoted by Interim Planning Guidance Policy CP20 'Sustainable Residential Density' which states:

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

8.18 In addition, high density precedents have been recently approved in the adjacent area. In particular application PA/04/00510 at Land S/w Jnc Of Poplar High St And Preston's Road And East Of Poplar Business Park, Preston's Road. A density in excess of 2259 habitable rooms per hectare was granted in 2006 for this scheme. Nearby, New Providence Wharf is also a high density scheme.

8.19 Therefore, on balance, the density is considered acceptable given that the proposal poses no significant impacts, is appropriate to the area context and planning contributions will be secured.

#### Principle of Housing

8.20 Consideration in this section is limited to the principle of a residential component in a mixed-use redevelopment. The quality of the provision is discussed separately under 'Housing'.

8.21 The scheme is identified in the Isle of Dogs AAP as development site 'ID58. Its description indicates a residential C3 component of any redevelopment scheme is considered acceptable. In respect of the London Plan (Consolidated 2008), the site is within the North-East sub region and should also have regard to the Blue Ribbon Network. However, there are no specific designations identified for this site. Therefore there is nothing to prevent the consideration of a residential component.

#### Concluding Remarks

8.22 Generally, a residential-lead, mixed-use scheme is appropriate and justified in terms of policy.

#### **Housing**

The mix of units is set out in section 4.

### Affordable Housing

- 8.24 Policy CP22 'Affordable Housing' requires a 35% affordable housing provision.
- 8.25 An Affordable Housing (Three Dragons) Toolkit was submitted in justification for providing a reduced affordable housing contribution. Issues including build cost and residual land value were identified as affecting the financial viability of the scheme. Additionally, the provision of affordable housing is balanced with the need to provide planning contributions in other areas including transport, health and education.
- 8.26 Initially, the scheme offered a contribution 28% affordable housing and £5,000.00 per unit based on the affordable housing toolkit. The applicant reconsidered this and improved the contribution to 30% affordable housing and £8,000.00 per unit in financial contributions. The agent confirmed that, in light of the scheme's economic viability, the scheme could not increase the affordable housing offer further. After extensive review by Council Officers, it is considered the figures appear to be reasonable, and that the 30% affordable housing provision is the maximum that can be provided. The GLA also come to the same conclusion as officers.
- 8.27 Policy 3A.8 of the London Plan states that:  
*'Boroughs should seek maximum reasonable amount of affordable housing when negotiating on individual private residential and mixed-use schemes, having regard to their affordable housing targets adopted in line with policy 3.7, the need to encourage rather than restrain residential development and the individual circumstances of the site. Targets should be applied flexibly, taking into account of individual site costs, the viability of public subsidy and other scheme requirements'.*
- 8.28 In accordance with GLA requirement, the Council have sought the maximum amount of affordable housing whilst taking into account the factors set out in the policy 3A.8 of the London Plan. These include the most effective use of private and public investment, which includes the use of financial contributions. In this case, the most relevant planning contributions (financial contribution or public investment) offered by this scheme (as worked into the viability assessment) includes:
- £1,340,480.00 towards highway safety improvements;
  - £542,440.00 towards education to mitigate the demand of the additional population on education facilities;
  - £488,480.00 towards medical facilities to mitigate the demand of the additional population on medical facilities; and
  - £468,600.00 towards an improved public space between the site and Poplar Dock to supplement the private and communal open space achieved of site;
- 8.29 Overall, in the light of the viability assessment produced for the proposed development, the overall s106 package and additional regeneration benefits arising from the proposal, the failure to provide a minimum of 35% affordable housing is considered acceptable on balance. The proposed development is therefore in accordance with policy 3A.7 and 3A.8 of the London Plan and policies CP22, HSG3 and HSG4 of the LBTH Interim Planning Guidance.
- 8.30 Moreover, a similar on-balance consideration was given to the nearby application for Building C New Providence Wharf (Ref PA/06/2101). In this scheme the revised affordable housing toolkit indicated that a maximum provision of 32% affordable housing was possible. This application was approved by the Strategic Development Committee on 31<sup>st</sup> January 2008. Therefore, it is considered reasonable that similar regard should be had to the merits of this application and the contribution of affordable housing being offered.
- 8.31 In addition to the above requirement, Policy 3A.7 'Affordable Housing Targets' of The London Plan (Consolidated 2008) requires a 70:30 split between social rent and shared

ownership tenures. The scheme achieves a split of 70:30 and is therefore acceptable in this regard.

#### Family Housing

- 8.32 Family sized housing is a requirement in all three housing tenures (market, social-rent, shared-ownership) although varying amounts are required in each.
- 8.33 Policy CP21, 'Dwelling Mix and Type' requires family housing in all three tenures. For intermediate housing the policy requires 25% family housing and the scheme provides 5%. For social-rent housing, 45% is required and 75% is provided. In the market housing, 25% is required and 17% is provided. This corresponds to a total provision of 24% family housing provision across the whole scheme for which the policy aspiration is 30%.
- 8.34 It is noted that this improves upon the recent approval of nearby Building C, New Providence Wharf, application PA/06/2101 for 30% affordable housing of which a total of 16% family housing was achieved.
- 8.35 Whilst short on of the nominated percentages in the market and shared ownership tenures, this shortfall should be considered within the following context:
- The difficult site context;
  - Viability issues and the need to balance housing provision with other planning necessary planning contributions;
  - The comparatively high proportion of family housing in the social rent tenure;
- Overall, it is felt that the family housing offer is the best possible compromise.

In addition, it should be noted that the scheme exceeds the amount of family housing otherwise achieved across the borough based on the most recently published LBTH Annual Monitoring Report 2006-7 and is therefore, a positive step towards LBTH achieving key housing targets and better catering for housing need.

#### Wheelchair Housing and Lifetime Homes

- 8.36 Policy HSG9 'Density of Family Housing' of the Interim Planning Guidance requires housing to be designed to Lifetime Homes Standards and for 10% of housing to be wheelchair accessible or "easily adaptable". A total of 11.3% (40 units) is provided, in compliance with policy.

#### Floor Space

- 8.37 Policy HSG13 'Conversions and Internal Standards for Residential Space' of the adopted UDP 1998 and Supplementary Planning Guidance (SPG) 'Residential Space' (adopted 1998) set the minimum space standards for residential developments.
- 8.38 The floorspace schedule for the scheme shows that the total floor area of each flat as well as individual rooms, complies with the SPG requirements.

#### Amenity Space

- 8.39 Policy HSG 16 'Housing Amenity Space' of the adopted UDP 1998 requires schemes to incorporate adequate provision. The Residential Space SPG 1998 sets the space criteria as does HSG7 'Housing Amenity Space' of the Interim Planning Guidance. The LBTH Residential Space SPG also sets criteria for calculating open space. The policy requirements are summarised below.

#### **Residential Space SPG 1998 requirements**

Family Units	85	50sqm of private space per family unit	4250
Non-family units	270	50sqm plus an additional 5sqm per 5 non-family units;	320
Child Bed spaces	105	3sq.m per child bed space	315
<b>Total</b>			<b>4885</b>

#### Interim Planning Guidance

Units	Total	Minimum Standard (sqm)	Required Provision (sqm)
Studio	64	6	384
1 Bed	89	6	534
2 Bed	117	10	1170
3 Bed	78	10	780
4 Bed	7	10	70
5 Bed	-	10	
<b>TOTAL</b>	<b>355</b>		<b>2938</b>
<b>Communal amenity</b>		50sqm for the first 10 units, plus a further 5sqm for every additional 5 units	<b>395</b>
<b>Total Housing Amenity Space Requirement</b>			<b>3333</b>

- 8.40 The application exceeds the minimum standards of both the UDP and Interim Guidance proposes a total provision of approximately **6069sqm** the following amenity space provision:
- 2400sqm is private amenity space for the residential C3 flats in the form of balconies;
  - 219sqm of private amenity space for the short-term let apartments in the form of balconies
  - 420sqm of communal amenity space at podium level (excluding brown/green roofs);
  - 380sqm of children's play area and 100sqm of outdoor space relating to the crèche;
  - 2550sqm of public open space adjacent to Poplar Dock
- 8.41 The overall amenity space provision across the scheme exceeds the total required provision of the Interim Planning Guidance. (The adopted UDP).
- 8.42 In addition, 315sqm of child playspace is required and the scheme makes provision for 480sqm in the form of a dedicated playspace as well as 100sqm of outdoor play area associated with the crèche.

#### Concluding Remarks

- 8.43 On balance, the affordable housing provision (of 30%) is considered the maximum possible in light of the viability of the scheme and the need to consider other planning contributions including transport, health and education. It is noted that the same on-balance justification has been applied to another recently approved scheme, namely, Building C New Providence Wharf. The total provision of 24% family housing is also considered acceptable

and considerably exceeds the 7.1% of family housing achieved across the borough as indicated in the Annual Monitoring report 2006/7. Finally, the proposed units have a sufficient total floor area and amenity space provision to meet the amenity needs of its future occupiers.

## **Design**

### Introduction

- 8.44 Guidance in the form of policy, as well as approved schemes nearby guide the design considerations of this scheme.
- 8.45 Pursuant to regional Policy contained within The London Plan (Consolidated 2008), Policy 4B.1 'Design Principles for a Compact City' requires schemes, amongst other criteria, to create/enhance the public realm, respect local context/character and be attractive to look at. Policy 4B.9 'Tall Buildings – Location' outlines considerations for the siting of tall buildings which includes tall buildings as a "catalyst" for regeneration. Policy 4B.10 'Large-Scale Buildings – Design and Impact' provides further guidance on design considerations, including context, attractiveness and quality.
- 8.46 In consideration of Local Policy and the saved policies of the adopted UDP 1998, Policy DEV1 'Design Requirements' indicates a need for a development to be sensitive to the area, the capabilities of the site, consideration of street frontages, building lines roof lines and street patterns and provide for safety and security. Within the Interim Planning Guidance CP4 'Good Design' buildings and spaces should be high quality, attractive, safe and well integrated. Policy CP48 'Tall Buildings' confirms that tall buildings can be considered anywhere if justified and all proposals should seek, amongst other things, to contribute to a high quality, attractive environment, respond to context and contribute to vitality.
- 8.47 In addition to the Planning Statement, the application is supported by full drawing sets including landscaping plan, as well as a Design and Access Statement, Landscape Design Statement, Townscape and Visual Assessment (within the EIA).

### Tall Buildings

- 8.48 The scheme is defined as a tall building pursuant to the LBTH Interim Planning Guidance, namely:
- "Buildings or structures generally exceeding 30m in height, or which are significantly higher than the surrounding buildings (usually 2 or more storeys higher), dependant on the scale of existing development and character of the area"*
- 8.49 Accordingly, local and regional tall buildings policy advise on the relevant considerations for tall buildings and discussed below in detail below. Moreover, there is a range of published national policy including PPS1, PPS3 and PPG15 as well guidance that includes 'By Design' published by DETR/CABE in 2000.
- 8.50 Policy CP49 Tall Buildings of the LBTH Interim Planning Guidance states:
- "3) All proposals for tall buildings must:*
- a) contribute positively to a high quality, attractive environment;*
  - b) respond sensitively to the surrounding local context;*
  - c) not create unacceptable impacts on the surrounding environment, including the surrounding amenity;*
  - d) contribute to the social and economic vitality of the surrounding area*
  - e) not create unacceptable impacts on social and physical infrastructure"*



- 8.51 In respect of 3a, the scheme is considered to contribute positively to a high quality and attractive environment for the following reasons:
- It proposes good internal floorspace as well as a range of outdoor open space options as detailed under the 'Housing' chapter of this report;
  - The scheme provides complimentary facilities to the residential C3 uses, including a gymnasium and crèche which will benefit future residents;
  - The scheme provides for waste, recycling and cycle storage to serve future residents;
  - The application proposes high quality external finishes, creative architectural treatments, including the sky gardens suspended between the towers as well as perforated metal panel cladding. All of this creates a very distinctive and unique architectural statement that will add to the variety of buildings in this evolving urban context.
- 8.52 In respect of 3b the scheme responds sensitively to the context in the following ways:
- In terms of ground floor treatment, the building is designed in such a way that it addresses the ground floor street frontages with a series of entrances, and open pedestrian thoroughfares, whilst minimising the impact of vehicular access to the western edge of the site and a discrete point at the southern edge of the scheme;
  - In terms of upper levels, the two contemporary towers reduce the appearance of bulk in the skyline as compared with a single tower as shown further in earlier design options for the site.
  - It utilises durable metal and glass finishes in a creative way that will add to the skyline and compliment the existing diversity of architectural style in this location.
  - Moreover, it is an outward looking scheme with rounded building form that presents an interesting façade from all vantage points.
  - The towers are seen in the context of other taller buildings in this location;
  - Nevertheless, it does not fill in or detract from the tall building cluster of Canary Wharf; and
  - There is no adverse impact to any views.
- 8.53 In respect of 3c, the scheme does not pose any unacceptable impacts on neighbours including overshadowing, microclimate (wind), noise, privacy/overlooking or general disturbance impacts, which is discussed in detail later in section 8 'Neighbour Impacts'.
- 8.54 In respect of 3d, the proposal contributes socially and economically to the surrounding area by providing housing of appropriate mix in terms of affordable and family housing, as well as satisfying amenity spaces standards, Lifetime Homes standards and providing for minimum 10% wheelchair accessible housing along with accessible parking for people with a disability is also provided. All this contributes to the creation of a sustainable and diverse community in the local area. In addition to the economic benefits of growing a sustainable community and local businesses, the scheme itself is predicted to generate between 165-200 Jobs.
- 8.55 In respect of 3e, planning contributions towards transport improvement, health, education and the upgrade of open space adjacent to Poplar Dock will all be secured to ensure the impact on local infrastructure is mitigated.
- 8.56 Policy DEV27 Tall Buildings Assessment of the Interim Guidance states:

*"Applications for all tall buildings must satisfy the criteria listed below:*

*Design and Context*

1. *Demonstrate the design is sensitive to the context of the site.*
2. *Achieve high architectural quality and innovation in the design of the building, including a demonstrated consideration of its scale, form, massing, footprint, proportion and silhouette, facing materials, relationship to other buildings and structures, the street network, public and private open spaces, watercourses and waterbodies, or other townscape elements.*
3. *Where the site is outside a location identified for tall building clusters in CP48, demonstrate the consideration of built form design alternatives other than tall buildings.*
4. *Demonstrate consideration of the appearance of the building as viewed from all angles, and its night-time appearance, as demonstrated through an Accurate Visual Representation.*
5. *Not adversely impact on important views including strategic London-wide views and important local views, including their settings and backdrops, as demonstrated through an Accurate Visual Representation.*
6. *Provide a positive contribution to the skyline, when perceived from all angles, assisting to consolidate clusters within the skyline, as demonstrated through an Accurate Visual Representation.*
7. *Not adversely impact on Conservation Areas, Listed Buildings, historic assets, World Heritage Sites, scheduled monuments, areas of archaeological importance or potential, or their settings.*
8. *Where residential uses are proposed, include high quality, useable communal and private amenity spaces.*
9. *Achieve a very high standard of safety and security for occupants of the development and users of the immediate surrounding area.*
10. *Be visually integrated into the streetscape and the surrounding area.*
11. *Present a human scaled development at the street level.*
12. *Respect the local character and seek to incorporate and reflect elements of local distinctiveness.*
13. *Incorporate adaptable design measures.*

#### *Environment*

14. *Demonstrate the privacy, amenity and access to sunlight and daylight for surrounding residents and building occupants will not be adversely affected by the development and that acceptable levels of privacy, amenity and sunlighting and daylighting conditions will be achieved for future occupants of the development.*
15. *Not adversely impact on the microclimate of the surrounding area, including the proposal site and public spaces.*
16. *Demonstrate consideration of sustainability throughout the lifetime of the development, including the achievement of high standards of energy efficiency, sustainable design, construction, and resource management.*
17. *Not adversely impact on biodiversity or open spaces, including watercourses and waterbodies and their hydrology, as well as their settings and views to and from them.*
18. *Achieve high internal and external noise standards, including the consideration of appropriate mixes of uses and use locations within the development.*

#### *Socio-Economic Impacts*

19. *Contribute positively to the social and economic vitality and of the surrounding area at the street level through its proposed mix of uses.*
20. *Be acceptable in terms of its potential social impacts, and maximise positive social impacts, as demonstrated through a Social Impact Assessment.*

## Access and Transport

21. *Incorporate the principles of inclusive design.*
22. *Be located in an area with good public transport access.*
23. *Take into account the transport capacity of the area, and ensure the proposal will not have an adverse impact on transport infrastructure and transport services.*
24. *Respect, and, where possible, improve permeability with, the surrounding street network, and take into account impacts on the movement of people.*
25. *Have good access to, or contribute to the provision of, high quality pedestrian and cyclist routes between the site and public transport, public open space, shops and social and community facilities.*
26. *Provide publicly accessible areas within the building, including the ground floor, and where there are opportunities to provide viewing platforms, the top floor.*

## Additional Considerations

27. *Where residential uses are proposed, comply with the density requirements in policy HSG1.*
28. *Conform with Civil Aviation requirements.*
29. *Not interfere, to an unacceptable degree, with telecommunication and radio transmission networks.*
30. *Demonstrate consideration of public safety requirements as part of the overall design, including the provision of evacuation routes.”*

- 8.57 Points 1, 2, 8, 10, 12, 14, 15, 19, 20 and 21 have been addressed in the considerations of CP 49 tall Buildings.
- 8.58 In respect of 3, alternatives have been considered but not deemed suitable in the pre-application discussions with LBTH and in the applicant's Design and Access Statement, which accompanies the application.
- 8.59 Regarding 4 (views), Computer generated Images (CGIs), as well as artist perspectives in the design and access statement and analysis in Chapter 11 of the EIA, indicate consideration of the external appearance from all angles as well as its night-time appearance.

The requirements of points 5, 6 and 7 (consideration of views) has also been considered namely:

- Strategic London-wide views,
- the contribution made to the skyline
- any listed buildings, conservation areas and world heritage sites and their settings.

- 8.60 In respect of 9, safety and security is achieved with access to the upper levels controlled at ground level by foyer access. Minimisation of blank frontages, as well as the activity associated with the MacDonald's restaurant, will ensure surveillance to maintain safety and security and deter crime.
- 8.61 In respect of 11, a human scale is achieved at street level with a series of single storey commercial premises, as well as the residential foyer which breaks up façade of the building and provides multiple doorways and windows. This prevents continuous or blank frontages.
- 8.62 In respect of 13, adaptability is incorporated into the scheme by generous floor-to-ceiling heights at ground floor level to accommodate the needs of commercial uses. The residential flats including wheelchair accessibility, lifetime homes and minimum floorspace standards in the design, as discussed previously.

- 8.63 In respect of 16, sustainability has been considered with energy efficient and renewable energy measures in the scheme. It achieves 10% of energy from renewable sources, as well as a 20% reduction in Carbon Dioxide, as detailed in the Planning Statement, the Design and Access Statement and supporting Energy Renewable Toolkit.
- 8.64 In respect of 17, there is no impact identified to biodiversity or open spaces including watercourses, waterbodies and their hydrology. The Environment Agency, Natural England and the Council's Arborculturalist have raised no objections to the scheme subject to various conditions, informatives and s106 heads of terms.
- 8.65 In respect of 18, the internal noise standards have been considered by LBTH Environmental Health Team, who are satisfied that there will be no significant impact to neighbours.
- 8.66 In respect of 22, the site has good access to public transport with a site specific Public Transport Accessibility Level (PTAL) of 4 and is within an area considered generally to be PTAL 6a.
- 8.67 In respect of 23, the proposal is considered to be within the capacity of the area.
- 8.68 In respect of 24, the proposal will contribute a planning contribution of approximately £1.34million to funding works to the nearby roundabout. This will improve pedestrian links in the surrounding area and especially links to nearby Blackwell DLR station.
- 8.69 In respect of 25, the above monies will contribute to linking the development into the wider area and further affield with improved links to the DLR station. This will also assist in linking the site to the London Cycle Network, including, the dedicated link along Cable Street to Tower Bridge which provides access to greater London.
- 8.70 In respect of additional consideration 27 – 30:
- The scheme is in excess of the density provisions for the area. However, this is considered justified given the high quality external appearance, the internal amenity achieved, the variety of amenity space provided on site plus the significant planning contributions that have been secured for the scheme;
  - No objections have been raised by London City Airport and the National Air Traffic Services Ltd (NATS);
  - No objections have been received from the BBC. The s106 legal agreement includes an obligation for monitoring and mitigating of any impacts, in accordance with the analysis contained in the Environmental Impact Assessment;
  - No objection has been received from LBTH Building Control. Such matters can be dealt with at the detailed design phase under the Building Regulations.
- 8.71 Policies DEV 1 and DEV 2 of the LBTH adopted UDP 1998 as well as consolidated London Plan Policies 4B.8 Tall Buildings – Location, Policy 4B.1 Design Principles for a Compact City', Policy 4B.3 'Maximising the Potential of Sites' 4B.9 'Large-Scale Buildings – Design and Impact are also considered to be addressed by the above comments.
- 8.72 It is concluded that the principle of a tall building is supported on this site having regard to local and regional policy.

#### External Appearance

- 8.73 The building's appearance is considered to be one of the strongest aspects of the proposal, offering an attractive and complimentary addition to the skyline in this area.

#### Local Context

- 8.74 As discussed previously under 'Tall Buildings', regard has been had for the impact of the proposal on the surrounding area. The 'Townscape and Visual' assessment in Chapter 11 of Volume 01 of the Environmental Impact Assessment (EIA) considers 12 view points within the Isle of Dogs, Poplar and North Greenwich which show the before and after changes in the skyline. Regard is also had to surrounding areas in general as well as specific consideration of the Cold Harbour and Naval Row Conservation Areas, All Saints and Matthias Church as well as other individually listed structures and buildings are also assessed. In respect of the conservation areas, it is evident that all the identified areas have been already impacted upon in various degrees by development either within the conservation area itself and/or adjacent. In respect of the listed structure (E.g. West India and Millwall Docks, Blackwell Basin and Poplar Dock which are locally listed) these are not nearer than 260m to the site, nor do any of them enjoy their original settings. Such factors are a consideration when analysing the significance of any impact of the proposal.
- 8.75 The analysis provided in the EIA was undertaken having regard to national, regional and local guidance and within the context of a methodology set out in the 2002 edition of the Guidelines for Landscape and Visual Impact Assessment (GVLIA) produced by the Landscape Institute and the Institute of Environmental Management and Assessment (IEMA). The report conclusions are that:
- The design offers something distinctive and different to the townscape;
  - There is no significant impact to the setting of listed buildings, conservation areas, the riverscape or any adverse impact on any protected or strategic views or vistas;
  - That the impact will be lessened as nearby consented schemes are of similar heights;
  - The towers will not appear in isolation based on the 12 views analysed, but will form part of the cluster of buildings in this part of the north eastern edge of the Isle of Dogs; and
  - The scheme would have a visual benefit to the townscape of Poplar by adding a development of high visual quality.
- 8.76 An objection has been received from English Heritage. Concern was raised about the possible impact to sensitive conservation area views (for example from the portico of All Saints Church, East India Dock Road) and its materials and detailed design (especially a shiny finish). In considering this objection in detail, the details of the conservation area and listed items of All Saints were considered, along with policy and the assessment of the EIA.
- 8.77 The All Saints Conservation Area was designated in 1986 and contains the 1920s All Saints Church which is grade II\* listed. The namesake of the conservation area is evident in Poplar owing to its Spire which is a landmark for the area. The 'Townscape and Visual' assessment reports that the church forms a group with two listed terraces. The conservation area also takes in residential streets to the south of the church. The townscape surrounding the church is evident today including some three/four storey residential properties of the late Georgian period, with important examples being listed including terraces on Montague Place and Bazeley Street, as well as the Rectory on Newby Place. However, the 'Townscape and Visual' notes that, following wartime bombing and the subsequent redevelopment, the setting of the church and the townscape has been eroded. In this way, the setting of this listed building and the conservation area in general is not pristine and it is considered that this should be considered when evaluating the impact of the proposal of views in and around and out of the All Saints Conservation Area.
- 8.78 In respect of Policy, in addition to those identified previously under 'Tall Buildings', PPS1 considers the role of design in planning but cautions us not to impose architectural styles and tastes. Instead, it states that we should consider overall scale, density, massing, height, landscape, layout and access of new development in relation to neighbouring buildings and the local area more generally (paragraph 38). Nevertheless, when assessing schemes *"Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it*

*functions, should not be accepted*" (paragraph 34). PPG 15 'Planning and the Historic Environment' refers to consideration of preserving or enhancing the conservation area when considering proposals that fall outside conservation areas (paragraph 4.14) and is applicable in this situation.

- 8.79 Within the EIA, Figures 11.4 and 11.5 visually quantify the change in view from St Annes Church in the images presented. Whilst there is a moderate change in view, given the architectural quality of the proposed building, the visual impact on the view is neutral and therefore acceptable.
- 8.80 As demonstrated in this section and under 'Tall Buildings', the possible impact to St Annes Church has been considered. The following has been established:
- That a tall building is acceptable;
  - This scheme is considered to be high quality architecture; and
  - The EIA concludes that the change in view created by this building has a neutral effect which is acceptable.
- 8.81 Therefore, the proposal is considered to have been adequately assessed in terms of its potential impact to St Annes. The proposal is not considered to have a significant detrimental impact on St Annes Church. The high quality architecture will not have a significant impact to the views and the high quality finishes proposed in this scheme will be secured by an appropriately worded condition to ensure construction is undertaken in accordance with the proposed design.
- 8.82 In considering the effect of the materials and specifically the shiny finish, it is noted that such matters would be controlled by an appropriately worded condition requiring details and samples of the materials to be submitted for approval in writing by the local planning authority LBTH prior to commencement. An appropriately worded informative is recommended for English Heritage to be consulted on such details, prior to discharging the condition.

### Wider Context

- 8.83 The 'Townscape and Visual' assessment in Chapter 11 of the EIA has considered the wider context, including the view from General Wolfe Statue in Greenwich Park. From this viewpoint the scheme will alter view 5A.1 of the 'London Panorama' of the 'View Protection Framework' as set out in the Mayor's 'London View Management Framework' 2007. The EIA visually represents and analyses the effect of the scheme on this view framework. The EIA has also had regard to Greenwich Maritime World Heritage site, which includes the Old Royal Naval College, the Fan Museum, The National Maritime Museum, The Royal Observatory, The Queens House and Greenwich Park (Grade I registered park). However, the scheme does not affect any linear views, townscape views or any protected vistas defined within the framework.
- 8.84 Although Maritime Greenwich have not commented on the subject scheme, they objected previously to the withdrawn application PA/08/274. They raise concern about the enlargement of the cluster of tall buildings to east and west of the Canary Wharf cluster, thereby creating a wall of buildings. They consider the gap is important as it visually defines Canary Wharf. Extending this group of buildings as viewed from General Wolfe Statue is therefore a concern.
- 8.85 In considering the impact of the scheme on the Canary Wharf Cluster and View 5A.1, it is noted that this report has established:
- That a tall building is acceptable;
  - The proposal's architectural style is not a concern, providing materials and finishes are conditioned.

- 8.86 Paragraph 3.53 makes specific reference to the acceptability of the incremental clustering at Canary Wharf and outlines circumstances where tall buildings outside designated clusters would be considered.
- 8.87 Specific guidance is also offered in respect of London panoramas in paragraph 3.37 which indicates:
- London panoramas are vulnerable to development in the front and middle ground;
  - Buildings in these areas should fit within the prevailing pattern of development;
  - Proposals should not detract from the panorama as a whole; and
  - Landmarks should be afforded an appropriate setting and canyoning effects should be prevented.
- 8.88 A review of the London View Framework indicates clear priorities in considering the impact of this view:
- The effect on St Paul's as the strategic Landmark,
  - Canary Wharf as another landmark,
  - The impact to the backdrop of the World heritage site (Maritime Greenwich); and
  - The effect on the panorama overall.
- 8.89 The previous objection by the Maritime Greenwich World Heritage site is necessarily concerned with the last three points.
- 8.90 The 'Townscape and Visual' assessment provided in the EIA shows before and after representations of the effect the proposal will have on Strategic Views. It concludes:
- The scheme is nowhere near the view path of St Paul's;
  - The scheme is distinct and separate to the Canary Wharf cluster of buildings;
  - The scheme would be consolidated within an undesignated cluster of taller elements that already exist and will be added to with recent approvals such as New Providence Wharf;
  - This undesignated cluster is within the backdrop of the Greenwich World Heritage site and is reflective of the form, scale and location of a series of clusters including Canary Wharf to the left and the Greenwich power station and the Millennium Dome (O2) to the right.
- 8.91 As described in the EIA, the scheme does not detract from the Canary Wharf cluster. The change in the panorama is considered to be minor, with the significance of the change being moderate and the overall effect being beneficial.
- 8.92 The EIA demonstrates that the scheme does not detract from the distinct Canary Wharf cluster, as it is visually separated. It clearly does not fill in the gap between Canary Wharf and tall elements to the north of the Isle of Dogs and Poplar. The scheme will remain within a distinct undesignated cluster of taller elements. As discussed earlier, an appropriately worded condition for materials will make certain that the scheme is a beneficial addition to the panorama. Therefore, the objection of the Maritime Greenwich World Heritage Site is not a sustainable reason for refusal.

#### **Amenity for Future Occupiers and Users**

- 8.93 The general consideration of amenity for future occupiers and Users is identified in Policies 4B.1 'Design Principles for a Compact City', 4B.5 'Creating an Inclusive Environment', 4A.3 'Sustainable Design and Construction', 4B.10 'Large-scale Buildings – Design and Construction' of The London Plan (Consolidated 2008), Policies CP1 'Creating Sustainable Communities' of the Interim Planning Guidance as well as PPS1 and PPS3.
- 8.94 In addition to matters under the 'Housing' section of this report, results in;
- Waste and recycling storage is in accordance with Policy Dev15 'Waste and Recyclables Storage';

- The provision of secured cycle parking for residents and visitors is in accordance with Policy DEV16 'Walking and Cycling Routes and Facilities';
- The provision of car parking, including spaces for people with a disability, in accordance with Policy DEV3 'Accessibility and Inclusive Design' and DEV19 'Parking for Motor Vehicles';
- Renewable energy and sustainability in the design.

8.95 In other aspects, there are no significant adverse impacts, specifically:

- The provision of open space is in accordance with the requirements of the Interim Planning Guidance and is considered satisfactory in this regard;
- Although some window to window separation distances are at 16m, this is merely at the closest point of the spherical towers. No significant privacy, overlooking or outlook impacts result, as the outlook from the towers is a 365 degree panorama, with offset windows, rather than being single aspect buildings which directly face each other;

8.96 On balance, the overall amenity of future occupiers and users of the scheme is satisfactorily addressed and is consistent with Policy.

### **Neighbour Impacts**

8.98 Impacts during construction such as noise, dust, vibration and general disturbance, vehicular movements are temporary and not a planning consideration. Nevertheless it is noted that these will be mitigated through a construction management plan and any unreasonable or excessive impacts will be subject to investigation and enforcement action.

8.99 There are no significant neighbour impacts identified with the operation of the scheme. The overshadowing affects of the proposal were considered by the Council's Environmental Health Team and were not considered significant. There are no significant privacy/overlooking impacts and any noise or general disturbance impacts. Vehicular access and parking is discussed under 'Transport'. Any impacts to the capacity of service provision including education, health and transport will be mitigated by the s106 planning contributions.

### **Transport**

8.100 Transport provision and impact is considered in PPG13 'Transport' as well as Policies 2A.1 'Sustainability Criteria', 3A.7 'Large Residential Developments', 3C.1 'Integrating Transport and Development' of The London Plan (Consolidated 2008), Policies ST25, ST28, ST30, EMP10 'Development Elsewhere in the Borough' of the adopted UDP 1998 and Policies CP1 'Creating Sustainable Communities, CP41 'Integrating Development with Transport' CP43 'Better Public Transport', DEV16 'Walking and Cycling Routes and Facilities' of the Interim Planning Guidance.

8.101 The application is supported by a Transport Assessment and Travel Plan by WSP Development and Transportation (Oct '07) providing consideration of the policy context, baseline conditions in respect of the local area, public transport and road network. The report considers trip generation, impacts of the construction phase, as well as consideration of an assessment of the implications in respect of walking/cycling, public transport and road network. A travel plan is proposed.

8.102 The report concludes that the site has a good level of accessibility to sustainable modes of transport, that parking is consistent with Policy; and trips in different modes (walking, cycling, public transport) can be accommodated by the available infrastructure in the area.

### Existing MacDonald's car parking and Drive-thru

8.103 In respect of the provision of the MacDonald's and associated facilities, including parking



and drive-thru, this was granted permission on the site and is therefore not a reason for refusal.

#### Residential car parking design and numbers

- 8.104 The residential car storage facility has been considered by the Traffic and Transportation team in their discussions with the agent's transport consultant. The projected mechanised car parking system is considered to be acceptable and advantageous for users with a disability. Therefore there is no significant impact to warrant refusal.)
- 8.105 In respect of provision, a total of 97 spaces represents a 0.25 spaces per unit provision against policy which allows for up to 0.5 spaces per unit. Therefore the scheme is policy compliant and a reason for refusal in this regard is no sustainable.

#### Vehicle/pedestrian conflicts and safety

- 8.107 The ground floor shows an '8'-shaped circulation system for the drive through facility with vehicles entering and leaving the site at the western end. The restaurant parking is also accessed from the western end of the site, it being noted that this is an existing access and egress point for MacDonald's. The access to the residential car lift is via a separate access from the south, which also provides an egress for the restaurant parking and loading.
- 8.108 In respect of the pedestrian interface, pedestrian thoroughfares and entry points to the residential tower foyers and the ground floor commercial activities are located on the southern and eastern edges of the site. These are pedestrian only areas and are not accessible by vehicles. Consequently, there is no safety concern as there is no interaction with vehicle traffic. Where there is the possibility of interaction, it is in the area to the rear of site especially in the Macdonald's parking areas and drive-thru loop. In acknowledging the potential conflict, it is restated that the Macdonald's parking and drive-thru is existing and has operated for a considerable time. Where pedestrians may choose to take the shortest path between car parking and the restaurant entrances, the development provides for a marked pedestrian crossing, thereby alerting drivers and giving priority to pedestrians.

#### Road capacity

- 8.109 In respect of transport capacity, the Traffic and Transport Team has considered this issue. They have no objection to the development on this ground.

It should be noted that the Strategic Transport team suggest that the local highway is reaching capacity. Therefore, future applications that further intensify activity in this area may not be considered favourably on grounds of their cumulative impact upon the network.

#### Planning contributions

- 8.110 A section in the s106 agreement will include the requirement for a car-free development to prevent future occupiers from applying for parking permits in the area. Also, approximately £1.34million contributions have been secured for transport improvements.

#### Concluding remarks

- 8.111 In summary, the provision of parking for both the commercial and residential components of the scheme is acceptable. The ground level design provides separation/segregation between pedestrian and vehicles and in other instances, measures to alert drivers and to ensure pedestrians are given priority. Importantly, that pedestrian access to the residential towers does not involve interaction with vehicles. The scheme is also within the capacity of the local road network based on detailed analysis and 24hr traffic surveys. A significant planning contribution is secured for works to upgrade the Aspen Way roundabout, thereby

improving access to Shadwell DLR station. Therefore, the development is considered acceptable as it poses no significant safety impacts to warrant refusal.

### **Environmental Impact Assessment (EIA)**

8.112 A scoping opinion was prepared by Romboll Whitybird in July 2007 and commented upon by both the Environment Agency and LBTH in August 2007. Recommendations for ecological enhancements through the scheme were also made by Thomson Ecology in November 2007. Subsequently, the application is supported by an EIA addressing the following topics:

- Socio-economics, pursuant to DEV25 'Social Impact Assessment' of the Interim Planning Guidance;
- Transport and access, pursuant to Policies 3C.1 'Integrating Transport and Development' and 3C.2 'Matching Development with Transport Capacity' of The London Plan (Consolidated 2008), Policies CP41 '@integrating Development and Transport', CP 43 'Better Public Transport', DEV17 'Transport Assessments', DEV18 'Travel Plans', Dev19 'Parking and Motor Vehicles' and DEV20 'Transport Capacity' of the of the LTH Interim Planning Guidance and Policies T10 'Priorities for Strategic Management', T16 'Traffic Priorities for New Development', T18 'Pedestrians and the Road Network' and T21 'Pedestrian Needs in New Development' of the LBTH adopted UDP 1998.
- Noise and vibration, pursuant to PPG 24;
- Air quality given that the site falls within an Air Quality Management Area and pursuant to Policies DEV11 'Air Pollution and Air Quality', DEV12 'Management of Demolition and Construction';
- Land Quality, pursuant to PPS23 as well as DEV51 'Soil Tests' of the adopted and DEV22 'Contaminated Land' of the Interim Planning Guidance;
- Water Resources, pursuant to PPS 25, and Policies 'Flood Alleviation' and DEV21 'Flood Risk management' of the Interim Planning Guidance and U2 and U3 'Tidal and Flood Defences' of the adopted Plan, DEV46 'Protection of Waterway Corridors', DEV69 'Efficient Use of Water' of the adopted Plan and DEV7 'Water Quality and Conservation', DEV8 'Sustainable Drainage', of the interim Planning Guidance and Policies 2A.1 'Sustainability Criteria', 4A.16 'Water Supplies and Resources', 4A.17 'Water Quality', 4A.18 'Water and Sewerage Infrastructure' of The London Plan (Consolidated 2008
- Townscape and Visual Amenity, pursuant to the policy identified in section 8 under 'Design';
- Microclimate (wind), pursuant to Policy CP1 'Creating Sustainable Communities', CP3 'Sustainable Environment', DEV5 'Sustainable Design', DEV27 'Tall Buildings Assessment'
- Daylight and Sunlight, pursuant to CP1, CP3, DEV1, DEV5 and DEV27 of the interim Guidance and 2A.1 of The London Plan 2004
- Aviation safety;
- Television and Radio Interference, pursuant to PPG8 DEV27 of the Interim Guidance and 4B.10 of the London Plan (Consolidated 2008)
- Waste pursuant to DEV9 of the Interim Planning Guidance and 4A.3 of The London Plan (Consolidated 2008)
- Sustainability, pursuant to PPG22, CP38 'Energy Efficiency and Production of Renewable Energy', DEV5 'Sustainable Design', DEV6 'Energy Efficiency and Renewable Energy' of the Interim Planning Guidance.

8.113 The application was supported by an Environmental Statement (ES) which was updated to reflect the variations as compared with the previous scheme PA/08/274. The following points are noted:

- Additional information was provided in respect of chapters 5 'socio-economics' and 10 'water resources' and placed re-notified. No objection was received.
- It was considered that there was sufficient information in chapter 11 'townscape

and visual' along with the plans, and other documents to fully assess the impact of the proposal. It is noted that there is no change in the appearance from the previous application which was considered to be acceptable.

- It is considered that archaeology has been adequately addressed and no further information needed. Whilst the site does not fall within an archaeological priority area, a stand-alone archaeological assessment was nevertheless provided. English Heritage (Archaeology) considered the application and recommended an appropriately worded condition and informative for investigation/recording. It is noted in the archaeology report that there is only potential for pre-historic peat deposits, there was not evidence of any significant Roman, Saxon medieval or early post medieval occupation, and that the site was part of the London docks in the 19<sup>th</sup> century.
- Notwithstanding comments by Natural England, LBTH ecology officer considers that ecology has been adequately addressed and no further information is needed. The Council's ES Scoping Report indicated that there were no negative effects expected and that the site has very few ecological features. It was suggested that this situation could be significantly improved by providing brown roofs. As part of the application, brown roofs are proposed. Also, the site survey by Thomson Ecology concluded that there was limited potential for nesting birds and negligible ecological value in general. Therefore, no further surveying was recommended. The Council's Ecology Officer, Parks and Open Spaces, has assessed the scheme and raises no objection.

### **S106 Planning Contributions**

- 8.115 Circular 05/2005 outlines, among other things, the broad principles of Planning Obligations. Obligations can take the form of private agreements or unilateral undertakings given by a developer and are *'intended to make acceptable development which would otherwise be unacceptable in planning terms'*.
- 8.116 Planning obligations can be used in the following three ways:
- (i) They may be used to *prescribe* the nature of the development to ensure it is suitable on planning grounds. For example by requiring a given proportion of housing is affordable;
  - (ii) Secondly they may require a contribution to *compensate* against loss or damage that will result from a development. For example loss of open space;
  - (iii) Thirdly obligations may be used to *mitigate* against the impact of a development. For example through increased public transport provision.
- 8.117 Planning Obligations should only be sought where they are found to meet the 5 key tests of the Secretary of States policy, as outlined in Circular 05/2005. The tests should be considered in conjunction with the guidance contained within the circular and can be summarised as follows: -
- (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.
- 8.118 Circumstances may arise where it is not feasible for a development scheme to be both economically viable and compliant with all local, regional and national planning policy requirements. Guidance within the circular states that in such cases, *'where the development is needed to meet the aims of the development plan, it is for the local authority and other public sector agencies to decide what the balance of contributions*

*should be*'.

- 8.119 Similarly the circular states that decisions on the amount of contributions '*should be based [on] negotiation with developers over the level of contribution that can be demonstrated as reasonable to be made whilst still allowing development to take place*'.
- 8.120 Policy DEV4 of the adopted UDP and Policy IMP1 of the emerging Local Development Framework, Submission Document clearly indicate that the Council will seek to enter into planning obligations with developers where appropriate and where necessary for a development to proceed.
- 8.121 The agent initially submitted an affordable housing toolkit, advising that various matters including exceptional building costs, would only allow for a planning contribution of £5,000 per unit and 28% affordable housing. Following LBTH negotiations, the agent has agreed to contribute £8,000 per unit and 30% affordable housing. This revised contribution is considered acceptable. Consequently, the total contribution is less than the previous application, owing to the reduction in residential C3 units from 395 to 355. Contributions for the current scheme are recalculated on a pro-rate basis.
- 8.122 In respect of a healthcare contribution, the Primary Care Trust (PCT) requested the developer contribute £2,093,574 health (£482,091 Capital + £1,611,482 Revenue) towards primary care needs of future residents. Given the range of contributions being sought for this site, the five tests of the Circular 05/2005 as well as a pro-rata rate of what was agreed for PA/08/274, it is considered that seeking only the capital component **£488,480.00** can be readily justified.
- 8.123 The reason for this is because doubt has been cast over the consistency of the HUDU model and its application in Tower Hamlets, the detail of which has been considered in two recent Appeal cases:
- Appeal made by Bernard Construction (Stepney) Ltd against the Council of the London Borough of Tower Hamlets (Former Police Station and Magistrates Court, East Arbour Square and West Arbour Square, London E1 0PU) – 29 March 2007; and
  - Appeal made by Virsons Ssas against the Council of the London Borough of Tower Hamlets (10 – 22 Dunbridge Street, London, E2 6JA) – 18 June 2007.
- 8.124 To summarise both cases, the Planning Inspectorate found that:
- The HUDU model has little current policy backing for its use as yet;
  - There is a lack of in-depth information provided regarding the inputs in their analysis (spreadsheet);
    - There are no details of capacity of health services in an area, need or slack in the system.
    - Furthermore, the model does not have a geographical or functional link to the proposal. The exact nature or location of any revenue spent/ improvement of healthcare is not identified; and
    - With regard to revenue, the HUDU model relies on the timing of development relative to a 2/3 year funding cycle. However, the harm that is sought to be mitigated may only appear on occupancy, which could occur much later.
- 8.125 Whilst the Planning Inspectorate indicated that healthcare obligations were reasonable requests in most instances, the appeal examples (and this application) do not fully justify the healthcare contributions required by the PCT. As such, the inspectors concluded that, in these particular circumstances, the health contributions would not accord with all the tests in the Circular 05/05. The Circular states that planning obligations can only be sought where they meet all of the five tests.

- 8.126 The Inspectors found that the healthcare obligations had not been shown to be necessary to make the proposed development acceptable in planning terms. Similarly, the obligations had neither been demonstrated to be directly related to the proposed development, nor to be fairly related in scale and kind to the proposed development.
- 8.127 The request from the PCT shows no real evidence of the capacity, need or slack of existing health facilities in the area which might serve the appeal site, nor any indication as to whether or not additional provision would be necessary to meet the demands made by the development. Moreover, the exact nature, location or timing of the proposed new service has not been identified.
- 8.128 In line with the Appeal decisions mentioned above, and recent Planning Committee decisions, the proposed development is similar in that there is insufficient evidence to convince the Planning Department that the requested obligation is directly related to the proposed development, necessary to make it acceptable in planning terms, or fairly and reasonably related in scale and kind to the proposed development.
- 8.129 The request for the financial revenue contribution in this instance is therefore considered to be unreasonable where it may fail to comply with Circular 05/05. The pro-rata contribution which covers the capital contribution (**£482,091.00**) however is considered to be satisfactory.
- 8.130 In respect of an education contribution, the developer will contribute **£542,440.00** towards the education needs of future residents not covered by existing provisions. This represents a pro-rata contribution previously requested by LBTH Education in respect of the previous application PA/08/274.
- 8.131 In respect of affordable housing, the scheme comprises of 30% affordable residential units, and includes studio, 1, 2, 3, and 4 bedroom apartments, with a split of 70:30. A summary table is provided in section 4 as well as discussion of the provision is provided previously in section 8 under 'Housing'.
- 8.132 In respect of transport, the Traffic and Transportation Team verbally confirmed the acceptability of a pro-rata contribution of **£1,340,480.00** for improvements to Aspen Way roundabout and pedestrian linkages especially to the Blackwell DLR station to the north east.
- 8.133 There will also be standard S278 highway improvements/ modifications, including: new access points, modification of existing access points and general repaving as required. No formal advice had been received from TFL in respect of contributions they would consider appropriate such as contributions towards buses or the DLR although this may be provided through the Stage 2 comments from the GLA.
- 8.134 A 'Car Free' agreement is recommended to restrict the occupants from applying for residents parking permits in the area.
- 8.135 In respect of other heads of terms, British Waterways (BW) have requested a contribution for upgrade and improvement of BW land adjacent Poplar Dock which will serve as open space. The agent indicate an initial independent estimate of £560,000.00 for such works as part of the previous application PA/08/274. However, given the available monies potentially secured and the current estimate for the transport contributions, a contribution of £522,989.00 was realistic. A pro-rata **£468,600.00** is secured as part of this application. The agreement will include the requirement for the design, including landscaping to be submitted for approval in writing to LBTH prior to commencement. Council's arboriculturalist and Parks and Landscape team, as well as British Waters and Natural England, will need to consider the detailed design prior to commencement.

- 8.136 Other heads of terms include Transport Assessment, TV/radio reception monitoring and impact mitigation, employment/training initiatives and public art opportunity.
- 8.137 Overall, the revised planning contributions negotiated by LBTH with the developer are considered to be acceptable, in line with the guidance of the Circular, and will mitigate the impacts of the development.

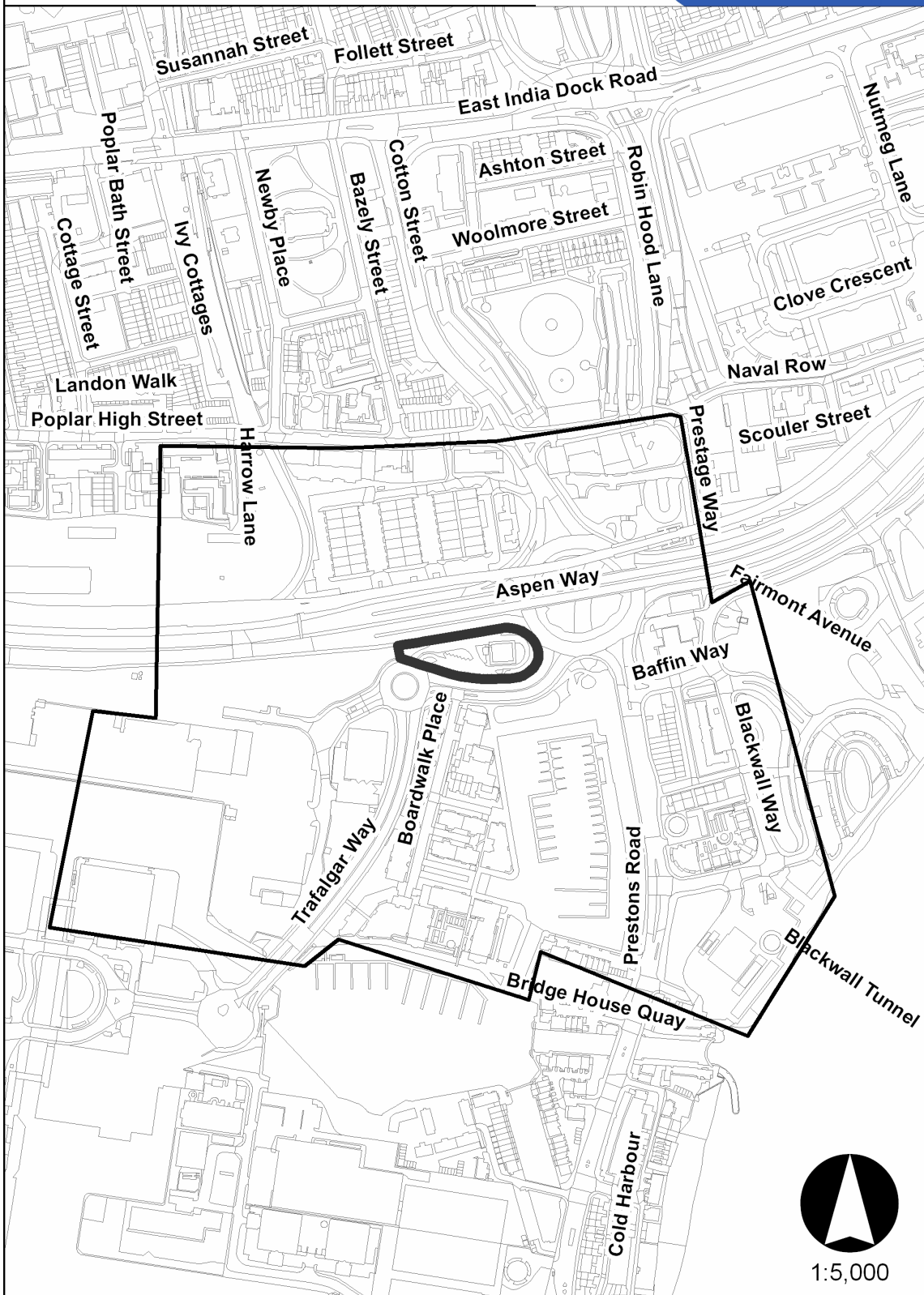
## **9.0 Conclusions**

- 9.1 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.

### **List of Appendices**

- **Site Plan**
- **29<sup>th</sup> May 2008 Committee Recommendation and Report for PA/08/00274**

Planning Application  
Site Map



1:5,000



Planning Application Site Boundary



Consultation Area



Land Parcel Address

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. The Site Map was reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationary Office (c) Crown Copyright. London Borough of Tower Hamlets LA100019288





<b>Committee:</b> Strategic Development	<b>Date:</b> 29 <sup>th</sup> May 2008	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 7.4
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Planning Application for Decision	
<b>Case Officer:</b> Jason Traves		<b>Ref No:</b> PA/08/00274	
		<b>Ward(s):</b> Blackwall and Cubitt Town	

## 1. APPLICATION DETAILS

**Location:** Site At 2 Trafalgar Way

**Existing Use:**

**Proposal:** Redevelopment of the site to provide a residential-led, mixed use scheme, including two towers of 29 storey and 35 storeys in height, use of the site as 397 residential units, a re-provided drive-through restaurant, retail / financial and professional service units, a crèche, gymnasium, associated amenity space including a children's play area atop a podium level and car parking.

This application includes the submission of an Environmental Statement

**Drawing No's:** Plan No's:

950-100-C3; 950-32-C2; 950-SK-34; 950-33-C2

A0000-00; A1000-00; A1100-01; A1101-00; A1102-00, A1103-00; A1104-02; A1105-02; A1106-02; A1107-02; A1108-02, A1109-02; A1200-00, A1201-00; A1202-00; A1203-00; A1300-00; A1301-00; A1302-00; A1303-00; A1304-00; A1305-00; A1306-00; A1307-00; A1400-00; A1401-00; A1402-00; A1500-00; A1501-00; A1502; A1503-00

1045-200-F; 1045-201-D; 1045-202-A; 1045-203; 1045-204; 1045-300

Documents:

Wider Vision Plans – Landscape Perspective  
 Planning Statement  
 Design and Access Statement  
 Affordable Housing Toolkit  
 Environmental Statement (3 Volumes)  
 Transport Assessment  
 GLA Toolkit and Renewable Energy report  
 Statement of Community Involvement  
 Archaeology Assessment

**Applicant:** 2 Trafalgar Way Limited and McDonalds Real Estate LLP Limited

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

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

**Owner:** As above  
**Historic Building:** N/A  
**Conservation Area:** N/A

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

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

(1) The principle of a mixed use scheme is acceptable on this site as supported by PPS1: Creating Sustainable Development, as well as Policies 2A.1, 2A.9, 3B.1, 3B.3 and 5C.1 of the London Plan (Consolidated 2008) which seek to maximise the efficient use of sites in a way that is sustainable.

(2) A high density scheme is considered to be an efficient use of the site that results in no significant adverse impact. Whilst exceeding the density nominated in the London Plan (Consolidated 2008) and LBTH Interim Planning Guidance, a density of 2633 habitable rooms per hectare is considered to be acceptable on balance for the following reasons:

- The scheme is of high architectural quality;
- A tall building is appropriate in the areas context;
- There are no symptoms of overdevelopment;
- There are no adverse impacts to neighbours;
- Residents and users;
- There is access to public transport;
- Significant planning contributions have been secured to mitigate the demand for local facilities and services.

(3) The scheme is considered to deliver good-quality housing that will cater for the needs of residents within the Borough. The scheme provides for the maximum possible affordable housing (30%) having regard to the Affordable Housing (Three Dragons) toolkit. It is also balanced by the need to secure planning contributions in other matters. On balance, it is acceptable in respect of Policy CP22 of the LBTH Interim Planning Guidance.

(4) The provision for family housing achieves the amount required in the social rent and shared ownership tenures pursuant to CP21 of the Interim Planning Guidance. In terms of overall family housing provision of 25%, the scheme considerably exceeds the levels secured borough-wide as shown in the LBTH Annual Monitoring Report 2006/7 and is therefore considered acceptable.

(5) In addition to the provision of affordable and family housing, there is a good standard of residential amenity achieved in this scheme. In particular:

- All flats exceed the minimum floorspace standards in accordance with HSG13 of the LBTH Adopted UDP 1998 and 'Residential Space' SPG;
- Communal amenity open space is provided in accordance with HSG16 of the LBTH adopted UDP 1998, Policy HSG7 of the Interim Planning Guidance and Residential Space SPG;
- Similarly, every flat has a balcony;
- A children's play area and crèche is provided in accordance with HSG16 of the LBTH adopted UDP 1998, Policy HSG7 of the Interim Planning Guidance and Residential Space SPG;
- Over 10% wheelchair housing is provided in accordance with HSG9 of the Interim Planning Guidance;
- The scheme has been designed to Lifetime Homes standards in accordance with HSG9 of the Interim Planning Guidance.

(6) The architectural quality of this tall building is appropriate for the site with no significant visual impact posed on the surrounding context. Consideration of tall buildings policies of the LBTH Interim Planning Guidance and The London Plan (Consolidated 2008) indicate that the scheme satisfies the context, design, and amenity criteria and is therefore appropriate in this location. The analysis indicates that there are no significant adverse impacts upon views, including those from St Anne's Church, in accordance with PPS1 and PPG15. Nor is there any significant impact to the view from General Wolfe Statue in Greenwich Park pursuant to The Mayor's London View Management Framework' 2007.

(7) A suitable level of residential amenity for future occupiers is achieved which will satisfy need and create a sustainable community. The scheme provides for facilities and service including waste/recycling; car parking, bicycle parking; communal amenity open space, children's play area and crèche, and a balcony for every flat. All flats are in excess of the minimum floorspace standards. The scheme is therefore in accordance with PPS1, PPS3, as well as Policies 4B.1, 4B.5, 4A.3, 4B.10 of the London Plan (Consolidated 2008) and Policy CP1 of the LBTH Interim Planning Guidance.

(8) There are no significant impacts to neighbours posed. No significant privacy, overlooking, noise or disturbance impacts to neighbours are identified. The scheme has also been considered in detail by the Environmental Health team. They confirm that there is no significant overshadowing impact posed. Therefore the proposal is in accordance with DEV2 of the LBTH Adopted UDP 1998, and Policy DEV1 of the Interim Planning Guidance. It is also noted that any impacts during construction such as noise, dust and vibration are not planning considerations. These would be mitigated through the management of the construction process in accordance with DEV12 of the LBTH Interim Planning Guidance.

(9) The scheme is considered to be within the transport capacity of the area, with no significant impact posed. An extensive analysis, including 24hr surveys, indicates that the local road system has capacity to accommodate the scheme. It is also considered that there is no safety impact posed to residents and users on site, owing to the ground floor level design. In respect of the re-provision of MacDonald's car parking and drive-thru facility, these were already approved. The residential car parking is below the maximum threshold for residential parking provision and is therefore considered acceptable. Finally, the scheme secures planning contributions to upgrade the Aspen way roundabout. This will improve access between the site and Shadwell DLR station giving future residents improved public transport accessibility to greater London. Therefore the scheme is considered to be in accordance with PPG13 as well as Policies 2A.1, 3A.7, and 3C.1 of the London Plan (Consolidated 2008) and Policies CP1, CP41, CP43, DEV16 of the LBTH Interim Planning Guidance.

(10) The scheme secures significant planning contributions to mitigate the demand of additional residents on local facilities and services. In accordance with Circular 05/2005 of planning contributions, the scheme secures affordable housing (30%) as well as contributions for transport, education, health and amenity space improvements. The contributions have increased significantly as compared to the original offer. Following extensive analysis, they are considered to represent the maximum contribution possible having regard to the affordable Housing (Three Dragons) Toolkit. Therefore, the contributions are considered acceptable.

### 3. RECOMMENDATION

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

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

- B. The prior completion of a **legal agreement** to secure the following planning obligations:
- a) A proportion of **30%** based on habitable rooms of the proposed units to be provided as affordable housing with a 70:30 split between social rent and shared ownership tenures;
  - b) Provide **£1,500,000.00** towards highway improvements;
  - c) Provide **£607,758.00** towards education to mitigate the demand of the additional population on education facilities;
  - d) Provide **£545,253.00** towards medical facilities to mitigate the demand of the additional population on medical facilities;
  - e) Provide **£522,989.00** towards an improved public space between the site and Poplar Dock to supplement the private and communal open space achieved of site; and
  - f) Provide for car club, car-free agreement, Travel Plan, TV/radio reception monitoring and impact mitigation, employment/training initiatives
- 3.2 That the Corporate Director Development & Renewal be delegated authority to negotiate the legal agreement indicated above.
- 3.3 That the Corporate Director Development & Renewal be delegated authority to impose conditions and informatives on the planning permission to secure the following matters:

**Conditions:**

- 1) Time limit for Full Planning Permission
- 2) Details of the following are required:
  - External appearance and materials board
  - Design and ground floor
  - Balcony details
- 3) Details of the children's play area
- 4) Parking for a maximum 97 cars (60 x residential basement spaces, 37 x MacDonalds restaurant spaces)
- 5) Hours of construction limits (0800 – 1800, Mon-Fri: 0800 – 1300 Sat)
- 6) Piling hours of operation limits (10am – 4pm)
- 7) Details of insulation of the ventilation system and any associated plant required
- 8) Wheel cleaning facility during construction
- 9) Renewable energy measures satisfying 20% of energy demand to be implemented in accordance with the ES and Renewable Energy Toolkit.
- 10) Land contamination study required to be undertaken with remediation certificate
- 11) Method of piling as required by EA
- 12) No infiltration to ground waters required by EA
- 13) No storage within 10m of any watercourse required by EA
- 14) storage facilities for oil, fuels and chemicals required by EA
- 15) Details of foul and surface drainage system as required by the Environment Agency
- 16) Method statement for waste removal during construction phase as required by EA
- 17) Archaeology as required by English Heritage
- 18) Insulation measures shall be provided in accordance with the PPG 24 noise assessment contained in the ES
- 19) The waste and recycling facilities to be provided in accordance with the approved details and plans
- 20) Construction Management Plan required
- 21) The green/brown roofs to be constructed in accordance with the details submitted in the ES
- 22) Lifetimes Homes standards and 10% wheelchair accessible
- 23) No roller shutters on commercial units
- 24) Code for sustainable homes compliance

- 25) The CHP shall be implemented in accordance with the renewable energy toolkit and ES
- 26) Bats and Black Redstarts protection
- 27) Construction program and site mgt to consider Black redstarts nesting and seasonal requirements (natural England)
- 28) Any additional conditions as directed by the Corporate Director Development and Renewal

### **Informatives**

- 1) Subject to s106 agreement
- 2) Consult the Environment Agency in terms of conditions 10-17
- 3) Consult Metropolitan Police in terms of conditions 2 & 3
- 4) Consult English heritage on materials condition
- 5) Consult Natural England on the open space adjacent poplar dock
- 6) Consult Parks, landscape, BW and English Nature on the s106 for poplar dock
- 7) Site notice specifying the details of the contractor required
- 8) EA prior approval for dewatering
- 9) Registration of food premises
- 10) Inspection prior to occupation
- 11) Obtaining consent under the pollution act prior to commencement
- 12) Submission of an archaeological project design
- 13) S278 highways agreement
- 14) Licence for structures oversailing the public highway
- 15) Drainage provision
- 16) Fitting petrol/oil interceptors
- 17) Installation of fat traps
- 18) Water supply provision.
- 19) No adverts without consent
- 20) Surface water discharge (BW)
- 21) Advert consent required for all signage

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

## **4. PROPOSAL AND LOCATION DETAILS**

### **Proposal**

- 4.1 The proposal is for redevelopment of the MacDonald's restaurant/drive-thru site to provide a residential-led mixed use scheme including two towers of 29 storey and 35 storeys in height. It is to be used as 395 residential units, a drive-through restaurant, retail / financial and professional service units, a crèche and gymnasium. Associated amenity space including a children's play area atop a podium level and car parking is also included.
- 4.2 The details of the scheme are as follows:
- The provision of 65sqm Gross Estimated Area (GEA) of restaurant (A3) floorspace and 970sqm Retail (A1/A2/A3) predicted to generate between 165 - 200 jobs;
  - 25,434sqm of residential (C3) flats with sizes ranging between studio – 5 bedroom;
  - Affordable housing provision which equates to 30% of total habitable rooms or 19% of the GEA, or 24% of unit yield;
  - Residential design that achieves level 3 for the Code for Sustainable Homes Criteria as well as 10.4% wheelchair housing;
  - Incorporation of energy efficient and sustainable measures into the scheme to provide 10% of energy needs and reduce carbon emission by 10%;

- A total of 5205 sqm of amenity space comprising:
- 1755 sqm of private amenity space in the form of balconies;
- 380 sqm of children's playspace at podium level;
- 420 sqm communal space at podium level;
- 100 sqm associated with the podium level crèche;
- 2550sqm of publicly accessible space at ground floor located between the site and Poplar Dock which will be upgraded as part of the s106 planning contribution undertaking;
- The provision of 97 car parking spaces comprising 60 spaces for the residential (C3) uses and 37 spaces for the MacDonald's restaurant. 2 spaces of the MacDonalds parking is for people with a disability whilst all spaces in the residential are accessible for people with a disability;
- The provision of 407 secure cycle spaces for both residential and employment components of the mixed use scheme as well as visitors to the site; and
- The provision of refuse and recycling facilities

4.3 The principle design element of the scheme is the two circular tower elements, clad in horizontal bands of glass and metal. The metal banding is perforated (holes) to allow for increased light penetration into the building and also adds an interesting feature. Unique building projections between the towers provide added visual interest as well as accommodating skygardens for flats. Rooftop gardens complete the tower design. The ground floor comprises the residential access and servicing areas, as well as the being the location for the commercial units, including the MacDonald's restaurant which is to be reprovided on the site. A podium level accommodates amenity open space, the children's play areas and crèche.

4.4 A notable feature of the scheme is the mechanical car storage system. Working in a manner of a vending machine, drivers can deposit and retrieve their car from the designated access point at the ground floor using their access code. The mechanical system does the rest, moving the car between the basement storage and ground floor access point. This solution is helpful for people with a disability as there is no need to enter the basement. The transport assessment predicts that only 2 cars will queue to use this space in peak periods and the queuing area provided on site can accommodate 3 cars.

#### **Site and Surroundings**

4.5 The island site has a total area of 0.4 hectares and is located to the south of Aspen Way and to the North of Polar Dock. The site slopes down gently towards the east. The site is occupied by a MacDonald's restaurant and drive-thru takeaway facility. The site currently benefits from landscaping and on-site car parking for 41 cars.

4.6 Pursuant to the London Borough of Tower Hamlets (LBTH) adopted Unitary Development Plan (UDP) 1998, the site is located within the Central Activity Zone, a Flood Protection Area, is within 200m of east-west Crossrail, and is adjacent a site of nature conservation importance. Pursuant to the LBTH Interim Planning Guidance (IPG) the site is identified as ID58 (Res C3, Employment B1), and falls within a Flood Risk zone 2 – 3.

4.7 Pursuant to the Isle of Dogs Area Action Plan (AAP), the site is specifically identified as ID58 (for Residential C3 and Employment B1 uses), is adjacent new housing focus area, adjacent residential-led mixed use and adjacent to the Crossrail route.

4.8 Pursuant to the Mayor's London Plan Consolidated with Alterations since 2004, the site is identified within an area of regeneration, is adjacent to the Canary Wharf Opportunity Area and is within an area with a Public transport Accessibility Level (PTAL) of 6a.

4.9 Pursuant to the Mayor's East London Sub-regional Development Framework, the site is

identified within an area for mixed uses with strong arts, cultural and entertainment character.

- 4.10 To the north of the site is Aspen Way, and further north is a mix of predominantly residential development. To the south is a recent residential development and the Poplar Dock marina. To the west is Billingsgate Market and Canary Wharf whilst to the east is a mix of residential commercial floorspace (office and retail) as well as a hotel. Blackwell DLR station is in proximity of the site to the north east across Aspen Way.

## **Planning History**

### *The Site*

- 4.11 In June 1994 application T/94/170 was granted for the MacDonald's development. Subsequently, various minor applications have been approved for signage and a freestanding cash point (ATM).

### *Neighbour – Building C New Providence Wharf*

- 4.12 On 31 January 2008, application PA/06/2101 was granted for erection of a part 12, part 44 storey 54,778 sqm building to provide 484 flats, 323 sqm of retail floorspace (Use Class A1), a 948 sq m Health and Fitness club (Use Class D2). An ancillary concierge facility together with associated landscaping, car parking, servicing and plant was also provided, subject to signing the s106 legal agreement.

### *Neighbour – Building D New Providence Wharf*

- 4.13 On 06 October 2004, application PA/03/1387 was granted for erection of a 33,291 sqm. tower and podium building, 104.3m high, to provide a 210 room hotel, 257 flats (139 studio apartments, 70 one bedroom, 39 two bedroom, 3 three bedroom and 6 three bedroom duplex apartments) together with a 86 sq. m Class A1/A2/A3/B1 unit.
- 4.14 On 20 April 2005 application PA/04/1858 was granted for the erection of a 36,552 sqm tower and podium building (111.95 m tall) to provide a 14,106 sq. m, 169 bedroom hotel, a 605 sq. m health club, a 36 sq. m A1/A2/A3/B1 unit, 45 car parking spaces, landscaping and means of access was permitted.

### *Neighbour – Poplar Dock*

- 4.15 On 07 October 1997, the London Docklands Development Corporation (LDDC) granted permission for the redevelopment of Poplar Dock and its use as 21 Houses, 294 flats and 230sqm of commercial floorspace (Class A1, A2 or A3), as well as ancillary car parking and landscaping.
- 4.16 On 30 June 1998, the LBTH Development Subcommittee granted permission for an application to vary the 7<sup>th</sup> October 1997 permission, including provision of an extra storey on the north/south blocks D1, D2 and F to create 16 additional units as well as an increasing commercial floorspace by 75sqm from 230sqm to 305 sqm.
- 4.17 On 03 February 1999, the LBTH Development Panel granted planning permission for an amended scheme at block C to provide 86 flats comprising of 1 to 3 bedrooms as well as a contributions to social housing.
- 4.18 On 08 January 2001, the LBTH Development Panel granted permission for application PA/99/1540 for erection of a part 4/5 storey building to provide 14 x 1 bed and 36 x 2 bed flats with car parking and landscaping.

### *Neighbour - Land S/w Jnc Of Poplar High St And Preston's Road And East Of Poplar Business Park, Preston's Road*

- 4.19 On 13 March 2006, application PA/04/510 was granted for the erection of two buildings rising to 13 and 25 storeys in height and its use as 1,084 sq. m of Class A1 (Shop) and 243

residential units (131 x 1 bedroom, 82 x 2 bedroom and 30 x 3 bedroom).

## 5. POLICY FRAMEWORK

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

### **Unitary Development Plan 1998 (as saved September 2007)**

Proposals: CAZ, Flood Protection Area, within 200m of east-west Crossrail, adjacent a site of nature conservation importance

Policies:	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV3	Mixed Use Developments
	DEV4	Planning Obligations
	DEV8	Protection of Local Views
	DEV9	Control of Minor Works
	DEV12	Provision Of Landscaping in Development
	DEV43	Protection of Archaeological Heritage
	DEV44	Preservation of Archaeological Remains
	DEV46	Protection of Waterway Corridors
	DEV50	Noise
	DEV51	Contaminated Soil
	DEV55	Development and Waste Disposal
	DEV56	Waste Recycling
	DEV69	Efficient Use of Water
	EMP1	Promoting economic growth and employment opportunities
	EMP5	Compatibility with Existing Industrial Uses
	EMP6	Employing local People
	EMP8	Encouraging Small Business Growth
	EMP10	Development Elsewhere in the Borough
	EMP12	Business Uses in Industrial Employment Areas
	EMP13	Residential Development in Industrial Employment Areas
	HSG7	Dwelling Mix and Type
	HSG13	Internal Space Standards
	HSG 14	Provision for Special Needs
	HSG15	Development Affecting Residential Amenity
	HSG16	Housing Amenity Space
	T10	Priorities for Strategic Management
	T16	Traffic Priorities for New Development
	T18	Pedestrians and the Road Network
	T21	Pedestrians Needs in New Development
	S10	Requirements for New Shop front Proposals
	OS9	Children’s Playspace
	U2	Development in Areas at Risk from Flooding
	U3	Flood Protection Measures

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

Proposals: IPG – ID58 (Res C3, Employment B1), Flood risk zone 2 and 3, Isle of Dogs AAP  
IOD AAP – , mixed use site, ID58 (Res C3 Employment B1), adjacent new housing focus area, adjacent res led mixed use adjacent crossrail route

Core Strategies: CP1 Creating Sustainable Communities



	CP2	Equality of Opportunity
	CP3	Sustainable Environment
	CP4	Good Design
	CP5	Supporting Infrastructure
	CP9	Employment Space for Small Businesses
	CP11	Sites in Employment Use
	CP15	Provision of a Range of Shops and Services
	CP19	New Housing Provision
	CP20	Sustainable Residential Density
	CP21	Dwelling Mix and Type
	CP22	Affordable Housing
	CP24	Special Needs and Specialist Housing
	CP25	Housing and Amenity Space
	CP28	Healthy Living
	CP29	Improving Education Skills
	CP31	Biodiversity
	CP37	Flood Alleviation
	CP38	Energy Efficiency and Production of Renewable Energy
	CP39	Sustainable Waste Management
	CP41	Integrating Development with Transport
	CP43	Better Public Transport
	CP46	Accessible and Inclusive Environments
	CP47	Community Safety
	CP48	Tall Buildings
Policies:	DEV1	Amenity
	DEV2	Character and Design
	DEV3	Accessibility and Inclusive Design
	DEV4	Safety and Security
	DEV5	Sustainable Design
	DEV6	Energy Efficiency
	DEV7	Water Quality and Conservation
	DEV8	Sustainable Drainage
	DEV9	Sustainable Construction Materials
	DEV10	Disturbance from Noise Pollution
	DEV11	Air Pollution and Air Quality
	DEV12	Management of Demolition and Construction
	DEV13	Landscaping and Tree Preservation
	DEV14	Public Art
	DEV15	Waste and Recyclables Storage
	DEV16	Walking and Cycling Routes and Facilities
	DEV17	Transport Assessments
	DEV18	Travel Plans
	DEV19	Parking for Motor Vehicles
	DEV20	Capacity of Utility Infrastructure
	DEV21	Flood Risk Management
	DEV22	Contaminated Land
	DEV25	Social Impact Assessment
	DEV27	Tall Buildings Assessment
	EE1	Industrial Land Adjoining Industrial Land
	EE2	Redevelopment/Change of Use of Employment Sites
	EE3	Relocation of Businesses Outside of Strategic Industrial Locations and Local Industrial Locations
	RT3	Shopping Provision Outside of Town Centres
	RT4	Shopping Provision Outside of Town Centres
	HSG1	Determining Housing Density
	HSG2	Housing Mix
	HSG3	Affordable Housing

HSG4	Ratio of Social Rent to Intermediate Housing
HSG7	Housing Amenity Space
HSG9	Accessible and Adaptable Homes
HSG10	Calculating Provision of Affordable Housing
CON5	Protection and Management of Important Views

### Supplementary Planning Guidance/Documents

Residential Space Standards  
 Archaeology and Development  
 Isle of Dogs Action Plan (AAP)

### The Mayor's Spatial Development Strategy for Greater London, The London Plan (Consolidated with Alterations since 2004) 2008

Consider adding 2A.7, 2A.10, 3A.3, 3A.6

London Plan – area for regeneration, adjacent canary wharf opportunity area

East London Sub-Regional Development Framework – Mixed uses with strong arts, cultural and entertainment character

PTAL 6a (area only)

Policies	2A.1	Sustainability Criteria
	2A.7	Areas for Regeneration
	2A.9	The suburbs: Supporting Sustainable Communities
	3A.1	Increasing London's Supply of Housing
	3A.2	Borough Housing Targets
	3A.5	Housing Choice
	3A.7	Large Residential Developments
	3A.9	Affordable Housing Targets
	3A.10	Negotiating Affordable Housing in Individual Private Residential and Mixed use Schemes
	3A.17	Addressing the Needs of London's Diverse Population
	3A.18	Protection and Enhancement of Social Infrastructure and Community Facilities
	3A.20	Health Objectives
	3A.23	Health Impacts
	3A.24	Education Facilities
	3A.23	Community Strategies
	3A.24	Meeting Floor Targets
	3A.28	Social and Economic Impact Assessments
	3B.1	Developing London's Economy
	3B.2	Office Demand and Supply
	3B.3	Mixed Use Development
	3C.1	Integrating Transport and Development
	3C.2	Matching Development with Transport Capacity
	3C.23	Parking Strategy
	3D.11	Open Space Provision in DPDs
	3D.14	Biodiversity and Nature Conservation
	4A.22	Spatial Policies for Waste Management
	4A.7	Renewable Energy
	4A.4	Energy Assessment
	4A.3	Maximising the Potential of Sites
	4A.16	Water Supplies and Resources
	4A.17	Water Quality
	4A.18	Water and Sewerage Infrastructure
	4A.20	Reducing Noise and Enhancing Soundscapes
	4A.33	Bringing Contaminated Land into Beneficial Use
	4B.1	Design Principles for a Compact City
	4B.2	Promoting World Class Architecture and Design

4B.3	Enhancing the Quality of the Public Realm
4B.5	Creating an Inclusive Environment
4A.3	Sustainable Design and Construction
4B.9	Tall Buildings - Location
4B.10	Large Scale Buildings – Design and Impact
5C.1	The Strategic Priorities for North East London

**Mayor of London’s Sub Regional Development framework For East London  
Mayor of London SPG, London View Management Framework 2007**

**Government Planning Policy Guidance/Statements**

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

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

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

**6. CONSULTATION RESPONSE**

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

**LBTH Primary Care Trust (PCT)**

6.2 Advised that the contribution for healthcare based on the HUDU model is £2,378,709.00 comprising of £545,253.00 capital contribution and £1,833,456.00 revenue contribution

(Officer Comment: These issues are discussed in section 8: ‘S106 Planning Contributions’.)

**LBTH Landscape Section**

6.3 Concern is raised about provision of family housing with limited play area which is also prescriptively design. Furthermore, the lack of any public open space within this area and isolation of the site would otherwise make accessibility difficult for children. Concerned also raised with density of the scheme but notes this is not a reason for refusal of itself.

(Officer Comment: Section 8 under ‘Amenity Space’ outlines provision of amenity open space including 380sqm of dedicated children’s playspace and 100sqm playspace relating to the crèche. This provision satisfies the Interim Planning Guidance requirements in terms of area and concern about the detailed design could be reasonably addressed by an appropriately worded condition for the detailed design stage. In respect of the availability of open space, the scheme will provide for an improved open space between the site and Poplar Dock and contribute a planning contribution in excess of £500k in support of this work. On the basis of the variety of provision of amenity space and that the detailed design will be secured by condition, the concerns expressed are not considered sufficient reasons to refuse planning permission.)

### **LBTH Parks and Open Spaces**

- 6.4 Clarification requested in respect of the amenity area adjacent the site and Poplar Dock.

(Officer Comment: It was confirmed that this area fell outside the red line of the application and was land controlled by British Waterways and for which it was agreed to seek s106 planning contributions for the improvement of this space for public use. As part of the s106 agreement, appropriately worded heads of terms will include the requirement for LBTH to be consulted on the works to this space including the detailed landscape design treatment and the retention and replacement of trees.)

### **LBTH Traffic and Transport**

- 6.5 Initial comments since been addressed by further information and conditions of approval recommended:

- A recent 24 hour traffic study considering Billingsgate market;
- The loading bay on the public highway is incorporated within the site proper;
- The vehicle barrier onto Trafalgar way has been repositioned further into the site to prevent queuing on the public highway.
- Recommend a car free agreement ad section 106 for highway improvements including contributions for at grade pedestrian crossing facilities for Preston Road roundabout and contributions towards highway improvements on Trafalgar Way
- Recommend s278 agreement to secure the highway works.

The remaining concerns about the scheme such that the department cannot recommend approval:

- Provision of 37 parking for the MacDonald's restaurant;
- The internal road layout giving rise to pedestrian/vehicle conflicts

(Officer Comment: These issues are discussed in section 8: 'Transport'.)

### **LBTH Energy Officer**

- 6.6 Considers the energy Strategy to be acceptable and recommends appropriately worded conditions to ensure carbon dioxide reductions are capable of being achieved on site.

### **LBTH Environmental Health – Health**

- 6.7
- No bedroom to be less than 6.5sqm
  - Sufficient extract ventilation for kitchens, bathrooms and WCs
  - Premises must comply with relevant statutes including Housing Act 2004 and relevant building regulations.

(Officer Comment: In respect of the issues raised, all bedrooms exceed the minimum requirements and satisfy the LBTH Supplementary Planning Guidance on amenity space standards; ventilation will be addressed as part of the approval under building regulations; compliance with other legislation is noted but not a planning consideration.)

### **LBTH Environmental Health – Construction, Noise/vibration, Microclimate (wind) and BRE (daylight sunlight) Issues**

- 6.8
- Construction management plan acceptable and hours to be conditioned;
  - Noise vibration conditions to be imposed for internal amenity pursuant to PPG24 and BS8233.1999;
  - Microclimate assessment acceptable and sufficient comfort/safety levels are achieved through the development;
  - Since the receipt of further information including Vertical Sky Component (VSC), Average Daylight Factor (ADF), DDT, Annual Probable Sunlight Hours (APSH), shadow analysis and Sun Path for Sunlight Assessment, the scheme is considered to be acceptable;
  - Concern in respect of the noise impact for residents form the A3 (MacDonald's and

D1/D2 (Gymnasium and crèche) have been addressed by window glazing specifications as well as the insulation level of the intended floor construction

(Officer Comment: Appropriately worded conditions of approval are recommended where relevant to address the abovementioned matters.)

#### **LBTH Environmental Health – Land Contamination Issues**

6.9 No objection to the scheme and recommends standard conditions for further investigation.

#### **LBTH Education**

6.10 A planning contribution of £607,758. 00 is requested to accommodate 49 additional primary school places to mitigate against the impact on the local education provision.

(Officer Comment: The full planning contribution sought will be secured within the s106 agreement.)

#### **LBTH Waste**

- 6.11
- Concern raised in respect of compaction of residential waste with handling difficulties that may result form heavier bins;
  - Twice weekly collection services are acceptable
  - Concern that storage facilities could be cramped
  - Further consideration of the above matters is required before concluding the most suitable waste handling arrangements on the site

(Officer Comment: An appropriately worded condition is recommended for the resulting waste arrangements to be agreed prior to commencement of works on site)

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

6.12 No comments received

#### **The Government Office of London**

6.13 No comments received

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

6.14 No objection to the scheme subject to appropriately worded standard conditions:

- Flood warning system and evacuation plan
- Preliminary risk assessment
- Verification report for the remediation strategy
- No infiltration of surface water drainage into the ground
- Piling and penetrative foundation design to be approved

Additionally, the following informatives are recommended:

- Drainage systems to allow groundwater to bypass
- Abstraction license required under the Water Resources Act 1991
- Follow risk management of CLR11
- Surface water attenuation for 1 in 100 year events with 30% increase for climate change

(Officer Comment: These conditions and informatives are recommended if the application is granted.)

#### **TfL (Statutory Consultee)**

6.15 No comments received

#### **DLR**

6.16 No comments received

## **BBC**

6.17 No comments received

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

6.18 Concern for impact to sensitive conservation area views Eg from portico of All Saints, East India Dock Road and effect of materials and detailed design especially a shiny finish. Note that consultation as part of Scoping opinion are not a view on the scheme and are merely an outline of the information to be contained within the Environmental Impact Assessment (EIA). No pre-application was had on this scheme.

(Officer comment: The impact to conservation area views is discussed in section 8 under 'Design'. Advice that the Scoping opinion is an assessment and that pre-application discussions have not been had are noted but do not otherwise prejudice the assessment and determination of the application)

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

6.19 No safeguarding objection to the proposal

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

6.20 No safeguarding objection to the proposal.

## **Thames Water Authority**

6.21 No comments received

## **British Waterways**

6.22 No objection subject to:

- Financial contribution for landscaping of area between the site and Poplar Dock
- A condition for detailed landscaping plan
- An informative in respect of surface water discharge

(Officer Comment: A contribution is secured for the improvement works to land adjacent Poplar Dock and the condition and informatives are recommended if the scheme is granted)

## **Lea Valley regional Park Authority**

6.23 No comments received

## **Metropolitan Police**

6.24 No comments received

## **London Fire and Emergency Planning Authority (LFEPA)**

6.25 The Authority raise no objection the proposal following receipt of the following clarification:

- The stacking arrangement of the parking facility
- The lower car park plan
- Inclusion of the escape stair for the basement
- Reliance on an engineering design solution needs to be clarified

## **London Borough of Greenwich**

6.26 No objections and no observations.

## **English Nature – Natural England**

6.27 The Environmental Assessment does not cover current conservation value although, it is accepted this was covered in the Scoping Report. However, the need to better consider nesting and breeding of birds is required. Black Restarts are found in LBTH and the Isle of Dogs has the most breeding pairs. A condition is recommended to ensure impacts during felling are minimised. The nesting, breeding and seasonal requirements is to be factored into the construction program as well as in a management strategy for the birds on site during

this phase. A management program is recommended for maintaining planting on site and to include the green/brown roofs in this plan. A legal agreement is recommended towards the maintenance and continued provision of accessible natural greenspace.

(Officer Comment: The Thompson Ecology Habitat Survey which was submitted as part of the Environmental Impact Assessment (EIA) states that there was no evidence of Black Redstarts on site. In addition to this, the ecological consultant advised that Black Redstarts prefer to nest in derelict sites of brick and rubble rather than trees. Advice was that a new habitat would be provided for Black Redstarts in the form of the proposed brown roofs. Finally, the s106 legal agreement includes monies to improve the open space in between the site and Poplar Dock which has the potential to support natural greenspace.)

#### **Port of London Authority**

6.28 No objection to the proposal.

#### **National Grid**

6.29 Consider that the scheme has a negligible risk in respect of proximity and sensitivity of electricity and gas transmission network.

#### **Canary Wharf Group PLC**

6.30 No objecting in principle but concerned about impact of development including traffic in Trafalgar Way. Proposal is a significant intensification with new restaurant having a potentially high turnover and stacked parking may not be sufficient and possible queues in Trafalgar Way and Impact to Preston's Road needs to be considered.

(Officer Comment: These concerns have also been considered in the officer comments for the traffic and Transportation and Strategic Transport Team)

#### **Crossrail**

6.31 Advice that the Authority has no comments to make on the proposal

#### **CABE**

6.32 No comments received

#### **Barkantine Tenants and Residents Association**

6.33 No comments received

#### **Alpha Grove and Barkantine Tenants Association**

6.34 No comments received

#### **Maritime Greenwich World Heritage Site**

6.35 Notes the site is considerable distance from Maritime Greenwich but nevertheless is visible from General Wolfe Statue, Greenwich Park being listed in the GLA London View Development Framework. Concern is raised regarding the enlargement of the cluster of tall building to east and west of the Canary Wharf cluster which may create a wall of buildings. The gap is important as it visually defines Canary Wharf and extending this group of buildings as viewed from the General Wolfe Statue is a concern. Also, there is concern for scale and design of the tower rather than details.

(Officer Comment: The agent has provided CGIs and additional written justification in support of the scheme in response to these concerns as discussed in detail in Section 8 under 'Design'.)

#### **The Greenwich Society**

6.36 No comments received

## **7. LOCAL REPRESENTATION**

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

No. of individual responses: 1 Against: Nil; Support: Nil; Neutral 1

7.2 The following comments were raised in representations that are material to the determination of the application:

7.3 Design – attractive building that will improve the tone of LBTH  
(Officer comment: The appearance and design of the scheme is considered to be of high quality and an appropriately worded condition recommended to control the detailed design and materials)

7.4 Concern in respect of TV and radio reception  
(Officer comment: TV and radio reception was considered as part of the EIA. The assessment concludes that the impact would be minimal subject to mitigation measures for example relocating antennas or using repeaters and amplifiers. To ensure that this matter is considered following completion of the scheme it is included a term of the s106 agreement requiring monitoring and mitigation is undertaken as appropriate).

## **8. MATERIAL PLANNING CONSIDERATIONS**

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

1. Landuse
2. Housing
3. Design
4. Amenity for future occupiers and users
5. Neighbour Impacts
6. Transport Impacts
7. Sustainability
8. Planning Contributions

### **Landuse**

#### Introduction

8.2 As noted in the 'Site and Surroundings' section 4 of this report, the site falls within ID58 of the Isle of Dogs AAP and is designated for a residential-lead, mixed-use scheme.

#### Principle of mixed use

8.3 National, regional and local policy promotes a mixed use development approach on this site, subject to the following considerations.

8.4 In respect of national policy PPS 1: Creating Sustainable Development (Jan 05), the PPS promotes in it's 'General Approach' for the more efficient use of land with higher density, mixed-use schemes using previously developed, vacant and underutilised sites to achieve national targets. This consideration of the effective use of land, and the range of incentives or interventions to facilitate this is also encouraged in 'Effective Use of Land' of PPS3 'Housing' (Nov 06).

8.5 In respect of regional policy, The London Plan (Consolidated 2008), 2A.1 'Sustainability Criteria' also promotes the optimisation of land use. Policy 2A.9 'The Suburbs: Supporting



Sustainable Communities' refers to promoting change and enhancing of quality of life with higher density, mixed use development and by considering means of improving sustainability of land use. Policy 3B.1 'Developing London's Economy' seeks to support the economy of London by promoting a range of premises of different types and sizes thereby encouraging the mixed uses. Policy 3B.3 'Mixed Use Development' (90) mentions that mixed uses are also encouraged with sub-regional development frameworks. Identifying capacity to accommodate new job and housing opportunities through mixed-use development is encouraged in Policy 5C.1 'The Strategic Priorities for North East London'.

8.6 In policy terms, a mixed use scheme is policy compliant on this site. Therefore, this mixed use residential and commercial scheme is acceptable in principle.

#### Density

8.7 In addition to the general guidance Policy 3A.3 'Maximising the Potential of Sites' of The London Plan, CP20 'Sustainable Residential Density' and HSG1 'Determining Residential Density' of the Interim Planning Guidance, outline the standards for maximising intensity and the efficient use of sites.

8.8 The proposal is equivalent to 2633 habitable rooms per hectare which is in excess of published local and regional guidance. The indicative density provisions based on habitable rooms per hectare are as follows:

- London Plan: 650-1100 habitable rooms per hectare in an area of a Public Transport Accessibility Index (PTAL) 4-6 for central areas (within 800m walking distance of Canary Wharf)
- LBTH Interim Guidance: 650-1100 habitable rooms per hectare in PTAL 4-6 in northern isle of Dogs area

8.9 The density is in excess of the range of the London Plan and LBTH Interim Guidance. However, it is considered that the density is acceptable for the following reasons:

- There are no significant impacts identified for neighbours as discussed under 'Neighbour Impacts';
- There are no significant impacts identified for future residents and users as discussed under 'Amenity for Future Occupiers and Users';
- There are no symptoms of overdevelopment including poor design, substandard accommodation, inappropriate housing mix referred to in CP20 Sustainable Residential Density of the LBTH Interim Planning Guidance;
- The scheme is of high architectural quality as discussed under 'Design';
- Tall buildings are appropriate in this location as discussed under 'tall Buildings';
- The scheme has acceptable access to public transport;
- Planning contributions for transport, health, education and amenity space will be secured to compensate for the demand that the scheme will pose to local service and facility provision as discussed under 'S106 Planning Contributions';

8.10 For these reasons the scheme is considered to be an efficient use of the site and not over-dense.

8.11 Furthermore, higher density is also promoted by Interim Planning Guidance Policy CP20 'Sustainable Residential Density' which states:

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

8.12 In addition, high density precedents have been recently approved in particular application PA/04/00510 at Land S/w Jnc Of Poplar High St And Preston's Road And East Of Poplar Business Park, Preston's Road. A density in excess of 2259 habitable rooms per hectare was granted in 2006 for this scheme.

8.13 Therefore, on balance, the density is considered acceptable given that the proposal poses no significant impacts, is appropriate to the area context and planning contributions will be secured.

Principle of Housing

8.14 Consideration in this section is limited to the principle of a residential component in a mixed-use redevelopment. The quality of the provision is discussed separately under ‘Housing’.

8.15 The scheme is identified in the Isle of Dogs AAP as development site ID58. Its description indicates a residential C3 component of any redevelopment scheme is considered acceptable. In respect of the London Plan (Consolidated 2008), the site is within the North-East sub region and should also have regard to the Blue Ribbon Network. However, there are no specific designations identified for this site. Therefore there is nothing to prevent the consideration of a residential component rather it is a presumption which is further reinforced by the extant permission of May 2007.

Concluding Remarks

8.16 This section considered that a residential-lead, mixed-use scheme is appropriate and justified in terms of policy. The remainder of the report considers the acceptability of the scheme.

**Housing**

8.17 The application includes 395 residential (Class C3) units. Its mix is as follows:

	<b>Market Sale</b>	<b>Social Rent</b>	<b>Shared Ownership</b>
Studios	63	0	4
1 Bedroom flat	86	5	10
2 Bedroom flat	105	12	13
3 bedroom flat	47	33	9
4 Bedroom flat	0	7	0
5 Bedroom flat	0	1	0
<b>Total Units</b>	<b>301</b>	<b>58</b>	<b>36</b>
<b>Total Affordable Units</b>		<b>94</b>	

Affordable Housing

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

8.19 Policy CP22 ‘Affordable Housing’ requires a 35% affordable housing provision.

8.20 An Affordable Housing (Three Dragons) Toolkit was submitted in justification for providing a reduced affordable housing contribution. Issues including build cost and residual land value were identified as affecting the financial viability of the scheme. Additionally, provision of affordable housing is balanced with the need to consider planning contributions in other areas including transport, health and education for example.

8.21 Initially, the scheme offered a contribution 28% affordable housing and £5,000.00 per unit based on the affordable housing toolkit. The applicant reconsidered this and improved the contribution to 30% affordable housing and £8,000.00 per unit in financial contributions. The agent confirmed that, in light of the scheme’s economic viability, the scheme could not increase the affordable housing offer further. After extensive review by Council Officers, it is considered the figures appear to be reasonable, and that the 30% affordable housing

provision is the maximum that can be provided.

8.22 Policy 3A.8 of the London Plan states that:

*'Boroughs should seek maximum reasonable amount of affordable housing when negotiating on individual private residential and mixed-use schemes, having regard to their affordable housing targets adopted in line with policy 3.7, the need to encourage rather than restrain residential development and the individual circumstances of the site. Targets should be applied flexibly, taking into account of individual site costs, the viability of public subsidy and other scheme requirements'*.

8.23 In accordance with GLA requirement, the Council have sought the maximum amount of affordable housing whilst taking into account the factors set out in the policy 3A.8 of the London Plan. These include the most effective use of private and public investment, which includes use of financial contributions. In this case, the most relevant planning contributions (financial contribution or public investment) offered by this scheme (as worked into the viability assessment) includes:

- £1,500,000.00 towards highway safety improvements;
- £607,758.00 towards education to mitigate the demand of the additional population on education facilities;
- £545,253.00 towards medical facilities to mitigate the demand of the additional population on medical facilities;
- £522,989.00 towards an improved public space between the site and Poplar Dock to supplement the private and communal open space achieved of site; and

8.24 Overall, in the light of the viability assessment produced for the proposed development, the overall s106 package and additional regeneration benefits arising from the proposal, the failure to provide a minimum of 35% affordable housing is considered acceptable on balance. The proposed development is therefore in accordance with policy 3A.7 and 3A.8 of the London Plan and policies CP22, HSG3 and HSG4 of the LBTH Interim Planning Guidance.

8.25 Moreover, a similar on-balance consideration was given to the nearby application for Building C New Providence Wharf (Ref PA/06/2101). In this scheme the revised affordable housing toolkit indicated that a maximum provision of 32% affordable housing was possible. This application was approved by the Strategic Development Committee on 31<sup>st</sup> January 2008. Therefore, it is considered reasonable that similar regard should be had for the merits of this application and the contribution of affordable housing being offered.

8.26 In addition to the above requirement, Policy 3A.7 'Affordable Housing Targets' of The London Plan (Consolidated 2008) requires a 70:30 split between social rent and shared ownership tenures. The scheme achieves a split of 70:30 and is therefore acceptable in this regard.

#### Family Housing

8.27 Family sized housing is a requirement in all three housing tenures (market, social-rent, and shared-ownership) although varying amounts are required in each.

8.28 Policy CP21, 'Dwelling Mix and Type' requires family housing in all three tenures. For intermediate housing the policy requires 25% family housing and the scheme provides 23%. In the social-rent housing 45% is required and 70% is provided. In the market housing, 25% is required and 16% is provided. This corresponds to a total provision of 25% family housing provision across the whole scheme for which the policy aspiration is 30%. Additionally, Policy HSG 2 'Location of New Housing' and Table DC.1 set out the appropriate mix of units in the social rent tenure. It is noted that this improves upon the recent approval of nearby Building C, New Providence Wharf, application PA/06/2101 for 30% affordable housing of which a total of 16% family housing was achieved.

8.29 Whilst short on of the nominated percentages in the mark tenure, the overall provision as well as provision in the social-rent and shared ownership tenures is in line with policy aspirations. It is noted that the scheme exceeds the amount of family housing otherwise achieved across the borough based on the most recently published LBTH Annual Monitoring Report 2006-7 and is therefore, a positive step towards LBTH achieving key housing targets and better catering for housing need. Figures are given in the following table:

**Table: Family housing provision comparison**

Tenure	% Policy	% PA/08/274	% Annual Monitoring Rpt 2006-07
Social-rented	45	70	<b>17.5</b>
Intermediate (Shared ownership)	25	25	<b>2.5</b>
Market	25	16	<b>4.1</b>
Total	30	25	<b>7.1</b>

#### Wheelchair Housing and Lifetime Homes

8.30 Policy HSG9 'Density of Family Housing' of the Interim Planning Guidance requires housing to be design to Lifetime Homes Standards and for 10% of housing to be wheelchair accessible or "easily adaptable". 10.4% is provided, in compliance with policy.

#### Floor Space

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

8.32 The floorspace schedule for the scheme shows that the total floor area of each flat as well as individual rooms complies with the SPG requirements.

#### Amenity Space

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

8.34 The application proposes the following amenity space provision:

- 1755sqm is private amenity space in balconies;
- 420sqm of communal amenity space at podium level (excluding brown/green roofs);
- In addition, 380sqm of children's play area and 100sqm of outdoor space relating to the crèche;
- 2550\_sqm of public open space adjacent to Poplar Dock
- A total provision of approximately 5205sqm

8.35 The Policy requirements are summarised in the tables below:

Residential Space SPG 1998 requirements

Tenure	Proposed	SPG Requirement	Total (m <sup>2</sup> )
Family Units	97	50sqm of private space per family unit	4850
Non-family units	298	50sqm plus an additional 5sqm per 5 non-family units;	348
Child Bed spaces	104.2	3sq.m per child bed space	312.6
<b>Total</b>			<b>5510.6</b>

Interim Planning Guidance

Units	Total	Minimum Standard (sqm)	Required Provision (sqm)
Studio	67	6	402
1 Bed	101	6	606
2 Bed	130	10	1300
3 Bed	89	10	890
4 Bed	7	10	70
5 Bed	1	10	10
<b>TOTAL</b>	<b>395</b>		<b>3278</b>
<b>Ground Floor Units</b>			
Studio	-	25	-
1 Bed	-	25	-
2 Bed	-	25	-
3 Bed	-	50	-
4 Bed	-	50	-
5 Bed	-	50	-
<b>Total</b>	-		-
<b>Grand Total</b>	<b>395</b>		<b>3278</b>
<b>Communal amenity</b>	50sqm for the first 10 units, plus a further 5sqm for every additional 5 units		<b>435</b>
<b>Total Housing Amenity Space Requirement</b>			<b>3713</b>

8.36 The overall amenity space provision across the scheme exceeds the total required provision of the Interim Planning Guidance, although falls short of the adopted UDP. In considering this scheme, it is emphasised that all flats have some private open space provision and a significant planning contribution is being made to enhance the publicly accessible space adjacent to Poplar Dock. The scheme is considered acceptable on this basis.

8.37 In addition, 312.6sqm of child playspace is required and the scheme makes provision for 480sqm in the form of a dedicated playspace as well as 100sqm of outdoor play area associated with the crèche.

### Concluding Remarks

- 8.38 On balance, the affordable housing provision (of 30%) is considered the maximum possible in light of the affordable housing toolkit, the viability of the scheme and the need to consider other planning contributions including transport, health and education. It is noted that the same on-balance justification has been applied to another recently approved scheme, namely, Building C New Providence Wharf. The total provision of 25% family housing is also considered acceptable and considerably exceeds the 7.1% of family housing achieved across the borough as indicated in the Annual Monitoring report 2006/7. Finally, the proposed units have a sufficient total floor area and amenity space provision to meet the amenity needs of its future occupiers.

### **Design**

#### Introduction

- 8.39 Guidance in the form of policy as well as approved schemes nearby guide the design considerations of this scheme.
- 8.40 Pursuant to regional Policy contained within The London Plan (Consolidated 2008), Policy 4B.1 'Design Principles for a Compact City' requires schemes, amongst other criteria, to create/enhance the public realm, respect local context/character and be attractive to look at. Policy 4B.9 'Tall Buildings – Location' outlines considerations for the siting of tall buildings which includes tall buildings as a “catalyst” for regeneration. Policy 4B.10 'Large-Scale Buildings – Design and Impact' provides further guidance on design considerations, including context, attractiveness and quality.
- 8.41 In consideration of Local Policy and the saved policies of the adopted UDP 1998, Policy DEV1 'Design Requirements' indicates a need for a development to be sensitive to the area, the capabilities of the site, consideration of street frontages, building lines roof lines and street patterns and provide for safety and security. Within the Interim Planning Guidance CP4 'Good Design' buildings and spaces should be high quality, attractive, safe and well integrated. Policy CP48 'Tall Buildings' confirms that tall buildings can be considered anywhere if justified and all proposals should seek, amongst other things, to contribute to a high quality, attractive environment, respond to context and contribute to vitality.
- 8.42 In addition to the Planning Statement, the application is supported by full drawing sets including landscaping plan, as well as a Design and Access Statement, Landscape Design Statement, Townscape and Visual Assessment (within the EIA).

#### Tall Buildings

- 8.43 The scheme is defined as a tall building pursuant to the LBTH Interim Planning Guidance, namely:
- “Buildings or structures generally exceeding 30m in height, or which are significantly higher than the surrounding buildings (usually 2 or more storeys higher), dependant on the scale of existing development and character of the area”*
- 8.44 Accordingly, local and regional tall buildings policy advise on the relevant considerations for tall buildings and discussed below in detail below. Moreover, there is a range of published national policy including PPS1, PPS3 and PPG15 as well guidance that includes 'By Design' published by DETR/CABE in 2000.
- 8.45 Policy CP49 Tall Buildings of the LBTH Interim Planning Guidance states:
- “1. The Council will, in principle, support the development of tall buildings:*
- a) in the northern part of the Isle of Dogs where they consolidate the existing tall building*

*cluster at canary wharf; and*

*b) At Aldgate to facilitate the regeneration of the area.*

*2. The Council may consider proposals for tall buildings in locations outside the tall buildings cluster locations identified in this policy if adequate justification can be made for their development*

*3) All proposals for tall buildings must:*

*a) contribute positively to a high quality, attractive environment;*

*b) respond sensitively to the surrounding local context;*

*c) not create unacceptable impacts on the surrounding environment, including the surrounding amenity;*

*d) contribute to the social and economic vitality of the surrounding area*

*e) not create unacceptable impacts on social and physical infrastructure”*

8.46 In respect of 3a, the scheme is considered to contribute positively to a high quality and attractive environment for the following reasons:

- It proposes good internal floorspace as well as a range of outdoor open space options as detailed under the ‘Housing’ chapter of this report;
- The scheme provides complimentary facilities to the residential C3 uses including a gymnasium and crèche which will benefit future residents;
- The scheme provides for waste, recycling and cycle storage to serve future residents;
- The application proposes high quality external finishes, creative architectural treatments including the sky gardens suspended between the towers as well as perforated metal panel cladding. All of this creates a very distinctive and unique architectural statement that will add to the variety of buildings in this evolving urban context.

8.47 In respect of 3b the scheme responds sensitively to the context in the following ways:

- In terms of ground floor treatment, the building is designed in such a way that it addresses the ground floor street frontages with a series of entrances, and open pedestrian thoroughfares whilst minimising the impact of vehicular access to the western edge of the site and a discrete point at the southern edge of the scheme;
- In terms of upper levels, the two contemporary towers reduce the appearance of bulk in the skyline as compared with a single tower as shown further in different design options for the site.
- It utilises durable metal and glass finishes in a creative way that will add to the skyline and compliment the existing diversity of architectural style in this location.
- Moreover, it is an outward looking scheme with rounded building form that presents an interesting façade from all vantage points.
- The towers are seen in the context of other taller buildings in this location as discussed in detail under ‘Wider Context’;
- Nevertheless, it does not fill in or detract from the tall building cluster of Canary Wharf as discussed in detail under ‘Wider Context’;
- There is no adverse impact to any views as discussed in detail under ‘Local Context’ and ‘Wider Context’

8.48 In respect of 3c, the scheme does not pose any unacceptable impacts on neighbours including overshadowing, microclimate (wind), noise, privacy/overlooking or general disturbance impacts which is discussed in detail later in section 8 ‘Neighbour Impacts’.

8.49 In respect of 3d, the proposal contributes socially and economically to the surrounding area by providing housing of appropriate mix in terms of affordable and family housing, as well as satisfying amenity spaces standards, Lifetime Homes standards and providing for minimum 10% wheelchair accessible housing along with accessible parking for people with a disability is also provided. All this contributes to the creation of a sustainable and diverse community in the local area. In addition to the economic benefits of growing a sustainable community and

local businesses, the scheme itself is predicted to generate between 165-200 Jobs.

8.50 In respect of 3e, planning contributions towards transport improvement, health, education and the upgrade of open space adjacent to Poplar Dock will all be secured to ensure impacts on local infrastructure are mitigated.

8.51 Policy DEV27 Tall Buildings Assessment of the Interim Guidance states:

*“Applications for all tall buildings must satisfy the criteria listed below:*

*Design and Context*

- 1. Demonstrate the design is sensitive to the context of the site.*
- 2. Achieve high architectural quality and innovation in the design of the building, including a demonstrated consideration of its scale, form, massing, footprint, proportion and silhouette, facing materials, relationship to other buildings and structures, the street network, public and private open spaces, watercourses and waterbodies, or other townscape elements.*
- 3. Where the site is outside a location identified for tall building clusters in CP48, demonstrate the consideration of built form design alternatives other than tall buildings.*
- 4. Demonstrate consideration of the appearance of the building as viewed from all angles, and its night-time appearance, as demonstrated through an Accurate Visual Representation.*
- 5. Not adversely impact on important views including strategic London-wide views and important local views, including their settings and backdrops, as demonstrated through an Accurate Visual Representation.*
- 6. Provide a positive contribution to the skyline, when perceived from all angles, assisting to consolidate clusters within the skyline, as demonstrated through an Accurate Visual Representation.*
- 7. Not adversely impact on Conservation Areas, Listed Buildings, historic assets, World Heritage Sites, scheduled monuments, areas of archaeological importance or potential, or their settings.*
- 8. Where residential uses are proposed, include high quality, useable communal and private amenity spaces.*
- 9. Achieve a very high standard of safety and security for occupants of the development and users of the immediate surrounding area.*
- 10. Be visually integrated into the streetscape and the surrounding area.*
- 11. Present a human scaled development at the street level.*
- 12. Respect the local character and seek to incorporate and reflect elements of local distinctiveness.*
- 13. Incorporate adaptable design measures.*

*Environment*

- 14. Demonstrate the privacy, amenity and access to sunlight and daylight for surrounding residents and building occupants will not be adversely affected by the development and that acceptable levels of privacy, amenity and sunlighting and daylighting conditions will be achieved for future occupants of the development.*
- 15. Not adversely impact on the microclimate of the surrounding area, including the proposal site and public spaces.*
- 16. Demonstrate consideration of sustainability throughout the lifetime of the development, including the achievement of high standards of energy efficiency, sustainable design, construction, and resource management.*
- 17. Not adversely impact on biodiversity or open spaces, including watercourses and waterbodies and their hydrology, as well as their settings and views to and from them.*



18. *Achieve high internal and external noise standards, including the consideration of appropriate mixes of uses and use locations within the development.*

#### *Socio-Economic Impacts*

19. *Contribute positively to the social and economic vitality and of the surrounding area at the street level through its proposed mix of uses.*
20. *Be acceptable in terms of its potential social impacts, and maximise positive social impacts, as demonstrated through a Social Impact Assessment.*

#### *Access and Transport*

21. *Incorporate the principles of inclusive design.*
22. *Be located in an area with good public transport access.*
23. *Take into account the transport capacity of the area, and ensure the proposal will not have an adverse impact on transport infrastructure and transport services.*
24. *Respect, and, where possible, improve permeability with, the surrounding street network, and take into account impacts on the movement of people.*
25. *Have good access to, or contribute to the provision of, high quality pedestrian and cyclist routes between the site and public transport, public open space, shops and social and community facilities.*
26. *Provide publicly accessible areas within the building, including the ground floor, and where there are opportunities to provide viewing platforms, the top floor.*

#### *Additional Considerations*

27. *Where residential uses are proposed, comply with the density requirements in policy HSG1.*
28. *Conform to Civil Aviation requirements.*
29. *Not interfere, to an unacceptable degree, with telecommunication and radio transmission networks.*
30. *Demonstrate consideration of public safety requirements as part of the overall design, including the provision of evacuation routes."*

8.52 Points 1, 2, 8, 10, 12, 14, 15, 19, 20 and 21 have been addressed in the considerations of CP 49 tall Buildings.

8.53 In respect of 3, alternatives have been considered in the pre-application discussions with LBTH and in the applicant's Design and Access Statement, which accompanies the application.

8.54 Regarding 4 (views), Computer generated Images (CGIs), as well as artist perspectives in the design and access statement and analysis in Chapter 11 of the EIA, indicate consideration of the external appearance from all angles as well as its night-time appearance.

The requirements of points 5, 6 and 7 (consideration of views) has also been considered namely:

- Strategic London-wide views,
- the contribution made to the skyline
- any listed buildings, conservation areas and world heritage sites and their settings.

These are explored in more detail later under 'Wider context'.

8.55 In respect of 9, safety and security is achieved with access to the upper levels controlled at ground level by foyer access. Minimisation of blank frontages, as well as the activity associated with the MacDonald's restaurant, will ensure surveillance to maintain safety and

security and deter crime.

- 8.56 In respect of 11, a human scale is achieved at street level with a series of single storey commercial premises, including the Macdonald's restaurant, as well as the residential foyer which breaks up façade of the building and provides multiple openings (doorways and windows). This prevents continuous and/or blank frontages.
- 8.57 In respect of 13, adaptability is incorporated into the scheme by generous floor-ceiling heights at ground floor level to accommodate the needs of commercial uses. The residential flats including wheelchair accessibility, lifetime homes and minimum floorspace standards in the design, as discussed previously under 'Housing'.
- 8.58 In respect of 16, sustainability has been considered with energy efficient and renewable energy measures in the scheme. It achieves 10% of energy from renewable sources, as well as a 20% reduction in Carbon Dioxide, as detailed in the Planning Statement, the Design and Access Statement and supporting Energy Renewable Toolkit.
- 8.59 In respect of 17, there is no impact identified to biodiversity or open spaces including watercourses, waterbodies and their hydrology. The Environment Agency, Natural England and the Council's Arborculturalist have raised no objections to the scheme subject to various conditions, informatives and s106 heads of terms.
- 8.60 In respect of 18, the internal noise standards have been considered by LBTH Environmental Health Team, who are satisfied that there will be no significant impact to neighbours.
- 8.61 In respect of 22, the site has good access to public transport with a site specific Public Transport Accessibility Level (PTAL) 4 and is within an area considered generally to be PTAL 6a.
- 8.62 In respect of 23, the proposal is considered to be within the capacity of the area and the Traffic and Transportation team.
- 8.63 In respect of 24, the proposal will contribute a planning contribution of £1.5million to funding works to the nearby roundabout. This will improve pedestrian links in the surrounding area and especially links to nearby Blackwell DLR station.
- 8.64 In respect of 25, the above monies will contribute to linking the development into the wider area and further afield with improved links to the DLR station. This will also assist in linking the site to the London Cycle Network, including, the dedicated link along Cable Street to Tower Bridge which provides access to greater London.
- 8.65 In respect of additional consideration 27 – 30:
- The scheme is in excess of the density provisions for the area. However, this is considered justified given the high quality external appearance, the internal amenity achieved, the variety of amenity space provided on site plus the significant planning contributions that have been secured for the scheme;
  - No objections have been raised by London City Airport and the National Air Traffic Services Ltd (NATS);
  - No objections have been received from the BBC. The s106 legal agreement includes an obligation for monitoring and mitigating of any impacts, in accordance with the analysis contained in the Environmental Impact Assessment;
  - No objection has been received from LBTH Building Control. Such matters can be dealt with at the detailed design phase under the Building Regulations.
- 8.66 Policies DEV 1 and DEV 2 of the LBTH adopted UDP 1998 as well as consolidated London Plan Policies 4B.8 Tall Buildings – Location, Policy 4B.1 Design Principles for a Compact City', Policy 4B.3 'Maximising the Potential of Sites' 4B.9 'Large-Scale Buildings – Design

and Impact are also considered to be addressed by the above comments.

- 8.67 It is concluded that the principle of a tall building is supported on this site having regard to local and regional policy.

#### External Appearance

- 8.68 The building's appearance is considered to be one of the strongest aspects of the proposal, offering an attractive and complimentary addition to the skyline in this area.

#### Local Context

- 8.69 As discussed previously under 'Tall Buildings', regard has been had for the impact of the proposal on the surrounding area. The 'Townscape and Visual' assessment in Chapter 11 of Volume 01 of the Environmental Impact Assessment (EIA) considers 12 view points within the Isle of Dogs, Poplar and North Greenwich which show the before and after changes in the skyline. Regard is also had for the surrounding areas in general as well as specific consideration of the Cold Harbour and Naval Row Conservation Areas, All Saints and Matthias Church as well as other individually listed structures and buildings are also assessed. In respect of the conservation areas, it is evident that all the identified areas have been already impacted upon in various degrees by development either within the conservation area itself and/or adjacent. In respect of the listed items for example, West India and Millwall Docks, Blackwell Basin and Poplar Dock are locally listed but are not nearer than 260m of the site nor do any of them enjoy their original settings. Such factors are a consideration when analysing the significance of any impact of the proposal.
- 8.70 The analysis provided in the EIA was undertaken having regard to national, regional and local guidance and within the context of a methodology set out in the 2002 edition of the Guidelines for Landscape and Visual Impact Assessment (GVLIA) produced by the Landscape Institute and the Institute of Environmental Management and Assessment (IEMA). The report conclusions are that:
- The design offers something distinctive and different to the townscape;
  - There is no significant impact to the setting of listed buildings, conservation areas, the riverscape or any adverse impact on any protected or strategic views or vistas;
  - That the impact will be lessened as nearby consented schemes of similar height are constructed;
  - The towers will not appear in isolation based on the 12 views analysed, but will form part of the cluster of buildings in this part of the north eastern edge of the Isle of Dogs; and
  - The scheme would have a visual benefit to the townscape of Poplar by adding a development of high visual quality.
- 8.71 An objection has been received from English Heritage. Concern was raised about the possible impact to sensitive conservation area views (for example from the portico of All Saints, East India Dock Road) and its materials and detailed design (especially a shiny finish). In considering this objection in detail, the details of the conservation area and listed items of All Saints were considered, along with policy and the assessment of the EIA.
- 8.72 The All Saints Conservation Area was designated in 1986 and contains the 1920s All Saints Church which is grade II\* listed. The namesake of the conservation area is evident in Poplar owing to its Spire which is a landmark for the area. The 'Townscape and Visual' assessment reports that the church forms a group with two listed terraces. The conservation area also takes in residential streets to the south of the church. The townscape surrounding the church is evident today including some three/four storey residential properties of the late Georgian period, with important examples being listed including terraces on Montague Place and Bazeley Street as well as the Rectory on Newby Place. However, the 'Townscape and Visual' notes that, following wartime bombing and the subsequent redevelopment, the setting

of the church and the townscape has been eroded. In this way, the setting of this listed building and the conservation area in general is not pristine and it is considered that this should be considered when evaluating the impact of the proposal of views in around and out of the All Saints Conservation Area.

- 8.73 In respect of Policy, in addition to those identified previously under 'Tall Buildings', PPS1 considers the role of design in planning but cautions us not to impose architectural styles and tastes, but instead consider overall scale, density, massing, height, landscape, layout and access of new development in relation to neighbouring buildings and the local area more generally (paragraph 38). Nevertheless, when assessing schemes "*Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted*" (paragraph 34). PPG 15 'Planning and the Historic Environment' refers to consideration of preserving or enhancing the conservation area when considering proposals that fall outside conservation areas (paragraph 4.14) and is applicable in this situation.
- 8.74 Within the EIA, Figures 11.4 and 11.5 visually quantify the change in view from St Anne's church in the images presented. Whilst there is a moderate change in view, given the architectural quality of the proposed building, the visual impact on the view is neutral and therefore acceptable.
- 8.75 As demonstrated in this section and under 'Tall Buildings', the possible impact to St Anne's church is has been considered. The following has been established:
- That a tall building is acceptable;
  - This scheme is considered to be high quality architecture; and
  - The EIA concludes that the change in view created by this building has a neutral effect which is acceptable
- 8.76 Therefore, the proposal is considered to have been adequately assessed in terms of its potential impact to St Anne's. The proposal is not considered to have a significant detrimental impact on St Anne's Church. The high quality architecture will not have a significant impact to the views and the high quality finishes proposed in this scheme will be secured by an appropriately worded condition to ensure construction is undertaken in accordance with the design considered here.
- 8.77 In considering the effect of the materials and the detailed design specifically, the shiny finish, it is noted that such matters would be controlled by an appropriately worded condition requiring details and samples of the materials to be submitted for approval in writing by the local planning authority LBTH prior to commencement. An appropriately worded informative is recommended for English heritage to be consulted on the details prior to discharging the condition.

#### Wider Context

- 8.78 The 'Townscape and Visual' assessment in Chapter 11 of the EIA has considered the wider context, including the view from General Wolfe Statue in Greenwich Park. From this viewpoint the scheme will alter view 5A.1 of the 'London Panorama' of the 'View Protection Framework' as set out in the Mayor's 'London View Management Framework' 2007. Figures 11.34 and 11.35 and associated text in the EIA visually represent and analyse the effect of the scheme on this view framework. The EIA has also had regard to Greenwich Maritime World Heritage site which includes the Old Royal Naval College, the Fan Museum, The National Maritime Museum, The Royal Observatory, The Queens House and Greenwich Park (Grade I registered park). However, the scheme does not affect any linear views, townscape views or any protected vistas defined within the framework.
- 8.79 An objection has been received from the Maritime Greenwich World Heritage. They raise concern about the enlargement of the cluster of tall building to east and west of the Canary

Wharf cluster, thereby creating a wall of buildings. They consider the gap is important as it visually defines Canary Wharf. Extending this group of buildings as viewed from General Wolfe Statue is therefore a concern.

- 8.80 In considering the impact of the scheme on the Canary Wharf Cluster and View 5A.1, it is noted that this report has established:
- That a tall building is acceptable;
  - The proposal's architectural style is not a concern providing materials and finishes are conditioned.
- 8.81 Paragraph 3.53 makes specific reference to the acceptability of the incremental clustering at Canary Wharf and outlines circumstances where tall buildings outside designated clusters would be considered.
- 8.82 Specific guidance is also offered in respect of London panoramas in general in paragraph 3.37 which indicates:
- London panoramas are vulnerable to development in the front and middle ground;
  - Buildings in these area should fit within the prevailing pattern of development;
  - Proposals should not detract from the panorama as a whole; and
  - Landmarks should be afforded an appropriate setting and canyoning effects should be prevented.
- 8.83 This review of the London View Framework indicates clear priorities in considering the impact of this view:
- The effect on St Pauls as the strategic Landmark,
  - Canary Wharf as another landmark,
  - The impact to the backdrop of the World heritage site (Maritime Greenwich); and
  - The effect on the panorama overall.
- 8.84 The objection by the Maritime Greenwich World Heritage site is necessarily concerned with the last three points.
- 8.85 The 'Townscape and Visual' assessment provided in the EIA shows clear before and after representations of the effect the proposal will have on Strategic Views. It concludes:
- The scheme is nowhere near the view path of St Pauls;
  - The scheme is distinct and separate to the Canary Wharf cluster of buildings;
  - The scheme would be consolidated within an undesignated cluster of taller elements that already exist and will be added to with recent approvals such as New Providence Wharf;
  - This undesignated cluster is within the backdrop of the Greenwich world heritage site and is reflective of the form, scale and location of a series of clusters including Canary Wharf to the left and the Greenwich power station and the Millennium Dome (O2) to the right.
- 8.86 As described in the EIA, the scheme does not detract from the Canary Wharf cluster. The change in the panorama overall is considered to be minor, with the significance of the change being moderate and the overall effect being beneficial.
- 8.87 In specific reference the objection, the EIA demonstrates that the scheme does not detract from the distinct Canary Wharf cluster as it is visually separated. It clearly does not fill in the gap between Canary Wharf and tall elements to the north of the Isle of Dogs and Poplar. The scheme will remain within a distinct undesignated cluster of taller elements. As discussed earlier, an appropriately worded condition for materials will make certain that the scheme is a beneficial addition to the panorama. Therefore, the objection of the Maritime Greenwich World Heritage Site is not a sustainable reason for refusal.

### **Amenity for Future Occupiers and Users**

- 8.88 The general consideration of amenity for future occupiers and Users is identified in Policies 4B.1 'Design Principles for a Compact City', 4B.5 'Creating an Inclusive Environment', 4A.3 'Sustainable Design and Construction', 4B.10 'Large-scale Buildings – Design and Construction' of The London Plan (Consolidated 2008), Policies CP1 'Creating Sustainable Communities' of the Interim Planning Guidance as well as PPS1 and PPS3.
- 8.89 In addition to matters under the 'Housing' section of this report, the following details how the scheme accords with more specific amenity considerations and applicable policies;
- The provisions of waste and recycling storage is in accordance with Policy Dev15 'Waste and Recyclables Storage';
  - The provision of secured cycle parking for residents and visitors is in accordance with Policy DEV16 'Walking and Cycling Routes and Facilities';
  - The provision of car parking, including spaces for people with a disability, is in accordance with Policy DEV3 'Accessibility and Inclusive Design' and DEV19 'Parking for Motor Vehicles';
  - Renewable energy and sustainability in the design is acceptable.
- 8.90 In other aspects, there are no significant adverse impacts:
- Specifically, although the provision of open space falls short of the standards of the LBTH adopted UDP 1998, it is in accordance with the requirements of the Interim Planning Guidance and is considered satisfactory in this regard;
  - Although window to window separation distances are at 16m, this is merely at the closest point of the spherical towers. Furthermore, no significant privacy, overlooking or outlook impacts result, as the outlook from the towers is a 365 degree panorama, with offset plans and windows, rather than being single aspect buildings which directly face each other;
- 8.91 On balance, the overall amenity of future occupiers and users of the scheme is satisfactorily addressed and is consistent with Policy.

### **Neighbour Impacts**

- 8.92 The consideration of potential impacts to neighbours is identified national, regional and local policies previously referred to in this report. It is noted that no objections have been received from occupiers of immediately surrounding properties.
- 8.93 Impacts during construction such as noise, dust, vibration and general disturbance, vehicular movements are temporary and not a planning consideration. Nevertheless it is noted that these will be otherwise mitigated through the management of the construction process and any unreasonable or excessive impacts subject to investigation and enforcement action.
- 8.94 There are no significant neighbour impacts identified with the operation of the scheme. The overshadowing affects of the proposal were considered by the Council's Environmental Health Team and were not considered significant. There are no significant privacy/overlooking impacts and any noise or general disturbance impacts. Vehicular access and parking is discussed under 'Transport'. Any impacts to the capacity of service provision including education, health and transport will be mitigated by the s106 planning contributions.

### **Transport**

- 8.95 Transport provision and impact is considered in PPG13 'Transport' as well as Policies 2A.1 'Sustainability Criteria', 3A.7 'Large Residential Developments', 3C.1 'Integrating Transport and Development' of The London Plan (Consolidated 2008), Policies ST25, ST28, ST30, EMP10 'Development Elsewhere in the Borough' of the adopted UDP 1998 and Policies CP1 'Creating Sustainable Communities, CP41 'Integrating Development with Transport' CP43 'Better Public Transport', DEV16 'Walking and Cycling Routes and Facilities' of the Interim Planning Guidance.

- 8.96 The application is supported by a Transport Assessment and Travel Plan by WSP Development and Transportation (Oct '07) providing consideration of the policy context, baseline conditions in respect of the local area, public transport and road network. The report then considers trip generation, impacts of the construction phase as well as consideration of an assessment of the implications in respect of walking/cycling, public transport and road network. A travel plan is proposed. The report concludes that the site has a good level of accessibility to sustainable modes of transport, that parking is consistent with Policy; and trips in different modes (walking, cycling, public transport) can be accommodated by the available infrastructure in the area.
- 8.97 The application was considered by the Traffic and Transportation Team. Their matters are outlined in section 6: 'Consultation response' and discussed below. It is noted that the topics covered are similar to the considerations of the Strategic Transport.

#### Existing MacDonald's car parking and Drive-thru

- 8.98 In respect of the provision of the MacDonald's and associated facilities including parking and drive-thru, this was granted permission on the site and is therefore not a reason for refusal.

#### Residential car parking design and numbers

- 8.99 The residential car storage facility has been considered by the Traffic and Transportation team in their discussions with the agent's transport consultant. The mechanised car parking system as outlined in section 4 is considered to be acceptable and particularly advantageous for users such as people with a disability. Therefore there is no significant impact to warrant refusal.)
- 8.10 In respect of provision, a total of 97 spaces represents a 0.25 spaces per unit provision against policy which allows for up to 0.5 spaces per unit. Therefore the scheme is policy compliant and a reason for refusal in this regard is not sustainable.

#### Vehicle/pedestrian conflicts and safety

- 8.10 In respect of pedestrian/vehicle conflicts, the internal circulation arrangement on site involves interaction between pedestrians and vehicles relating to the restaurant parking and drive-thru facility and the residential C3 uses.
- 8.10 In respect of pedestrian/vehicle conflict the ground floor shows an '8'-shaped circulation system for the drive through facility with vehicles entering and leaving the site at the western end. The restaurant parking is also accessed from this western end, it being noted that this is an existing access and egress point for MacDonald's. The access to the residential car lift is via a separate access from the south which also provides an egress for the restaurant parking and loading.
- 8.10 In respect of the pedestrian interface, pedestrian thoroughfares and entry points to the residential tower foyers and the ground floor commercial activities are located on the southern and eastern edges of the site. These are pedestrian only areas and are not accessible by vehicles. Consequently, there is no safety concern as there is no interaction with vehicle traffic. Where there is the possibility of interaction it is in the area to the rear of site especially in the MacDonald's parking areas and drive-thru loop. In acknowledging the potential conflict, it is restated that the MacDonald's parking and drive-thru is existing and operated for a considerable time (albeit in a different arrangement). Where pedestrians may choose to take the shortest path between car parking and the restaurant entrances, the development provides for a marked pedestrian crossing thereby alerting drivers and giving priority to pedestrians.

#### Road capacity

8.10 In respect of transport capacity, the Traffic and Transport Team has considered this issue further and upon receipt of further information about 24 traffic surveys, there is no objection is raised to the development on this ground. It is considered that this matter has been sufficiently explored and resolved and does not a reason for refusal.

#### Planning contributions

8.10 A section in the s106 agreement will include the requirement for a car-free development to prevent future occupiers from applying for parking permits in the area. Also, a £1.5million contribution is secured for transport improvements.

#### Concluding remarks

8.10 In summary, the provision of parking for both the commercial and residential components of the scheme does not constitute a reason for refusal. Rather, it is considered to be acceptable. The ground level design provides separation/segregation between pedestrian and vehicles and in other instances, measures to alert drivers and to ensure pedestrians are given priority. Importantly, that pedestrian access to the residential towers does not involve interaction with vehicles. The scheme is also within the capacity of the local road network based on detailed analysis of 24hr traffic surveys. A significant planning contribution is secured for works to upgrade the Aspen Way roundabout thereby, improving access to Shadwell DLR station. Therefore, the development is considered acceptable on balance as being within the capacity of the site and local area and posing no significant safety impacts to warrant refusal.

#### **Environmental Impact Assessment (EIA)**

8.10 A scoping opinion was prepared by Romboll Whitybird in July 2007 and commented upon by both the Environment Agency and LBTH in August 2007. Recommendations for ecological enhancements through the scheme were also made by Thomson Ecology in November 2007. Subsequently, the application is supported by an EIA addressing the following topics:

- Socio-economics pursuant to DEV25 'Social Impact Assessment' of the Interim Planning Guidance;
- Transport and access pursuant to Policies 3C.1 'Integrating Transport and Development' and 3C.2 'Matching Development with Transport Capacity' of The London Plan (Consolidated 2008), Policies CP41 '@integrating Development and Transport', CP 43 'Better Public Transport', DEV17 'Transport Assessments', DEV18 'Travel Plans', Dev19 'Parking and Motor Vehicles' and DEV20 'Transport Capacity' of the of the LTH Interim Planning Guidance and Policies T10 'Priorities for Strategic Management', T16 'Traffic Priorities for New Development', T18 'Pedestrians and the Road Network' and T21 'Pedestrian Needs in New Development' of the LBTH adopted UDP 1998.
- Noise and Vibration pursuant to PPG 24;
- Air quality given that the site falls within an Air Quality Management Area and pursuant to Policies DEV11 'Air Pollution and Air Quality' , DEV12 'Management of Demolition and Construction';
- Land Quality pursuant to PPS23 as well as DEV51 'Soil Tests' of the adopted and DEV22 'Contaminated Land' of the Interim Planning Guidance;
- Water Resources pursuant to PPS 25, and Policies 'Flood Alleviation' and DEV21 'Flood Risk management' of the Interim Planning Guidance and U2 and U3 'Tidal and Flood Defences' of the adopted Plan In respect of DEV46 'Protection of Waterway Corridors', DEV69 'Efficient Use of Water' of the adopted Plan and DEV7 'Water Quality and Conservation', DEV8 'Sustainable Drainage', of the interim Planning Guidance and Policies 2A.1 'Sustainability Criteria', 4A.16 'Water Supplies and Resources', 4A.17 'Water Quality', 4A.18 'Water and Sewerage Infrastructure' of The London Plan (Consolidated 2008
- Townscape and Visual Amenity pursuant to the policy identified in section 8 under



'Design';

- Microclimate (wind) pursuant to Policy CP1 'Creating Sustainable Communities', CP3 'Sustainable Environment', DEV5 'Sustainable Design', DEV27 'Tall Buildings Assessment'
- Daylight and Sunlight pursuant to CP1, CP3, DEV1, DEV5 and DEV27 of the interim Guidance and 2A.1 of The London Plan 2004
- Aviation safety;
- Television and Radio Interference pursuant to PPG8 DEV27 of the Interim Guidance and 4B.10 of the London Plan (Consolidated 2008)
- Waste pursuant to DEV9 of the Interim Planning Guidance and 4A.3 of The London Plan (Consolidated 2008)
- Sustainability pursuant to PPG22, CP38 'Energy Efficiency and Production of Renewable Energy', DEV5 'Sustainable Design', DEV6 'Energy Efficiency and Renewable Energy' of the Interim Planning Guidance.

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8.10 Note that Archaeology pursuant to PPG 16, 4B.15 'Archaeology' of The London Plan  
8 (Consolidated 2008) was dealt with in a separate report. In considering the EIA and archaeological report, no objections have been received from LBTH departments or external consultees and appropriately worded conditions of approval are recommended. See section 6 'Consultation Response' for details.

### **S106 Planning Contributions**

8.10 Circular 05/2005 outlines, among other things, the broad principles of Planning Obligations.  
9 Obligations can take the form of private agreements or unilateral undertakings given by a developer and are *'intended to make acceptable development which would otherwise be unacceptable in planning terms'*.

8.11 Planning obligations can be used in the following three ways: -

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- (i) They may be used to *prescribe* the nature of the development to ensure it is suitable on planning grounds. For example by requiring a given proportion of housing is affordable;
- (ii) Secondly they may require a contribution to *compensate* against loss or damage that will result from a development. For example loss of open space;
- (iii) Thirdly obligations may be used to *mitigate* against the impact of a development. For example through increased public transport provision.

8.11 Planning Obligations should only be sought where they are found to meet the 5 key tests of  
1 the Secretary of States policy, as outlined in Circular 05/2005. The tests should be considered in conjunction with the guidance contained within the circular and can be summarised as follows: -

- (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.

8.11 Circumstances may arise where it is not feasible for a development scheme to be both  
2 economically viable and compliant with all local, regional and national planning policy requirements. Guidance within the circular states that in such cases, *'where the development is needed to meet the aims of the development plan, it is for the local authority and other public sector agencies to decide what the balance of contributions should be'*.

8.11 Similarly the circular states that decisions on the amount of contributions *'should be based  
3 [on] negotiation with developers over the level of contribution that can be demonstrated as reasonable to be made whilst still allowing development to take place'*.

- 8.11 Policy DEV4 of the adopted UDP and Policy IMP1 of the emerging Local Development Framework, Submission Document clearly indicate that the Council will seek to enter into planning obligations with developers where appropriate and where necessary for a development to proceed.
- 8.11 The agent has submitted an affordable housing toolkit advising that various matters, including exceptional building costs, would only allow for a planning contribution of £5,000 per unit and 28% affordable housing. Following LBTH negotiations, the agent has agreed to contribute £8,000 per unit and 30% affordable housing. This revised contribution is considered acceptable. The breakdown is summarised in section 3 of this report discussed in more detail below.
- 8.11 In respect of a healthcare contribution, the Primary Care Trust (PCT) requested the developer contribute £2,378,709.00 (Capital = £545,253.00, Revenue = £1,833,456.00) towards primary care needs of future residents. Given the range of contributions being sought for this site and the five tests of the Circular 05/2005 as well as recent planning appeals, it is considered that seeking only the capital component **£545,253.00** can be readily justified as discussed below in more detail.
- 8.11 Doubt has been cast over the consistency of the HUDU model and its application in Tower Hamlets, the detail of which has been considered in two recent Appeal cases as follows:
- Appeal made by Bernard Construction (Stepney) Ltd against the Council of the London Borough of Tower Hamlets (Former Police Station and Magistrates Court, East Arbour Square and West Arbour Square, London E1 0PU) – 29 March 2007; and
  - Appeal made by Virsons Ssas against the Council of the London Borough of Tower Hamlets (10 – 22 Dunbridge Street, London, E2 6JA) – 18 June 2007.
- 8.11 To summaries both cases, the Planning Inspectorate found that:
- The HUDU model has little current policy backing for its use as yet; and
  - There is a lack of in-depth information provided regarding the inputs in the spreadsheet; i.e.:
    - There are no details of capacity of health services in an area, need or slack in the system.
    - Furthermore, the model does not have a geographical or functional link to the proposal. The exact nature or location of any revenue spent/ improvement of healthcare is not identified; and
    - With regard to revenue, the HUDU model relies on the timing of development relative to a 2/3 year funding cycle. However, the harm that is sought to be mitigated may only appear on occupancy, which could occur much later.
- 8.11 Whilst the Planning Inspectorate indicated that healthcare obligations were reasonable requests in most instances, the appeal examples (and this application) do not fully justify the healthcare contributions required by the PCT. As such, the inspectors concluded that, in these particular circumstances, the health contributions would not accord with all the tests in the Circular 05/05. The Circular states that planning obligations can only be sought where they meet all of the five tests.
- 8.12 The Inspectors found that the healthcare obligations had not been shown to be necessary to make the proposed development acceptable in planning terms. Similarly, the obligations had neither been demonstrated to be directly related to the proposed development, nor to be fairly related in scale and kind to the proposed development.
- 8.12 The request from the PCT shows no real evidence of the capacity, need or slack of existing health facilities in the area which might serve the appeal site, nor any indication as to whether or not additional provision would be necessary to meet the demands made by the

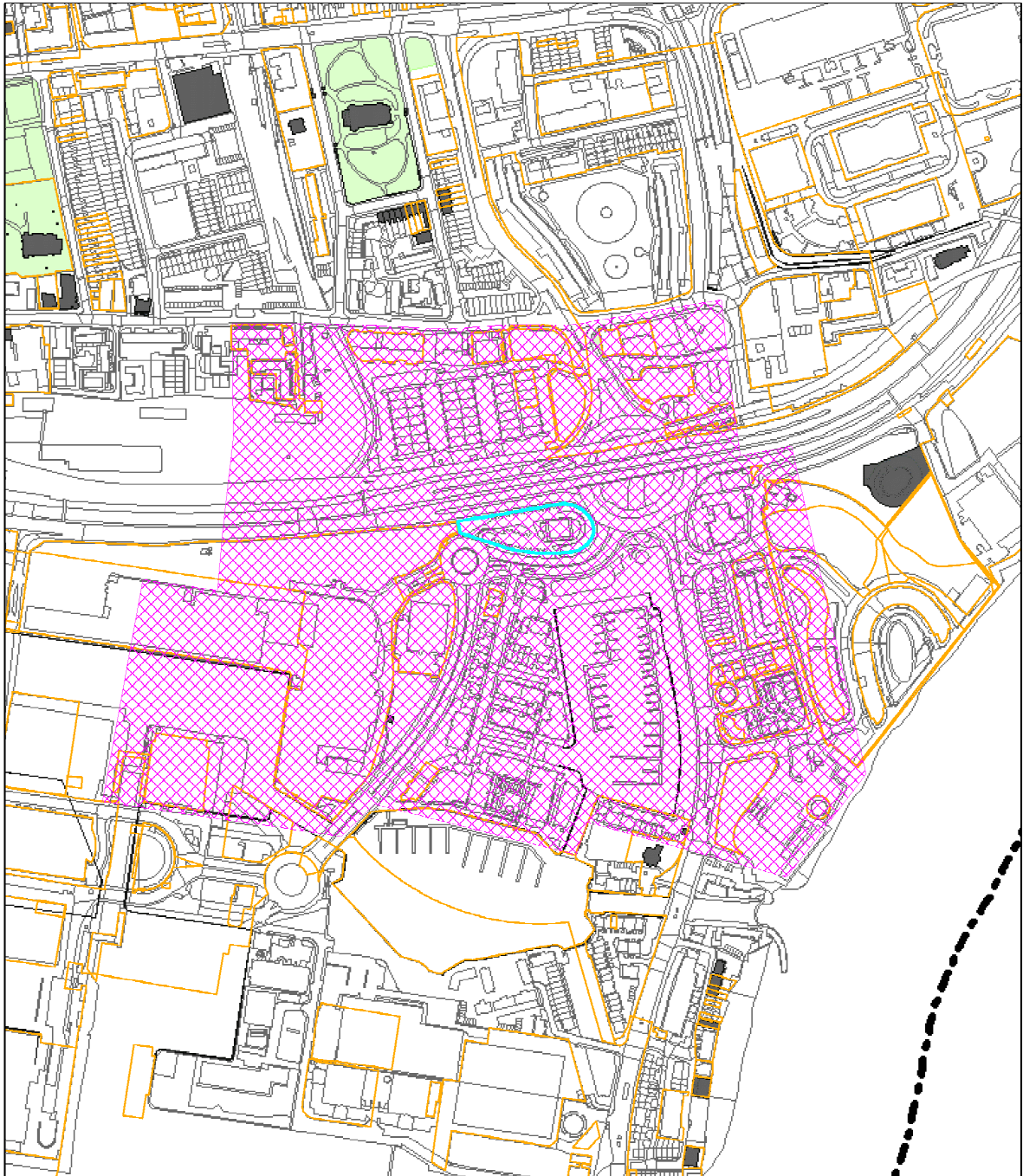
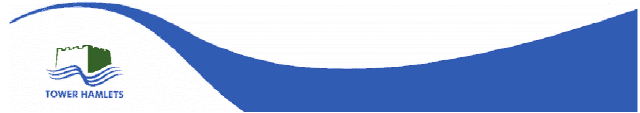
development. Moreover, the exact nature, location or timing of the proposed new service has not been identified.





- 8.12 In line with the Appeal decisions mentioned above, and recent Planning Committee  
2 decisions, the proposed development is similar in that there is insufficient evidence to convince the Planning Department that the requested obligation is directly related to the proposed development, necessary to make it acceptable in planning terms, or fairly and reasonably related in scale and kind to the proposed development.
- 8.12 The request for the financial revenue contribution in this instance is therefore considered to  
3 be unreasonable where it may fail to comply with Circular 05/05. The capital contribution (**£545,253.00**) sought however is considered to be satisfactory.
- 8.12 In respect of an education contribution, the LBTH Education section indicates that the  
4 proposed development will generate the need for an additional 49 school places. The developer will be asked to contribute **£607,758.00** towards the education needs of future residents not covered by existing provisions. This represents the full contribution requested by LBTH education.
- 8.12 In respect of affordable housing, the scheme comprises of 30% affordable residential units,  
5 and includes 1, 2, 3, 4 and 5 bedroom apartments, with a split of 70:30. A summary table as well as discussion of the provision is provided previously under 'Housing'.
- 8.12 In respect of transport, the Traffic and Transportation Team advises **£1,500,000.00** for  
6 improvements to Aspen Way roundabout and improvement to pedestrian linkages especially to the Blackwell DLR station to the north east. The full contribution will be secured as part of the development.
- 8.12 There will also be standard S278 highway improvements/ modifications, including: new  
7 access points, modification of existing access points and general repaving as required. No formal advice had been received from TFL in respect of contributions they would consider appropriate such as contributions towards buses or the DLR although this may be provided through the Stage 1 comments from the GLA. Note that comments from the GLA have not been received.
- 8.12 A 'Car Free' agreement is recommended restrict the occupants from applying for residents  
8 parking permits in the area.
- 8.12 In respect of other heads of terms, British Waterways have requested a contribution for  
9 upgrade and improvement of BW land adjacent Poplar Dock which will serve as open space. The agent indicates an initial independent estimate of £560,000.00 for such works. However, given the available monies potentially secured and the current estimate for the transport contributions a contribution of **£522,989.00** is realistic. The agreement will include the requirement for the design including landscaping to be submitted for approval in writing by LBTH prior to commencement. Council's arborculturalist and Parks and Landscape team as well as British Waters and Natural England will need to consider the detailed design prior to commencement.
- 8.13 Other heads of terms include Transport Assessment, TV/radio reception monitoring and  
0 impact mitigation, employment/training initiatives.
- 8.13 Overall, the revised planning contributions negotiated by LBTH with the developer are  
1 considered to be acceptable, in line with the guidance of the Circular and will mitigate the impacts of the development.

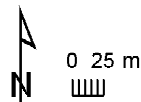
## 9.0 Conclusions

- 9.1 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.

# Planning Application Site Map



-  Planning Application Site Boundary
-  Other Planning Applications
-  Consultation Area
-  Land Parcel Address Point



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

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# Agenda Item 7.5

<b>Committee:</b> Strategic Development	<b>Date:</b> 15 <sup>th</sup> April 2009	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 7.5
<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/08/01989	
		<b>Ward(s):</b> Blackwall and Cubitt Town	

## 1. APPLICATION DETAILS

<b>Location:</b>	The Innovation Centre, 225 Marsh Wall, London E14 9FW
<b>Existing Use:</b>	Office (Use Class B1)
<b>Proposal:</b>	Demolition of existing building and erection of a building of between 11 and 43 storeys in height, comprising of 302 residential units (Use Class C3), 18 serviced apartments (sui generis), office floorspace (Use Class B1), retail floorspace (Use Classes A1, A2, A3 and A4) and leisure uses (Use Class D2) together with a rooftop amenity area, plant and parking at basement level and associated landscaping
<b>Drawing Nos:</b>	<ul style="list-style-type: none"><li>• Drawing nos. DPA-101 – 107, DPA-201 – 206, DPA-401 – 407, DPA-501 – 506</li><li>• Planning Statement prepared by GVA Grimley</li><li>• Design &amp; Access Statement prepared by Jacobs Webber</li><li>• Environmental Statement Volume I prepared by URS</li><li>• Environmental Statement Volume 2 (Townscape, Conservation and Visual Impact Assessment) prepared by URS/ Professor Robert Tavernor Consultancy/ Miller Hare</li><li>• Environmental Statement Volume 3 (Technical Appendices)</li><li>• Landscaping Strategy prepared by Capita Lovejoy</li><li>• Energy Strategy prepared by Hoare Lea</li><li>• Sustainability Strategy prepared by Hoare Lea</li><li>• Transport Assessment and Travel Plan prepared by WSP</li><li>• Statement of Community Involvement prepared by Indigo</li><li>• Toolkit and Section 106 Viability Analysis prepared by GVA Grimley</li><li>• Employment Supply Study prepared by GVA Grimley</li></ul>
<b>Applicant:</b>	Angel House Developments Ltd
<b>Owner:</b>	Angel House Developments Ltd
<b>Historic Building:</b>	N/A
<b>Conservation Area:</b>	N/A

## 2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1
- The proposal is in line with the Mayor and Council's policy, as well as Government guidance which seek to maximise the development potential of sites. As such, the development complies with policy 3A.3 of the London Plan (Consolidated with Alterations since 2004) and policy HSG1 of the Council's Interim Planning Guidance (2007) which seeks to ensure this.
  - The building height, scale, bulk and design is acceptable and in line with regional and local criteria for tall buildings. As such, the scheme is in line with policies 4B.8, 4B.9 and 4B.10 of the London Plan 2008, saved policies DEV1, and DEV2 of the Council's Unitary Development Plan 1998 and policies CP48, DEV1, DEV2, DEV3 DEV27 and IOD16 of the Council's Interim Planning Guidance (October 2007), which seek to ensure buildings are of a high quality design and suitably located.

- The proposal provides an acceptable amount of affordable housing and mix of units. As such, the proposal is in line with policies 3A.5, 3A.8, 3A.9 and 3A.10 of the London Plan (Consolidated with Alterations since 2004), policy HSG7 of the Council's Unitary Development Plan 1998 and policies CP22, HSG2 and HSG3 of the Council's Interim Planning Guidance (2007), which seek to ensure that new developments offer a range of housing choices.
- The scheme provides acceptable space standards and layout. As such, the scheme is in line with policy 3A.3 of the London Plan (Consolidated with Alterations since 2004) and policies DEV1 and DEV2 of the Council's Unitary Development Plan 1998 and policies CP5, DEV1 and DEV2 of Council's Interim Planning Guidance (2007), which seek to provide an acceptable standard of accommodation.
- The proposed amount of amenity space is acceptable and in line with policies HSG16 of the Council's Unitary Development Plan 1998 and policies HSG7 of the Council's Interim Planning Guidance (2007), which seek to improve amenity and liveability for residents.
- The development would form a positive addition to London's skyline, without causing detriment to local or long distant views, in accordance policies CP48 and CP50 of the Council's Interim Planning Guidance (2007) and policies 4B.1, 4B.8, 4B.9 and 4B.10 of the London Plan (2008) which seek to ensure tall buildings are appropriately located and of a high standard of design whilst also seeking to protect and enhance regional and locally important views.
- It is not considered that the proposal would give rise to any undue impacts in terms of privacy, overlooking, sunlight and daylight, and noise upon the surrounding residents. As such, the proposal is considered to satisfy the relevant criteria of saved policy DEV2 of the Council's Unitary Development Plan (1998) which seeks to protect residential amenity
- Transport matters, including parking, access and servicing, are acceptable and in line with London Plan policies 3C.1 and 3C.23 of the London Plan, policies T16 and T19 of the Council's Unitary Development Plan 1998 and policies DEV17, DEV18 and DEV19 of the Council's Interim Planning Guidance (October 2007), which seek to ensure developments minimise parking and promote sustainable transport options.
- Sustainability matters, including energy and climate change adaptability are acceptable and in line with policies 4A.4, 4A.6, 4A.7, 4A.14 and 4B.2 of the London Plan and policies DEV5 to DEV9 of the Council's Interim Planning Guidance (October 2007), which seek to promote sustainable development practices.
- Contributions have been secured towards the provision of affordable housing; education improvements; public realm improvements and open space provision; transport infrastructure improvements; social and community facilities; employment & training; health care provision and access to employment for local people in line with Government Circular 05/05, policy DEV4 of the Council's Unitary Development Plan 1998 and policy IMP1 of the Council's Interim Planning Guidance (October 2007), which seek to secure contributions toward infrastructure and services required to facilitate proposed development.

### 3. RECOMMENDATION

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

A. The receipt of **AMENDED PLANS** showing the revised housing provision as described



in paragraph 8.25 below

- B. Any **direction** by **The London Mayor**
- C. The prior completion of a **legal agreement** to secure the following planning obligations:

Financial Contributions

- a) Provide **£407,249** towards education improvements
- b) Provide **£814,180** towards public realm improvements and open space provision
- c) Provide **£406,200** towards transport infrastructure, local pedestrian environment improvements and highways improvements, including the implementation of a pedestrian crossing on Marsh Wall
- d) Provide **£159,604** towards social & community facilities
- e) Provide **£70,676** towards employment & training, specifically access to employment and improvements to Idea Store and local library services
- f) Provide **£407,091** towards improving health within the Borough
- g) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

(total s106 contribution of **£2,265,000**)

Non-Financial Contributions

- h) Affordable housing contribution of 35%
- i) Car-free agreement
- j) TV reception monitoring
- k) Code of Construction Practice - To mitigate against environmental impacts of construction
- l) Access to employment - To promote employment of local people during and post construction, including an employment and training strategy
- m) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

- 3.2 That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above.
- 3.3 That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:

**Conditions**

- 1) Permission valid for 3 years
- 2) Hours of Construction (8.00am to 6.00pm Monday to Friday 9.00am to 5.00pm on Saturdays and not at all on Sunday or Bank holidays)
- 3) Power/hammer driven piling/breaking (10am – 4pm Monday – Friday)
- 4) Submission of samples / details / full particulars of materials, glazing, landscaping & external lighting
- 5) Wheel cleaning facility during construction
- 6) Renewable energy measures to be implemented in accordance with the ES and Energy Strategy
- 7) Full details of plant, machinery, air conditioning and ventilation required, together with noise attenuation measures for both residential and commercial elements
- 8) Full details of sound insulation between the floors for leisure (Use Class D2) and other floors
- 9) Submission of details of delivery, access and storage of biomass
- 10) Submission of a Delivery and Service Plan (DSP)

- 11) Submission of a Construction Management Plan
- 12) Submission of full Travel Plan
- 13) Development to be carried out in accordance with Flood Risk Assessment
- 14) Submission of a contamination risk assessment
- 15) Submission of a contamination verification report
- 16) Details of secure cycle and bin storage
- 17) Details of shower and changing facilities for commercial units
- 18) Submission of remediation strategy if contamination not previously identified is found
- 19) No infiltration of surface water drainage into the ground is permitted
- 20) Piling or any other foundation designs using penetrative methods not permitted
- 21) Provision of shower and changing facilities for the commercial and retail elements
- 22) Submission of a drainage strategy
- 23) Submission of impact studies of the existing water supply infrastructure
- 24) Submission of details of sound/noise insulation and mitigation measures
- 25) Provision of ecological enhancement measures as detailed in Environmental Statement
- 26) Lifetimes Homes standards and 10% should be wheelchair accessible
- 27) Full details of energy efficiency and passive design measures confirming the carbon dioxide emissions reductions, full details of CHP system, PV panels, rainwater harvesting system and biomass boiler
- 28) Submission of BREEAM pre- and final assessment, and Code for Sustainable Homes pre- and final assessment
- 29) Schedule of highway works
- 30) Four disabled parking spaces to be provided
- 31) Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal

### **Informatives**

- 1) Section 106 agreement required
- 2) Section 278 highways agreement required
- 3) Contact Thames Water regarding installation of a non-return valve, petrol/oil-interceptors, water efficiency measures and storm flows
- 4) Changes to the current licensing exemption on dewatering
- 5) Contact London City Airport regarding cranes and scaffolding
- 6) Contact LBTH Building Control
- 7) Contact LBTH Environmental Health
- 8) Contact Environment Agency
- 9) Section 61 Agreement (Control of Pollution Act 1974) required
- 10) Contact London Fire & Emergency Planning Authority
- 11) Advert consent required for all signage
- 12) Contact Natural England regarding specifications for ecological enhancements
- 13) Notify HSE of any work on asbestos
- 14) Any other informative(s) considered necessary by the Corporate Director Development & Renewal

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

## **4. PROPOSAL AND LOCATION DETAILS**

### **Proposal**

- 4.1 The application proposes the demolition of the existing four-storey office building and the erection of a part 43, part 11 storey building comprising of 302 residential units, 18 serviced apartments, office floorspace (1,011 sq.m) retail floorspace (299 sq.m) and leisure uses in the form of a communal gym. The proposal also includes a rooftop amenity area at 11<sup>th</sup> floor

level, a triple height basement to house plant and parking at basement level and associated landscaping.

- 4.2 The 302 residential units are between one and five-bedrooms in size, 35% of which are proposed to be allocated as affordable housing (based on habitable rooms).
- 4.3 The retail space is proposed to be located at ground level fronting Marsh Wall, with the office floorspace at ground and first floor level. The residential units and service apartments are located at second floor upwards.
- 4.4 The proposal includes a total of 40 car parking spaces, 3 disabled parking spaces and 347 cycle parking spaces at basement level.

### **Site and Surroundings**

- 4.5 The application site is a rectangular site of approximately 0.28 hectares in area, presently occupied by a four storey office building with a number of parking spaces to the rear.
- 4.6 The site is bounded to the south by Marsh Wall, to the west by Lord Armoury Way (an access road serving the numerous surrounding commercial buildings) and to the north and east by commercial buildings. Beyond Marsh Wall to the south lies the Skylines industrial estate. The nearest residential buildings are Meridian Place and Antilles Bay, 37m to the northwest and 67m to the northeast respectively.

### **Relevant Planning History**

- 4.7 The following planning decisions are relevant to the application:

PA/00/01379 Planning permission was granted in October 2000 for the removal of the existing side access stairs to the main entrance and provision of a new central staircase

## **5. POLICY FRAMEWORK**

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

### **Unitary Development Plan 1998 (as saved September 2007)**

Proposals:	Central Activities Zone
	Flood Protection Area
	Within 200m of East West Crossrail
Policies:	DEV1 Design Requirements
	DEV2 Environmental Requirements
	DEV3 Mixed Use Developments
	DEV4 Planning Obligations
	DEV8 Protection of Local Views
	DEV9 Control of Minor Works
	DEV12 Provision Of Landscaping in Development
	DEV43 Protection of Archaeological Heritage
	DEV44 Preservation of Archaeological Remains
	DEV46 Protection of Waterway Corridors
	DEV50 Noise
	DEV51 Contaminated Soil
	DEV55 Development and Waste Disposal
	DEV56 Waste Recycling
	DEV69 Efficient Use of Water
	EMP1 Promoting economic growth and employment opportunities

EMP3	Change of use of office floorspace
EMP5	Compatibility with Existing Industrial Uses
EMP6	Employing local People
EMP8	Encouraging Small Business Growth
EMP10	Development Elsewhere in the Borough
EMP12	Business Uses in Industrial Employment Areas
EMP13	Residential Development in Industrial Employment Areas
HSG7	Dwelling Mix and Type
HSG13	Internal Space Standards
HSG 14	Provision for Special Needs
HSG15	Development Affecting Residential Amenity
HSG16	Housing Amenity Space
T10	Priorities for Strategic Management
T16	Traffic Priorities for New Development
T18	Pedestrians and the Road Network
T21	Pedestrians Needs in New Development
S10	Requirements for New Shop front Proposals
OS9	Children's Playspace
U2	Development in Areas at Risk from Flooding
U3	Flood Protection Measures

### **Interim Planning Guidance for the purposes of Development Control**

Proposals: Development Site ID46 (Residential, Employment, Public Open Space, Retail and Leisure)  
Flood Risk Zone 2 and 3

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

	DEV8	Sustainable Drainage
	DEV9	Sustainable Construction Materials
	DEV10	Disturbance from Noise Pollution
	DEV11	Air Pollution and Air Quality
	DEV12	Management of Demolition and Construction
	DEV13	Landscaping and Tree Preservation
	DEV14	Public Art
	DEV15	Waste and Recyclables Storage
	DEV16	Walking and Cycling Routes and Facilities
	DEV17	Transport Assessments
	DEV18	Travel Plans
	DEV19	Parking for Motor Vehicles
	DEV20	Capacity of Utility Infrastructure
	DEV21	Flood Risk Management
	DEV22	Contaminated Land
	DEV25	Social Impact Assessment
	DEV27	Tall Buildings Assessment
	EE1	Industrial Land Adjoining Industrial Land
	EE2	Redevelopment/Change of Use of Employment Sites
	RT3	Shopping Provision Outside of Town Centres
	RT4	Shopping Provision Outside of Town Centres
	HSG1	Determining Housing Density
	HSG2	Housing Mix
	HSG3	Affordable Housing
	HSG4	Ratio of Social Rent to Intermediate Housing
	HSG7	Housing Amenity Space
	HSG9	Accessible and Adaptable Homes
	HSG10	Calculating Provision of Affordable Housing
	CON5	Protection and Management of Important Views
<b>AAP Policies:</b>	IOD1	Spatial Strategy
	IOD2	Transport and Movement
	IOD3	Health Provision
	IOD4	Education Provision
	IOD5	Public Open Space
	IOD6	Water Space
	IOD7	Flooding
	IOD8	Infrastructure Capacity
	IOD18	Employment Uses in the Central Sub-Area
	IOD19	Residential Uses in the Central Sub-Area
	IOD20	Retail and Leisure Uses in the Central Sub-Area
	IOD21	Design and Built Form in the Central Sub-Area
	IOD22	Site Allocations in the Central Sub-Area

### **Supplementary Planning Guidance/Documents**

Residential Space Standards

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

	2A.1	Sustainability Criteria
	2A.7	Areas for Regeneration
	2A.9	The suburbs: Supporting Sustainable Communities
	3A.1	Increasing London's Supply of Housing
	3A.2	Borough Housing Targets
	3A.5	Housing Choice
	3A.7	Large Residential Developments
	3A.9	Affordable Housing Targets
	3A.10	Negotiating Affordable Housing in Individual Private Residential and Mixed use Schemes

3A.17	Addressing the Needs of London's Diverse Population
3A.18	Protection and Enhancement of Social Infrastructure and Community Facilities
3A.20	Health Objectives
3A.23	Health Impacts
3A.24	Education Facilities
3A.23	Community Strategies
3A.24	Meeting Floor Targets
3A.28	Social and Economic Impact Assessments
3B.1	Developing London's Economy
3B.2	Office Demand and Supply
3B.3	Mixed Use Development
3C.1	Integrating Transport and Development
3C.2	Matching Development with Transport Capacity
3C.23	Parking Strategy
3D.11	Open Space Provision in DPDs
3D.14	Biodiversity and Nature Conservation
4A.22	Spatial Policies for Waste Management
4A.7	Renewable Energy
4A.4	Energy Assessment
4A.3	Maximising the Potential of Sites
4A.16	Water Supplies and Resources
4A.17	Water Quality
4A.18	Water and Sewerage Infrastructure
4A.20	Reducing Noise and Enhancing Soundscapes
4A.33	Bringing Contaminated Land into Beneficial Use
4B.1	Design Principles for a Compact City
4B.2	Promoting World Class Architecture and Design
4B.3	Enhancing the Quality of the Public Realm
4B.5	Creating an Inclusive Environment
4A.3	Sustainable Design and Construction
4B.9	Tall Buildings – Location
4B.10	Large Scale Buildings – Design and Impact
5C.1	The Strategic Priorities for North East London

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

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

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

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

## **6. CONSULTATION RESPONSE**

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

#### **LBTH Environmental Health**

### Health & Environment

- 6.3 No objections, subject to dust monitoring, a risk assessment and traffic management plan during demolition and construction to be conducted. A s106 contribution of £10,000 is also requested for the installation of automatic traffic data collection equipment, to aid in the [understanding of the traffic impacts of the development and traffic flows in the vicinity](#). Carbon management would also be monitored.

OFFICER COMMENT: Such matters will be required within the Construction Management Plan, a condition for which is recommended above within paragraph 3.3. A contribution of £10,000 towards traffic data collection is sought within the s106 agreement, as detailed at paragraph 3.1, above.

### Noise & Vibration

- 6.4 No objections in principle, subject to conditions requiring details of sound insulation and noise reduction measures, manufacturers' data sheets and proposed noise attenuation measures for all plant, mechanical ventilation or air conditioning plant.

OFFICER COMMENT: Conditions have been attached accordingly, as detailed above within paragraph 3.3

### Land Contamination

- 6.5 The proposal is likely to result in the excavation of a large amount of contamination. As such, a condition requiring further contamination investigation and mitigation works should be attached.

OFFICER COMMENT: As detailed above within paragraph 3.3, a condition requiring a site investigation has been added.

### Daylight, Sunlight and Microclimate

- 6.6 The proposal has minimal daylight and sunlight impacts upon the residential developments at Antilles Bay and Meridian Place. In terms of overshadowing, the transient overshadowing created by the tower element of the scheme upon the roof terrace may show minor adverse effects. The contents of the wind assessment are acceptable.

### **LBTH Highways**

- 6.7
- The site has a PTAL rating of 4 therefore having a moderate level of access to local public transport links
  - The proposed level of parking provision (40 spaces) would be significantly lower than the maximum standard and is therefore acceptable
  - The proposal includes 3 disabled parking spaces, which falls short of the IPG standard of 10% of all parking spaces. As such, one additional space should be provided
  - A Car-Free Agreement is recommended
  - The pedestrian and vehicular access arrangements to the site are acceptable
  - The location and design of refuse storage are acceptable
  - Servicing arrangements are proposed to be via Lord Armoury Way, which is acceptable
  - Cycle parking provision (347 spaces including 10 for visitors) exceeds IPG requirements and is therefore acceptable
  - The applicant should ensure that the cycle storage area is secure
  - With regard to the submitted Transport Assessment, the methods of assessment are

acceptable. The proposed increase in development traffic would not have a detrimental effect on the existing highway network or traffic movements within the area

- With regard to the Construction Travel Plan, the increase in the number of construction vehicles would be negated by the use of appropriate construction site management measures. The applicant should submit a construction travel plan
- The proposed increase in passenger trips for buses, DLR and Underground are within the respective capacities
- Section 106 contributions should be secured for the following:
  1. The implementation of a raised pedestrian crossing on Marsh Wall (£40,000)
  2. Street lighting improvements (£40,000)
  3. Carriageway improvements (£40,000)
  4. Contribution to signal junction improvements on Marsh Wall/Limeharbour (£75,000)
- A Section 278 Highway Agreement is required
- A full travel plan is to be submitted for approval prior to the occupation of the proposed development

OFFICER COMMENT: A car-free agreement and the requested contributions have been included in the Section 106 Agreement, as detailed above at paragraph 3.1. An additional disabled parking space, a Construction Management Plan and full Travel Plan have all been secured by way of conditions, as detailed at paragraph 3.3, above. An informative has been attached informing of the required s278 Highway Agreement.

#### **LBTH Children's Services**

- 6.8 The proposed dwelling mix has been assessed for the impact on the provision of primary school places. The mix is assessed as requiring a contribution towards the provision of 33 additional primary school places, at a cost of £12,342 each. As such a contribution of £407,286 is sought. This funding will be pooled with other resources to support LBTH's programme for the provision of additional school places to meet demand.

OFFICER COMMENT: An education contribution of £407,286 is sought within the s106 agreement, as detailed at paragraph 3.1, above.

#### **LBTH Access to Employment**

- 6.9 A contribution of £1 per sq.ft of commercial floorspace is sought towards employment and training and initiatives.

OFFICER COMMENT: An employment and training contribution of £14,100 (14,100 x £1) is sought within the s106 agreement, as detailed at paragraph 3.1, above.

#### **LBTH Building Control**

- 6.10 No comments received.

#### **LBTH Cultural Services**

- 6.11 The following financial contributions are sought to mitigate the impacts of the proposal, in priority order:
- Leisure facilities - £159,604
  - Libraries and Idea Store facilities - £56,576
  - Open Space - £1,628,380

OFFICER COMMENT: The requested contributions towards leisure facilities and



libraries/Idea Store facilities are sought within the s106 agreement, as detailed at paragraph 3.1, above. In light of the total s106 package sum of £2,265,000 (based upon a contribution of £7,500 per unit) it is not possible to provide the full contribution towards open space. As such, in order to allow contributions towards higher priorities such as leisure facilities and libraries, a lower contribution of £889,180 towards open space is sought.

### **LBTH Energy Efficiency**

#### 6.12 Energy

Although the renewable energy contribution falls short of the 20% requirement, the potential of the low and zero carbon technology has been maximised for this development and the proposed energy strategy is therefore acceptable. The energy strategy will require revision for the detailed design stage and therefore a condition requiring the submission of details of all energy efficiency and passive design measures confirming the carbon dioxide reductions, together with details of the PV panels and biomass boiler.

#### Sustainability

The submitted sustainability strategy addresses most sustainability and sustainable design and construction issues. A condition should be added which requires the submission of a BREEAM assessment for the commercial element of the development and a Code for Sustainable Homes assessment.

OFFICER COMMENT: Conditions requiring the above have been attached, as detailed at paragraph 3.3 above.

### **LBTH Landscaping**

6.13 No comments received.

### **LBTH Waste Policy and Development**

6.14 No comments received.

### **Tower Hamlets Primary Care Trust (PCT)**

6.15 The TH PCT requested a total planning contribution, as calculated by the HUDU model, of £1,717,628 (Capital element £407,091 and Revenue element £1,310,537)

OFFICER COMMENT: In line with established practice, the developer has agreed a Capital Planning Contribution of £407,091. See section 8 of this report for discussion of s106 contributions

### **British Waterways (Statutory Consultee)**

6.16 No objections.

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

6.17 No objections raised.

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

6.18 No objections, subject to the imposition of the following conditions:

- Development to accord with Flood Risk Assessment
- Land contamination investigation and assessment required
- Verification report for remediation required
- Amendment to remediation strategy, to address instances where new contaminants

- are found during works
- No infiltration of groundwater without approval
- Method of piling and foundations required

OFFICER COMMENT: The above conditions are recommended, as detailed within paragraph 3.3 of this report.

**Government Office for London (Statutory Consultee)**

6.19 No comments received.

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

- 6.20
- The principle of a mixed-use redevelopment of the site is supported
  - The proposed affordable housing level of 25% is unacceptable. Evidence of consideration of grant funding is required in order to assess whether the proposal represents the maximum reasonable level of affordable housing achievable [OFFICER COMMENT: As detailed below within paragraph 8.25, an affordable housing contribution of 35% has now been agreed with the applicant]
  - The proposed affordable housing ratio split of 80% social rented units and 20% intermediate units is considered to be acceptable
  - The proposed unit mix falls short of the suggested mix in the Mayor's Housing SPG and no justification is provided [OFFICER COMMENT: As detailed below within paragraph 8.25, the proposed unit mix now satisfies IPG standards]
  - The proposed residential density of 2,779 habitable rooms per hectare exceeds the London Plan guidance of 650-1,100 HR/ha, however is justified in this instance as the scheme is not out of context with the surrounding development and the site's location, subject to the resolution of design and open space issues
  - The proposal provides high quality amenity space. Further details of the amount of designated child play space should be provided before the application is referred back to the Mayor [OFFICER COMMENT: The applicant has since responded to this issue and provided further details as to how the proposed flexible amenity space operates]
  - The proposal would form an interesting addition to the cluster of tall buildings at Canary Wharf and would not interfere with any Strategic Views
  - The scheme would have a marginal effect on the setting of the Greenwich World Heritage Site and the setting of its listed buildings
  - If planning permission is granted, the exact type of glazing and use of colour should be condition by the local planning authority
  - The proposal offers little in the way of public realm. The applicant must look at providing additional amenity space both within and adjacent to the building and show how this is integrated with existing landscaping [OFFICER COMMENT: The applicant has since responded to this and details that 13% of the site area (265sq.m) is proposed to be a public square. Furthermore, a s106 contribution of £814,180 towards public realm improvements and open space provision is sought in order to mitigate the impact of the development]
  - The scheme provides a sufficient quantity of wheelchair accessible homes and serviced apartments
  - The proposal falls short of the 20% renewable energy target as set out in Policy 4A.7 of the London Plan. However, there is no room for the use of renewable technologies other than the ones proposed by the applicant. Further details should be supplied [OFFICER COMMENT: Conditions have been recommended requiring full details of renewable energy efficiency and passive design measures]
  - Further details of the proposed rainwater harvesting system should be submitted [OFFICER COMMENT: Conditions have been recommended requiring full details]
  - LDA comments: Support the principle of the proposed development and consider the

net loss of employment space on the site to be justified. Consideration should be given to ways of creating training and employment opportunities and support to small and medium sized enterprises and local businesses; community facilities and social infrastructure needs to be assessed, including childcare and healthcare facilities.

- TfL comments: See below
- Conclusions: Affordable housing (non-compliant); Unit mix (non-compliant); Density (compliant); Children' plan space (requires clarification); Urban design (non-compliant); Access (compliant); Climate change mitigation (acceptable in broad terms subject to further information); Climate change adaptation (compliant subject to further information); Transport (non-compliant).
- Recommendations: (1) Affordable Housing – establish whether grant funding is available; (2) Urban design – the mix of unit sizes, their aspect, the provision of amenity space within and adjacent to the building and how the building meets the ground floor and relates to its neighbours needs to be addressed; (3) Children's play space – further clarification; (4) Climate change mitigation and adaptation – further clarification; (5) Transport – s106 contribution, revised trip generation assessment, shower and changing facilities, submit a delivery service plan and construction logistics plan and further develop the travel plan [OFFICER COMMENT: With regard to recommendations 1-4, see above. With regard to recommendation 5, conditions have been recommended to secure these]

OFFICER COMMENT: See Section 8 for further discussion of the above matters.

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

6.21 No comments received.

#### **London Fire and Emergency Planning Authority (Statutory Consultee)**

6.22 No objections raised.

#### **London Underground Ltd (Statutory Consultee)**

6.23 No objections raised.

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

6.24 No objections raised.

#### **Natural England (Statutory Consultee)**

6.25 Natural England are encouraged that their suggested biodiversity and ecology measures have been incorporated into the scheme.

OFFICER COMMENT: Conditions have been recommended to secure the ecological enhancement measures.

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

- 6.26
- More trip generation surveys required
  - Section 106 contributions requested to maintain and upgrade the nearby strategic walk network; £600 per residential unit to improve the local bus service; contribution towards improving the streetscape towards the DLR station
  - Level of car parking is supported. A reduction would be welcomed
  - Car-free agreement recommended and 10% of parking spaces reserved for disabled use
  - A controlled pedestrian crossing to be provided across Marsh Wall

- Provision of DAISY (Docklands Arrival Information System) boards within the site
- Delivery and Service Plan to be submitted
- The submitted Travel Plan to be secured and monitored through the s106 process

OFFICER COMMENT: Conditions have been recommended which secure a Delivery and Service Plan and a full Travel Plan. A car free agreement, pedestrian crossing, DAISY boards and bus service contribution have been included within the s106 agreement. With regard to the trip generation surveys, please see paragraph 8.98.

#### **Commission for Architecture and the Built Environment (CABE)**

6.27 Declined to comment.

#### **British Broadcasting Corporation (BBC)**

6.28 No objections.

#### **Greenwich Maritime World Heritage Site**

6.29 No comments received.

#### **Association of Island Communities**

6.30 No comments received.

#### **London Wildlife Trust**

6.31 No comments received.

#### **Metropolitan Police**

6.32 The proposal details good surveillance, CCTV and lighting. No objections.

#### **EDF Energy**

6.33 No objections.

#### **Thames Water**

6.34 Thames Water have identified an inability of the existing waste water and water supply infrastructures to accommodate the needs of the proposal. As such, Thames Water have requested a number of conditions be attached to any planning permission, requiring the submission of impact study, and a drainage strategy is to be submitted and approved prior to the commencement of any development. A number of informatives are also recommended.

#### Officer Comment

Relevant conditions have been added in order to address Thames Water's concerns.

## **7. LOCAL REPRESENTATION**

7.1 A total of 360 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses: 9            Objecting: 8            Supporting: 0  
No of petitions received:    None

- 7.2 The Council received a total of nine individual representations regarding this application. However, due to unforeseen circumstances, one letter of representation cannot be accounted for. Despite attempts by Officers to contact the writer, a copy of the letter has not been located.
- 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:

#### Design

- Height of the building is overbearing and too close to adjacent buildings
- The design is unattractive, particularly the coloured glazing and the cantilevered top floors
- The proposal lacks architectural innovation
- The building will appear as an incongruous feature within Marsh Wall
- The density is too high for the size of the site
- The height of the building will obstruct television and radio reception

#### Amenity

- The height and width of the building will obstruct daylight and sunlight
- Cumulative impacts of demolition and construction of this and other developments within the vicinity, such as Wood Wharf, will include dust, noise and traffic
- The submitted Environmental Statement recognises noise disturbance during construction as a major adverse impact (OFFICER COMMENT: The ES states that construction noise and vibration, with mitigation, is expected to have a negligible impact and dust will have, with mitigation, a moderate impact)
- The proposal would result in pedestrian traffic within the Meridian Gardens development, to the detriment of the commercial and residential units

#### Transport

- Marsh Wall and Preston's Road are already at capacity in terms of traffic
- Heavy Goods Vehicles and construction traffic have already damaged road surfaces in the area and have left spoil, cement and fallout on the road surfaces and pavements and it will damage the roads surrounding the site. Responsibility is needed from developers to ensure all damage is repaired
- No parking provision for construction workers will be hard to police and will result in attempted parking in the private bays of adjacent developers
- There is insufficient parking provided to serve the development
- The figures in the Transport Assessment are unrealistic

#### Housing

- The proposal does not assist in helping the homeless or those who are about to lose their home (OFFICER COMMENT: The proposal provides 35% affordable housing, 80% of which is social rent. The Housing Association will manage the allocation of this housing)

#### Health

- Dust during demolition and construction will impact upon local resident's and worker's health, particularly those who suffer from hayfever and asthma

#### Sustainability

- The demolition of the existing building would be unsustainable and leave a large carbon footprint

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

- The permanent mooring of a vessel (as granted by planning permission PA/08/01359) will impact upon the security along the dockside (OFFICER COMMENT: This issue was addressed within the aforementioned application and is not relevant to this proposal, which is not located on the dockside)
- The cumulative impact of the commercial development at Wood Wharf together with the permanent mooring of a vessel as detailed above and the Olympic Village, will impact upon the economic viability of any proposed units in Marsh Wall, which already has a number of unoccupied residential and commercial units (OFFICER COMMENT: This is an economic matter which is borne by the respective applicants. The appropriateness of land uses is discussed within section 8)
- Lord Armoury Way is not a public right of way, rather it is a private road to Meridian Gate and Meridian Place. Therefore any proposed improvements would not be possible (OFFICER COMMENT: Ownership issues are not a material planning consideration)
- The proposed development will lower the value of nearby properties (OFFICER COMMENT: This is not a material planning consideration)
- The proposed development will block views to Greenwich (OFFICER COMMENT: The loss of views is not a material planning consideration)

7.5 The following procedural issues were raised in representations, and are addressed below:

- The public consultation event held by the applicant prior to submission was selective and did not record a number of the visitor's criticisms of the proposal (OFFICER COMMENT: Whilst this is a non-material planning consideration and therefore a reason for refusal cannot be sustained on such grounds, it is noted for Members consideration)

## **8. MATERIAL PLANNING CONSIDERATIONS**

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

1. Land Use
2. Employment
3. Housing
4. Design
5. Amenity
6. Transport
7. Sustainability
8. Section 106 Agreement

### **Land Use**

8.2 National, regional and local policy promotes a mixed use development approach on this site, subject to the following considerations.

8.3 In respect of national policy, PPS 1 'Creating Sustainable Development', it promotes the more efficient use of land with higher density, mixed-use schemes. It suggests using previously developed, vacant and underutilised sites to achieve national targets. The effective use of land and the range of incentives/interventions to facilitate this are also encouraged in PPS3 'Housing'.

8.4 In respect of regional policy, The London Plan (Consolidated 2008), 2A.1 'Sustainability Criteria' also promotes the optimal use of land. Policy 2A.9 'The Suburbs: Supporting Sustainable Communities' refers to promoting change and enhancing of quality of life with higher-density, mixed-use development and by considering means of improving sustainability of land use. Policy 3B.1 'Developing London's Economy' seeks to support the

economy of London by promoting a range of premises of different types and sizes thereby encouraging mixed uses. Policy 3B.3 'Mixed Use Development' (90) mentions that mixed uses are also encouraged within the sub-regional development frameworks. Identifying capacity to accommodate new job and housing opportunities, through mixed-use development, is encouraged in Policy 5C.1 'The Strategic Priorities for North East London' of the London Plan.

- 8.5 Further in respect of Policy 5C.1, the priorities for the sub-region include, amongst other things, to ensure substantial expansion of population growth is accommodated in a sustainable way. The Mayor's North East London sub-region is a priority for development, regeneration and infrastructure improvement. It has many of the capitals largest development sites as well as a large number of areas suffering multiple deprivation. Nationally important change and regeneration is anticipated in this region. Improvements to transport infrastructure will facilitate employment growth and areas of deprivation will need to be addressed by development. The sub-region demands improvement, with a concerted effort by agencies to raise standards of education, health, services public facilities and training opportunities.
- 8.6 In addition, the London Plan indicates that the application site is located within the Isle of Dogs Opportunity Area. Policy 2A.5 'Opportunity Areas' states that planning frameworks should set out a sustainable development program that, amongst other things, will contribute to exceeding minimum guidelines for housing and delivering good design. The Isle of Dogs Opportunity Area is also identified in the London Plan as being capable of accommodating at least 10,000 additional dwellings and states that "*the conversion of surplus business capacity south of Canary Wharf could add to this, helping to meet London's strategic housing need and support a wider mix of services for residents, workers and nearby communities*" (paragraph 5.75).
- 8.7 In respect of local policy, the LBTH UDP 1998 identifies the site as falling within the Central Activities Zone. Strategic Policy ST12 seeks to encourage the availability of and accessibility to a range of recreational, cultural and leisure facilities within the central area zone. Policy CAZ1 states that a balance of central London core activities, of a scale and type that is compatible with London's role as a financial, commercial and tourist centre, will be encouraged (courts, government departments, embassies, commodity markets/ companies/ corporations, media, galleries/museums, cinemas/ stadia/ halls/ theatres, hotels and educational establishments).
- 8.8 Whilst the UDP makes no reference to residential development in the Central Area Zone, the Council's most up-to-date statement, the Interim Planning Guidance (IPG), does. In the IPG, the application site falls outside the Central Activity Zone. Although, it is designated as development site 'ID46' in the IPG (and the Isle of Dogs AAP), for a residential-led, mixed-use development, also comprising employment, public open space, retail and leisure.
- 8.9 Pursuant to CP19 'New Housing Provision' of the IPG, the Council will seek to address housing need by directing all required housing provision to brownfield sites that are appropriate. The only circumstances where this will not be supported are in instances where sites are identified for alternative uses including employment, open space, community/social facilities. The IPG states that population growth and housing delivery will continue to be a key driver of change in the Borough with the Isle of Dogs (as well sites specifically allocated for housing as is the case for the subject application) being identified as being one of the areas where the Council will seek to accommodate the majority of housing growth.
- 8.10 Policy CP 13 of IPG Core Strategy also supports large-scale hotels and serviced apartments in areas of high PTAL and in north and central areas of Isle of Dogs. As such, the proposed 18 serviced apartments are considered to be an appropriate land use in this

location.

- 8.11 A review of national, regional and local policy above indicates that there is a presumption in favour of considering residential development within a mixed use scheme on this site. This is explicit in the IPG and the London Plan. Although the UDP implies that land uses other than residential development take priority in the CAZ, there is an emphasis on seeking compatible uses rather than exclusion of any particular one.

### Density

- 8.12 Policy HSG1 of the IPG specifies that the highest development densities, consistent with other Plan policies, will be sought throughout the Borough. The supporting text states that, when considering density, the Council deems it necessary to assess each proposal according to the nature and location of the site, the character of the area, the quality of the environment and type of housing proposed. Consideration is also given to standard of accommodation for prospective occupiers, microclimate, impact on neighbours and associated amenity standards.
- 8.13 The site has a public transport accessibility level (PTAL) of 4. For central sites with a PTAL range of 4, the IPG and London Plan seeks to provide a density of between 650 and 1,100 habitable rooms per hectare on the site. The proposed density would be 2,779 habitable rooms per hectare. In numerical terms, the proposed density would appear to be an overdevelopment of the site. However, the intent of the London Plan and Council's IPG is to maximise the highest possible intensity of use compatible with local context, good design principles and public transport capacity.
- 8.14 It should be remembered that density only serves an indication of the likely impact of development. Typically high density schemes may have an unacceptable impact on the following areas:
- Access to sunlight and daylight;
  - Lack of open space and amenity space;
  - Increased sense of enclosure;
  - Loss of outlook;
  - Increased traffic generation; and
  - Impacts on social and physical infrastructure.
- 8.15 Although the density is in excess of the range of the London Plan and IPG, it is considered acceptable for the following reasons which are analysed in depth later in the report:
- There are no significant impacts identified for neighbours, for example, overshadowing, microclimate (wind), loss of outlook, loss of privacy;
  - There are no significant impacts identified for future residents including noise and air quality as discussed later in section 8 under 'Amenity for future occupiers';
  - There are no symptoms of overdevelopment for example, poor design (see 'Design', insufficient floorspace for residential accommodation, inappropriate housing mix (See 'Housing');
  - The scheme is of high architectural quality (See 'Design');
  - Tall buildings are appropriate in this location (See 'Design');
  - The scheme has acceptable access to public transport (See 'Transport');
  - The GLA stated within their Stage 1 response that such a density is acceptable
  - Planning contributions for transport, health, education, social & community facilities and open space will be secured to mitigate the impact of the development and the subsequent increase in the local population (See 'S106 planning contributions')
- 8.16 In light of the above, the density is considered acceptable given that the proposal poses no significant impacts and is appropriate to the area context.



## Employment

- 8.17 The existing site contains a four storey office building with a total gross internal floorspace of 3,407sq.m. The application proposal contains 1,011sq.m of office floorspace (Use Class B1), together with 299sq.m of retail floorspace (Use Classes A1-A4), which represents a total loss of 2,097sq.m. of employment floorspace. The application details that the site presently employs 130 people on a full-time basis, whilst the proposal will reduce this to 88 people full time, a net loss of 42 jobs.
- 8.18 UDP policy EMP3 considers the change of use and redevelopment of outmoded or surplus office floorspace. The following factors are taken into account by the Council:
- The length of time that surplus office floorspace has been vacant;
  - The level of vacant floorspace and unimplemented planning permissions for office floorspace in the surrounding area;
  - Whether the development would involve the loss of premises built to a standard which provides adequate loading and servicing facilities for the full range of B1 uses
- 8.19 Policy EE2 of IPG Core Strategy states that proposals that seek to reduce employment floor space may only be considered where
- The applicant has shown that the site is unsuitable for continued employment use due to its location, accessibility, size and condition.
  - There is evidence that there is intensification of alternative employment uses on site
  - There is evidence that the possibility to reuses or redevelop the site for a similar or alternative business use, through active marketing, has been fully explored over a period of time or there is recent evidence that the site is suitable for ongoing employment use
- 8.20 The applicant has submitted a detailed Employment Supply Study, which details that just under half of the existing building is currently on the market with rents being quoted at £20 per sq.ft. The report details that the existing building accounts for 0.19% of the existing office space in the Docklands and this figure is set to reduce further as the office stock in the area continues to rise as developments complete. As such, the loss of floorspace proposed by the application is negligible.
- 8.21 The report also details that despite the cost savings of locating in a fringe location such as South Quay/Marsh Wall, the vacancy rate of 13.7% of existing stock, compared to 2% in Canary Wharf, is indicative of the low level of occupier demand for outdated space such as 225 Marsh Wall. The report goes on to state *“The loss of currently under-utilised employment space at Angel House would be off-set by the new employment in the mixed-use development... with the increasing size of the Docklands office market over the coming years there will also be more people employed in the area and a greater demand for local housing.”*
- 8.22 The London Development Agency consider that the net loss of 42 jobs is justified in light of the applicant’s employment supply study which adequately addresses viability issues of office supply in this location. The LDA also note that it is important that the creation of jobs resulting from commercial uses are maximised in a manner can benefit local residents and businesses in accordance with policy 3B.11 of the London Plan. As detailed above in section 3.1, the s106 agreement secures a commitment for the promotion of employment of local people during and post construction. This will be facilitated by the Council’s Skillsmatch and Local Labour and Construction service.
- 8.23 In light of the above, it is considered that the submitted Employment Supply Study adequately addresses viability issues of office supply in this location, and the loss of employment space is justified in accordance with policies EMP3 of the UDP 1998 and EE2 of IPG Core Strategy.

## **Housing**

### Affordable Housing, Family Housing and Amenity Space

- 8.24 The application as originally submitted proposed a contribution of 25% affordable housing, with an 80-20 split between social rent and shared ownership tenures. Whilst the level of affordable housing did not meet the minimum policy standard of 35%, the proposed levels of family housing within social rent and shared ownership met all Interim Planning Guidance (2007) policy targets, as did the proposed levels of amenity space and child play space.
- 8.25 Following negotiations, the applicant has submitted a statement (dated 18<sup>th</sup> March 2009), which confirms that a level of 35% affordable housing (by habitable room) is now proposed. The applicant also confirms that the tenure mix, family housing, amenity space and child play space would be increased pro-rata, and the will continue to meet IPG policy standards. As detailed above within paragraph 3.1, permission will not be granted until, amongst other things, revised plans and documents are received which reflect these changes.

### Floorspace Standards

- 8.26 Saved policy HSG13 'Conversions and Internal Space Standards for Residential Space' of the adopted UDP 1998 and Supplementary Planning Guidance 'Residential Space' (adopted 1998) set the minimum space standards for residential developments.

The proposed flats have total floor areas and individual room areas which comply with SPG requirements.

### Wheelchair Housing and Lifetime Homes

- 8.27 Policy HSG9 'Accessible and Adaptable Homes' of the IPG requires housing to be designed to Lifetime Homes Standards including 10% of all housing to be designed to a wheelchair accessible or easily adaptable standard. A total of 10% of units are to be provided as wheelchair accessible, in accordance with this policy.

## **Design**

### Introduction

- 8.28 PPS1 promotes high quality and inclusive design, creating well-mixed and integrated developments, avoiding segregation, with well planned public spaces. The PPS recognises that good design ensures attractive, useable, durable and adaptable places and is a key element in achieving sustainable development.
- 8.29 Policy 4B.1 of the London Plan 'Design Principles for a Compact City' requires schemes, inter alia, to create/enhance the public realm, respect local context/character and be attractive to look at.
- 8.30 Good design is central to all the objectives of the London Plan. Chapter 4B of the London Plan refers to 'Principles and specifics of design for a compact city' and specifies a number of policies aimed at high quality design, which incorporate the principles of good design. These principles are also reflected in policies DEV1 and 2 of the UDP and the IPG.
- 8.31 Policies DEV1 and DEV2 of the UDP and policy CP4 of the IPG October 2007 state that the Council will ensure development create buildings and spaces of high quality design and

construction that are sustainable, accessible, attractive, safe and well integrated with their surroundings. Policy DEV3 of the IPG seeks to ensure inclusive design principles are incorporated into new development.

### Tall Buildings

- 8.32 Policy 4B.8 of the London Plan states that tall buildings will be promoted where they create attractive landmarks enhancing London's character, help to provide a coherent location for economic clusters of related activity or act as a catalyst for regeneration and where they are also acceptable in terms of design and impact on their surroundings. Policy 4B.9 of the London Plan (February 2008) provides detailed guidance on the design and impact of such large scale buildings, and requires that these be of the highest quality of design. Policy 4B.10 'Large-Scale Buildings – Design and Impact' provides further guidance on design considerations, including context, attractiveness and quality.
- 8.33 Policy DEV6 of the UDP specifies that high buildings may be acceptable subject to considerations of design, siting, the character of the locality and their effect on views. Considerations include, overshadowing in terms of adjoining properties, creation of areas subject to wind turbulence, and effect on television and radio interference.
- 8.34 Policies CP1, CP48 and DEV27 of the IPG October 2007 states that the Council will, in principle, support the development of tall buildings, subject to the proposed development satisfying a wide range of criteria. These criteria are examined below.
- 8.35 Policy IOD21 of the Isle of Dogs Area Action Plan 'Design and built form in the Central sub-area' states that the area will contain a mix of building heights which do not compete with the cluster of tall buildings in the Northern sub-area (i.e. the Canary Wharf cluster). In general, building heights will be higher in the north of the sub-area and reduce in height towards the southern parts. Building heights of new development must consider and respond to the close proximity of established residential areas nearby.

### Analysis

- 8.36 The application proposes the erection of a part 43, part 11 storey building, with a maximum height of approximately 137m AOD. The upper three stories of the tower element are cantilevered and partially overhang the lower 11-storey element of the building.
- 8.37 In terms of Policy CP48 (Tall Buildings) of the LBTH Interim Planning Guidance, it states that the Council will, in principle, support the development of tall buildings in the northern part of the Isle of Dogs where they consolidate the existing tall building cluster at Canary Wharf. Part 3 of CP48 states:  
*"3) All proposals for tall buildings must:*  
*a) contribute positively to a high quality, attractive environment;*  
*b) respond sensitively to the surrounding local context;*  
*c) not create unacceptable impacts on the surrounding environment, including the surrounding amenity;*  
*d) contribute to the social and economic vitality of the surrounding area; and*  
*e) not create unacceptable impacts on social and physical infrastructure"*
- 8.38 In respect of 3a, the scheme is considered to contribute positively to a high quality and attractive environment for the following reasons:
- The application proposes a landmark building incorporating high quality external finishes, creative architectural treatments, including the rooftop amenity area and the cantilevered feature. All of this creates a very distinctive and unique architectural statement that will add to the variety of buildings in this evolving urban context
  - It proposes good internal floorspace as well as a range of open space options as

detailed under the 'Housing' chapter of this report;

- The scheme provides complimentary facilities to the residential use, including a gymnasium and swimming pool which will benefit future residents;
- The scheme provides for waste, recycling and cycle storage to serve future residents; and
- The proposal provides significant section 106 contributions to mitigate the impact of the development and fund, inter alia, public realm, open space, education, community and transport improvements

- 8.39 In respect of 3b the scheme responds sensitively to the local context in the following ways:
- The proposed scheme responds sensitively to the Canary Wharf tall building cluster, and continues the tapering heights from both north to south and west to east. It would therefore sit comfortably within the cluster when viewed from the south and east, particularly when taking into account the consented Wood Wharf development (outline) and the Millennium Quarter tall buildings
  - In terms of the recently extended Coldharbour Conservation Area, which lies approximately 132 metres to the east of the site, the submitted views analysis shows that the proposed building would not appear overbearing from within the Conservation Area, and would appear as a tall building in the distance in keeping with its existing setting of low rise, uniform buildings with a backdrop of a tall building cluster
  - In terms of ground floor treatment, the building is designed in such a way that it addresses the ground floor street frontages with a series of entrances, open pedestrian thoroughfares around the site with active retail and entrance lobby frontages and a public square and landscaping on Lord Amory Way, further opening access and views at street level to the dockside and Canary Wharf;
  - By opening up the views and access to Lord Amory Way and the dockside, pedestrian routes to transport nodes within the Canary Wharf cluster are improved;
  - Vehicular access is via Lord Amory Way, with visitor parking and the entrance to the basement parking discreetly located within the north elevation of the building;
  - The proposed design sets a good example of a residential tall building, with a distinct footprint, cantilevered western elevation over Lord Amory Way and a slender tower which adds distinctiveness to the townscape;
  - The metallic ribbon feature which traces the extent of the north and south elevations, together with the folding glass screens to the balconies will add to and compliment the existing diversity of architectural style in this location, whilst also presenting an interesting façade from all vantage points;
  - It does not fill in or detract from the tall building cluster of Canary Wharf; and
  - There are no adverse impacts upon any strategic views
- 8.40 In respect of 3c, the scheme does not pose any unacceptable impacts on neighbours including overshadowing, microclimate (wind), noise, privacy/overlooking or general disturbance impacts. This is discussed in detail later within this report, under the Amenity section.
- 8.41 In respect of 3d, the proposal contributes socially and economically to the surrounding area by providing housing of appropriate mix in terms of affordable and family housing, as well as satisfying amenity spaces standards, Lifetime Homes standards and providing for minimum 10% wheelchair accessible housing. The proposed building also provides satisfactory levels of accessible parking for people with a disability. All this contributes to the creation of a sustainable and diverse community in the local area. In addition to the economic benefits of nurturing a sustainable community, the scheme also provides serviced apartments, office floor space for small and medium sized enterprises and retail floorspace. In addition, the proposal is predicted to generate 89 jobs.
- 8.42 In respect of 3e, planning contributions towards transport infrastructure improvements,

education improvements, open space, public realm improvements, social and community facilities, employment and training and health will all be secured to ensure the impact on the locality is mitigated and benefits are borne.

8.43 Policy DEV27 Tall Buildings Assessment of the Interim Guidance states:

*“Applications for all tall buildings must satisfy the criteria listed below:*

#### *Design and Context*

- 1. Demonstrate the design is sensitive to the context of the site.*
- 2. Achieve high architectural quality and innovation in the design of the building, including a demonstrated consideration of its scale, form, massing, footprint, proportion and silhouette, facing materials, relationship to other buildings and structures, the street network, public and private open spaces, watercourses and waterbodies, or other townscape elements.*
- 3. Where the site is outside a location identified for tall building clusters in CP48, demonstrate the consideration of built form design alternatives other than tall buildings.*
- 4. Demonstrate consideration of the appearance of the building as viewed from all angles, and its night-time appearance, as demonstrated through an Accurate Visual Representation.*
- 5. Not adversely impact on important views including strategic London-wide views and important local views, including their settings and backdrops, as demonstrated through an Accurate Visual Representation.*
- 6. Provide a positive contribution to the skyline, when perceived from all angles, assisting to consolidate clusters within the skyline, as demonstrated through an Accurate Visual Representation.*
- 7. Not adversely impact on Conservation Areas, Listed Buildings, historic assets, World Heritage Sites, scheduled monuments, areas of archaeological importance or potential, or their settings.*
- 8. Where residential uses are proposed, include high quality, useable communal and private amenity spaces.*
- 9. Achieve a very high standard of safety and security for occupants of the development and users of the immediate surrounding area.*
- 10. Be visually integrated into the streetscape and the surrounding area.*
- 11. Present a human scaled development at the street level.*
- 12. Respect the local character and seek to incorporate and reflect elements of local distinctiveness.*
- 13. Incorporate adaptable design measures.*

#### *Environment*

- 14. Demonstrate the privacy, amenity and access to sunlight and daylight for surrounding residents and building occupants will not be adversely affected by the development and that acceptable levels of privacy, amenity and sunlighting and daylighting conditions will be achieved for future occupants of the development.*
- 15. Not adversely impact on the microclimate of the surrounding area, including the proposal site and public spaces.*
- 16. Demonstrate consideration of sustainability throughout the lifetime of the development, including the achievement of high standards of energy efficiency, sustainable design, construction, and resource management.*
- 17. Not adversely impact on biodiversity or open spaces, including watercourses and waterbodies and their hydrology, as well as their settings and views to and from them.*
- 18. Achieve high internal and external noise standards, including the consideration of*

*appropriate mixes of uses and use locations within the development.*

#### *Socio-Economic Impacts*

- 19. Contribute positively to the social and economic vitality and of the surrounding area at the street level through its proposed mix of uses.*
- 20. Be acceptable in terms of its potential social impacts, and maximise positive social impacts, as demonstrated through a Social Impact Assessment.*

#### *Access and Transport*

- 21. Incorporate the principles of inclusive design.*
- 22. Be located in an area with good public transport access.*
- 23. Take into account the transport capacity of the area, and ensure the proposal will not have an adverse impact on transport infrastructure and transport services.*
- 24. Respect, and, where possible, improve permeability with, the surrounding street network, and take into account impacts on the movement of people.*
- 25. Have good access to, or contribute to the provision of, high quality pedestrian and cyclist routes between the site and public transport, public open space, shops and social and community facilities.*
- 26. Provide publicly accessible areas within the building, including the ground floor, and where there are opportunities to provide viewing platforms, the top floor.*

#### *Additional Considerations*

- 27. Where residential uses are proposed, comply with the density requirements in policy HSG1.*
- 28. Conform to Civil Aviation requirements.*
- 29. Not interfere, to an unacceptable degree, with telecommunication and radio transmission networks.*
- 30. Demonstrate consideration of public safety requirements as part of the overall design, including the provision of evacuation routes.”*

8.44 Points 1, 2, 8, 10, 12, 14, 15, 19, 20, 21, 24 and 26 have been addressed above, within the considerations of policy CP48 (Tall Buildings). With regard to criterion 3 (consideration of design alternatives), this was explored at the pre-application stage and is considered within the ‘design evolution’ section of the submitted design and access statement. A tall building is considered to be appropriate in this location and in context with the emerging character of this particular area of the Isle of Dogs.

8.45 Criterion 4 (views)

Together with the submitted elevational plans, Computer generated Images (CGIs) are detailed within the submitted Design and Access Statement and Townscape, Conservation and Visual Impact Assessment documents. These indicate consideration of the external appearance from all angles as well as its night-time appearance. These indicate that the proposed building is of a high standard of design and appearance.

8.46 Criteria 5 and 6 (consideration of views and impact on skyline)

Strategic London-wide views and the contribution made to the skyline of the Isle of Dogs have been analysed within the submitted Views Assessment and the Design & Access Statement. There are no adverse impacts upon the St Paul’s Cathedral Strategic View, and the proposed building would form part of the cluster of tall buildings at Canary Wharf when viewed from Maritime Greenwich. The proposed building is considered to sit comfortably within the Canary Wharf cluster within all views, particularly when considering the recently constructed and consented schemes at Wood Wharf, Pan Peninsula and London Arena.

- 8.47 Criterion 7 (Conservation Areas, Listed Buildings, World Heritage Sites)  
As detailed earlier in the report, it is not considered that the proposal has an adverse impact upon the character and setting of the nearby Coldharbour Conservation Area. Furthermore, the proposed building would have a minimal effect on the setting of the Greenwich World Heritage Site and the setting of its listed buildings when viewed from the General Wolfe statue, Greenwich Park, as recognised within the London View Management Framework (2007).
- 8.48 Criterion 9 (safety and security)  
Safety and security is achieved with access to the upper levels controlled at ground level by foyer access. Active frontages on the majority of elevations and the minimisation of blank frontages, as well as the activity associated with the retail units and public square, will ensure surveillance to maintain safety and security and deter crime. A condition requiring the submission of details of all external lighting has been attached, as detailed in section 3, above.
- 8.49 Criterion 11 (human scale)  
A human scale is achieved at street level with active frontages created by the commercial units, a high ceiling foyer entrance, trees and public square. This prevents continuous or blank frontages.
- 8.50 Criterion 13 (adaptable design measures)  
Adaptability is incorporated into the scheme by generous floor-to-ceiling heights at ground and first floor level and large, open floor plates to accommodate the variable needs of commercial uses. The residential flats including wheelchair accessibility, lifetime homes and minimum floorspace standards in the design, as discussed previously.
- 8.51 Criterion 16 (sustainability)  
Sustainability has been considered with a series of renewable energy measures and low and zero carbon technologies in the scheme, which the GLA and the Council's Energy Efficiency department have deemed acceptable. Conditions have been imposed requiring details of all renewable energy and energy efficiency measures, and sustainability will be ensured by conditions requiring travel plans and construction management plans.
- 8.52 Criterion 17 (biodiversity)  
There are no impacts identified upon biodiversity or open spaces, including watercourses, waterbodies and their hydrology. The Environment Agency, Natural England and the London Wildlife Trust have raised no objections to the scheme subject to various conditions and informatives.
- 8.53 Criterion 18 (noise)  
The internal noise standards have been considered by LBTH Environmental Health Team, who are satisfied that there will be no significant impact to neighbours or future occupiers, subject to conditions.
- 8.54 Criterion 22 (accessibility)  
The site has good access to public transport with a site specific Public Transport Accessibility Level (PTAL) of 4. The site is within close proximity of South Quay DLR station, numerous bus services and Canary Wharf Underground station.
- 8.55 Criterion 23 (capacity)  
The proposal is considered to be within the capacity of the area, as it proposes low levels of vehicular parking and s106 contributions are to be secured to upgrade and improve transport infrastructure in the area accordingly.
- 8.56 Criterion 25 (pedestrian and cycle routes)  
Section 106 monies will contribute to improving the local public realm, with an improved

pedestrian environment and street lighting improvements. Sustainable transport initiatives will also be supported through the s106.

- 8.57 In respect of additional considerations 27 – 30, the density of the scheme is considered acceptable, as detailed above within the land use section of this report. No objections have been received from London City Airport, NATS or the BBC with regard to Civil Aviation requirements and television reception respectively. With regard to public safety requirements, such matters are handled by Building Control at the detailed design stage.
- 8.58 Policies DEV 1 and DEV 2 of the LBTH adopted UDP 1998 as well as consolidated London Plan Policies 4B.8 Tall Buildings – Location, Policy 4B.1 Design Principles for a Compact City’, Policy 4B.3 ‘Maximising the Potential of Sites’ 4B.9 ‘Large-Scale Buildings – Location’ and 4B.10 ‘Large Scale Buildings - Design and Impact’ are also considered to be addressed by the above comments.

### Design Conclusions

- 8.59 From the above analysis, it is concluded that the principle of a tall building is supported on this site having regard to local and regional policy. Whilst the immediate local context of the site is significantly lower than that proposed, it is considered that the emerging context of the Marsh Wall and Crossharbour axis, which takes into account Pan Peninsula, 22 Marsh Wall, London Arena, Indecon Court and the Millennium Quarter developments for example, will see numerous other sites come forward for redevelopment to maximise their potential.
- 8.60 It is considered that the proposed building will contribute positively to the Canary Wharf cluster and provide visual interest at a more local context, due to its exemplary design, use of materials, mix of uses and incorporation of amenity space. Subject to conditions to ensure high quality detailing of the development is achieved in terms of materials, landscaping and lighting, it is considered that the proposal is acceptable in design terms and accords with the abovementioned policy and guidance set out in the London Plan (2008) and IPG (2007).

### **Amenity**

#### Daylight and Sunlight

- 8.61 DEV2 of the UDP seeks to ensure that the adjoining buildings are not adversely affected by a material deterioration of their daylighting and sunlighting conditions. Supporting paragraph 4.8 states that policy DEV2 is concerned with the impact of development on the amenity of residents and the environment.
- 8.62 Policy DEV1 of the IPG states that development is required to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm. The policy includes the requirement that development should not result in a material deterioration of the sunlighting and daylighting conditions of surrounding habitable rooms.
- 8.63 Policy 4B.10 of the London Plan refers to the design and impact of large scale buildings and includes the requirement that in residential environments particular attention should be paid to privacy, amenity and overshadowing.
- 8.64 The submitted Environmental Statement details that two residential developments are within range of the proposed development, so as to be considered ‘sensitive receptors’, which contain habitable rooms\*. These are:
- Meridian Place located approximately 35 metres to the immediate north-west of the site; and



- Antilles Bay located approximately 65 metres to the north-east of the proposed development

In light of Antilles Bay not being situated directly adjacent to the proposed development, it will not form a significant further obstruction to sky visibility. As such, it was not considered necessary to test this building. The Council's Environmental Health department are satisfied with this assumption.

\* The UDP (1998) advises that habitable rooms include living rooms, bedrooms and kitchens (only where the kitchen exceeds 13sq.m.).

- 8.65 Daylight is normally calculated by two methods – the vertical sky component (VSC) and the average daylight factor (ADF). The latter is considered to be a more detailed and accurate method, since it considers not only the amount of sky visibility on the vertical face of a particular window, but also window and room sizes, plus the room's use.
- 8.66 British Standard 8206 recommends ADF values for residential accommodation. The recommended daylight factor level for dwellings are:
- 2% for kitchens;
  - 1.5% for living rooms; and
  - 1% for bedrooms.
- 8.67 The report details that all of the existing residential units at Meridian Place will receive more than 80% of their existing level of daylight. This is the headline VSC test and as such satisfies the BRE guidelines. In terms of ADF values, all rooms retain ADF levels in excess of 90% of their existing no sky-line areas, therefore satisfying the British Standard requirements.
- 8.68 In terms of sunlight, the submitted report details that all rooms, save for two bedrooms in Meridian Place, would receive compliant levels of sunlight.
- 8.69 It is necessary to have regard to the particular circumstances of the location in question and the assessment should be made in the context of the site. Given the density of this city centre location and the regenerative benefits that the proposal would bring to the area and the Borough as a whole in terms of affordable housing and numerous financial contributions, on balance, it is considered that a refusal on the grounds of a loss of light to two bedroom windows could not be substantiated in this instance.
- 8.70 It is therefore concluded that the proposed development would not have a significant effect on the sunlight or daylight received by the surrounding residential developments and the proposal would not impact significantly on the living conditions of any residents.

#### Overshadowing

- 8.71 The submitted Environmental Statement includes an overshadowing assessment, which shows that there will be a negligible impact to the permanent overshadowing of the surrounding amenity areas, which includes the courtyard to the north of Meridian Place, the proposed public square at ground floor level and the rooftop amenity area.
- 8.72 In terms of transient overshadowing, there is a small addition to shadowing during the morning, however this impact is considered to be acceptable by the Council's Environmental Health department.

#### Air Quality

- 8.73 A number of residents objected on the grounds of dust created during the construction phase. A condition has been attached requiring the submission and approval of a Construction Management Plan, which should detail measures to reduce dust escape from the site during demolition and construction. Such matters are also covered by separate

Environmental Health legislation.

#### Noise and Vibration

- 8.74 The submitted Environmental Statement demonstrates that noise impact has been given comprehensive consideration to the satisfaction of the Council's Environmental Health Team. Appropriate and reasonable mitigation measures have been identified to safeguard internal living areas from unacceptable levels of noise, also agreed by the Environmental Health Team. Therefore, the scheme complies with PPG24 and other relevant guidance and standards which seek to minimise the adverse effects of noise.
- 8.75 In terms of noise emitted by the proposed development and its impact upon nearby residents, conditions have been attached to ensure any plant and machinery to be installed incorporates adequate noise attenuation measures.
- 8.76 In terms of noise and vibration during demolition and construction, the submitted Environmental Statement identifies that this will have a minor adverse impact. In accordance with advice from the Council's Environmental Health officers, conditions have been attached which restrict construction hours and noise emissions, and a condition has been attached requiring the submission and approval of a Construction Management Plan which will further assist in ensuring noise reductions. The applicant is also required to submit details of any plant and machinery proposed prior to commencement of development. Such matters are also covered by separate Environmental Health legislation.

#### Sense of Enclosure/Loss of Outlook

- 8.77 This impact cannot be readily assessed in terms of a percentage or measurable loss of quality of outlook. Rather, it is about how an individual feels about a space. It is consequently difficult to quantify and is somewhat subjective. Nevertheless, in the opinion of officers, given the separation distances between the development and the residential developments at Antilles Bay and Meridian Place, together with the fact that they are not directly adjacent to the site and have buildings between them and the site, it is considered that the development would not create an unacceptable sense of enclosure or loss of outlook to habitable rooms near the site.

#### Overlooking

- 8.78 A number of objections were received from local residents on the grounds of overlooking of habitable rooms from the proposed development, particularly those in Antilles Bay and Meridian Place, which are the closest residential developments and both medium rise of up to eight storeys in height. Meridian Place is located approximately 35 metres to the north-west of the site, whilst Antilles Bay is located approximately 65 metres to the north-east of the proposed development.
- 8.79 Whilst the proposed building is significantly taller than Antilles Bay and Meridian Place, both are located a considerable distance away from the proposed development, and neither are immediately adjacent to it. For a dense urban environment such as this site, it is not considered that the proposal is within significant distance to cause undue overlooking and subsequent loss of amenity.

#### Micro-Climate

- 8.80 Planning guidance contained within the London Plan 2008 places great importance on the creation and maintenance of a high quality environment for London. Policy 4B.10 (Large-scale buildings – design and impact) of the London Plan 2008, requires that *“All large-scale buildings including tall buildings, should be of the highest quality design and in particular: ... be sensitive to their impacts on micro- climates in terms of wind, sun, reflection and over-*

*shadowing*". Wind microclimate is therefore an important factor in achieving the desired planning policy objective. Policy DEV1 (Amenity) of the IPG also identifies microclimate as an important issue stating that:

*"Development is required to protect, and where possible seek to improve, the amenity of surrounding and existing and future residents and building occupants as well as the amenity of the surrounding public realm. To ensure the protection of amenity, development should: ...not adversely affect the surrounding microclimate."*

- 8.81 Within the submitted Environmental Statement, the applicant has assessed the likely impact of the proposed development on the wind climate, by placing an accurate model of the proposed building in a wind tunnel. The assessment has focused on the suitability of the site for desired pedestrian use (i.e. leisure walking at worst, with standing conditions at entrances and in retail areas, and sitting/standing conditions in public realm areas during summer) and the impact relative to that use.
- 8.82 The pedestrian level wind microclimate at the site was quantified and classified in accordance with the widely accepted Lawson Comfort Criteria. The wind conditions around the existing site are considered relatively calm, being generally suitable for sitting use throughout the year.
- 8.83 Overall, the residual effect of the proposed development, with required mitigation measures in place, is expected to be minor adverse to moderate beneficial. The mitigation measures include trees, hedges and screens at street level around the proposed area of public realm, perimeter screening around the roof terrace at eleventh floor level and a canopy at the centre of the roof terrace. The cumulative impact of other known planning applications in the vicinity of the application site make a beneficial contribution to the wind microclimate of the proposed development. Additional development around the site will increase the shelter on-site and will eliminate many of the adverse impacts identified for the proposed development.
- 8.84 It is therefore considered that the proposed development would be acceptable in terms of the impact on microclimate conditions surrounding the development and would not significantly impact on the pedestrian amenity on the site in accordance with London Plan policy 4B.10 (Large-scale buildings – design and impact) and policy DEV1 (Amenity) of the IPG.

## **Transport**

- 8.85 In consideration of national policy, PPG13 'Transport' seeks to integrate planning and transport from the national to local level. Its objectives include: promoting more sustainable transport choices; promoting accessibility using public transport, walking and cycling; and reducing the need for travel, especially by car. Both PPS1 'Delivering Sustainable Development' and PPS3 'Housing' seek to create sustainable developments.
- 8.86 Pursuant to regional policy, The London Plan (Consolidated 2008), 2A.1 'Sustainability Criteria', 3A.7 'Large Residential Developments', state that developments should be located in areas of high public transport accessibility. In addition to this criteria Policy 3C.1 'Integrating Transport and Development' also seeks to promote patterns and forms of development that reduce the need for travel by car. Policy 3C.2 advises that, in addition to considering proposals for development having regard to existing transport capacity, boroughs should "...take a strategic lead in exploiting opportunities for development in areas where appropriate transport accessibility and capacity exists or is being introduced". Policy 3C.19 'Local Transport and Public Realm Enhancements' indicates that boroughs (as well as TFL) should make better use of streets and secure transport, environmental and regeneration benefits, through a comprehensive approach of tackling adverse transport impacts in an area. In respect of Policy 3C.20 'Improving Conditions for Buses',

the Mayor, TFL and boroughs will work together to improve the quality of bus services, including consideration of the walkways *en route* to bus stops from homes and workplaces, to ensure they are direct, secure, pleasant and safe.

- 8.87 In respect of local policy, the UDP 1998, Policy ST25 seeks to ensure new housing development is adequately serviced by public transport. Policy ST28 seeks to reduce unnecessary dependency on cars. Policy ST30 seeks to improve safety and convenience for all road users including cyclists and pedestrians. Policy T16 states that the consideration of planning applications will take into account the requirements of the proposed use and any impact posed. Policy T18 indicates that priority will be given to pedestrians in the management of roads and the design and layout of footways. Improvements to the pedestrian environment will be introduced and supported in accordance with Policy T19, including the retention and improvement of existing routes and where necessary, their replacement in new management schemes in accordance with Policy T21.
- 8.88 Having regard for the IPG, DEV17 'Transport Assessment' states that all developments, except minor schemes, should be supported by a transport assessment. This should identify potential impacts, detail the schemes features, justify parking provision and identify measures to promote sustainable transport options. DEV18 'Travel Plans' requires a travel plan for all major development. DEV19 'Parking for Motor Vehicles' sets maximum parking levels pursuant to Planning Standard 3.
- 8.89 The PTAL rating for the site is good (level 4). Four bus routes (D6, D8, D3 and D7) are within close proximity of the site, and South Quay DLR station is approximately 500m to the west of the proposal site. South Quay DLR station is currently undergoing platform extension works, which will result in the station being relocated 200m closer to the application site by the end of 2009. The site is also approximately 960m (12 minutes walk) from the Canary Wharf Underground station. The site has good pedestrian access to the aforementioned public transport modes via the adjacent Marsh Wall and Lord Amory Way.
- 8.90 The proposal includes a total of 40 car parking spaces, 3 of which will be for disabled parking use, 337 cycle parking spaces at basement level and 10 at ground level for visitor use. All vehicular access for parking and servicing is via the back of the building with no servicing taking place from Marsh Wall or Lord Amory Way.
- 8.91 In addition, a financial contribution of £396,200 towards transport infrastructure, local pedestrian environment improvements and highways improvements, including the implementation of a pedestrian crossing on Marsh Wall, has been included within the s106 agreement.

#### Vehicular Parking

- 8.92 The scheme proposes to provide 40 car parking spaces, 3 of which are for disabled use. This provision is to be located in the basement and will be accessible via two car lifts. The parking provision is the equivalent of approximately 0.14 spaces per residential unit, and is within the maximum standards of policy DEV19 (Parking for Motor Vehicles) of the IPG and London Plan 2008 policies 3C.17 (Tackling congestion and Reducing Traffic) and 3C.23 (Parking Strategy). Whilst the disabled parking provision is one space short of meeting the IPG standard of 10% of all spaces, the additional space can be secured by way of condition, as detailed within section 3 of this report.
- 8.93 It is therefore considered that the vehicle parking provisions would be in accordance with policies 3C.17 (Tackling congestion and Reducing Traffic) and 3C.23 (Parking Strategy) of London Plan 2008. A S106 legal agreement should be entered into in order that the Traffic Management Order can be amended to exempt occupiers of this site from obtaining parking permits. This will ensure no overflow parking on the public highway.

### Cycle Parking

- 8.94 The application proposes 337 secure cycle parking spaces at basement level, together with 10 visitor spaces at ground floor level. This represents a provision in excess of 1 space per residential unit, and is therefore in excess and in accordance with Planning Standard 3: Parking and policy DEV16 of the IPG.

### Servicing and Refuse Collection

- 8.95 Plant, delivery and servicing spaces within the proposed development are located at ground floor level to the north of the proposed development to match the condition of the existing building. Refuse collection would be carried out from the rear, matching the existing arrangements from where there would be direct access to ground floor bin storage areas. This is acceptable to the Council's Highways department.

### Trip Generation

- 8.96 The submitted Environmental Statement includes a transport and access section, which details the trip generation of the proposed development as follows:

Mode	AM Peak			PM Peak		
	In	Out	Two Way	In	Out	Two Way
Car	-2	6	4	11	5	16
Car Passenger	1	3	4	8	4	12
Service Vehicles	1	1	2	0	0	0
Jubilee Line	2	62	64	31	7	38
DLR	0	30	30	16	1	17
Bus	1	6	7	3	1	4
Motorcycle	0	1	1	1	0	1
Bicycle	-1	1	0	1	0	1
Walk	3	33	36	17	6	23
<b>Total</b>	<b>5</b>	<b>143</b>	<b>148</b>	<b>88</b>	<b>24</b>	<b>112</b>

Table 1: Proposed Trip Generation

- 8.97 The Council's Highways department have analysed the methods of assessment and deemed them acceptable. Furthermore, the proposed increase in traffic generation, as detailed in Table 1 above, would not have a detrimental effect on the existing highway network, public transport networks or traffic movements within the area.
- 8.98 As detailed within section 6 of this report, TfL questioned the methods of assessment used by the applicant, and requested additional trip generation surveys incorporating comparable sites. The applicant responded to this issue, stating that the trip generation for the proposed development has been assessed using best practice techniques which accord with TfL's Transport Assessment Guidelines and three similar case studies were included. TfL's latest response, dated 4<sup>th</sup> February 2009, acknowledges the additional information.

### Delivery service plan and construction logistics plan

- 8.99 TfL have requested the submission of a delivery service plan and a construction logistics plan. Conditions securing the submission of a Construction Management Plan and a Delivery and Service Plan have been recommended, as detailed within section 3.3 of this

report.

### Travel Plan

- 8.100 TfL have requested that additional detail is required from the submitted Travel Plan, including how to promote sustainable transport measures, the inclusion of a site management office and the provision of a travel plan for the commercial element of the development. As detailed above within section 3.3 of this report, it is recommended for the travel plan to be secured by way of condition to the satisfaction of the LPA and TfL. Together with future monitoring of the Travel Plan through the s106 agreement, this is considered to be an acceptable approach in this instance.

### S106 Contributions

- 8.101 Given the large amount of additional residents and employment the development would bring to the area, the Council and TfL have determined that contributions for transport infrastructure and public realm improvements are required via the s106 agreement to ensure that the development can be accommodated within the existing transport network. This is discussed further within the Section 106 Agreement section of this report, below.
- 8.102 TfL have requested a number of contributions, including the maintenance and upgrade of the nearby strategic walk network; £600 per residential unit to improve the local bus service; contributions towards improving the streetscape towards the DLR station and a controlled pedestrian crossing to be provided across Marsh Wall. The applicant has since contested the pro-rata bus service payment of £600 per residential unit and the necessity of a controlled pedestrian crossing, stating that a lower payment of £468 per unit is appropriate, and an uncontrolled (zebra) pedestrian crossing would be sufficient in this location. LBTH Highways department have confirmed that an uncontrolled raised crossing would be acceptable. With regard to the bus service payment, at the time of writing this report, TfL and the applicant are presently negotiating this figure. This will be provided within an update report to the Committee.

### **Energy Efficiency and Sustainability**

- 8.103 The London Plan 2008 has a number of policies aimed at tackling the increasingly threatening issue of climate change. London is particularly vulnerable to matters of climate change due to its location, population, former development patterns and access to resources. IPG and the policies of the UDP also seek to reduce the impact of development on the environment, promoting sustainable development objectives.
- 8.104 Policy 4A.3 (Sustainable Design and Construction) of The London Plan 2008 states that boroughs should ensure future developments meet the highest standards of sustainable design and construction, seeking measures that will among other matters will:
- Reduce the carbon dioxide and other omissions that contribute to climate change;
  - Minimise energy use by including passive solar design, natural ventilation and vegetation on buildings;
  - Supply energy efficiently and incorporate decentralised energy systems and renewable energy; and
  - Promote sustainable waste behaviour in new and existing developments, including support for local integrated recycling schemes, CHP and CCHP schemes and other treatment options.
- 8.105 Policies 4A.4 (Energy Assessment), 4A.5 (Provision of heating and cooling networks) and 4A.6 (Decentralised Energy: Heating, Cooling and Power) of the London Plan 2008 further the requirements for sustainable design and construction, setting out the requirement for an Energy Strategy with principles of using less energy, supplying energy efficiently and using renewable energy; providing for the maximising of opportunities for decentralised

energy networks; and requiring applications to demonstrate that the heating, cooling and power systems have been selected to minimise carbon dioxide emissions. Policy 4A.7 (Renewable Energy) of the London Plan goes further on this theme, setting a target for carbon dioxide emissions as a result of onsite renewable energy generation at 20%. Policy 4A.9 promotes effective adaptation to climate change.

- 8.106 The applicant submitted an Energy Strategy with the application. The following reductions in carbon dioxide emissions are proposed to be achieved:

Table 2: Energy Efficiency

Approaches		Reduction in Carbon Dioxide Emissions	
"Be Lean" - Energy Efficiency Measures		10%	
"Be Clean"	CHP	18.40%	18.70%
	Absorption Chillers	0.30%	
Renewable Energy	Biomass Boilers	9.20%	10.50%
	PV Panels	1.30%	

- 8.107 The information has been considered by the Council's Energy Efficiency Department who have commented that although the renewable energy contribution falls short of the 20% requirement, the potential of the low and zero carbon technology has been maximised for the proposed development and the proposed energy strategy is therefore acceptable, subject to conditions requiring the energy strategy to be revised at the detailed design stage and the submission of details of all energy efficiency and passive design measures confirming the carbon dioxide reductions, together with details of the PV panels and biomass boiler. Conditions have been recommended to this effect, as detailed above within section 3.
- 8.108 Furthermore, the GLA raised no objections to the proposed energy strategy within their Stage I report, subject to further information being provided. The applicant has since responded to this request. The GLA also request information as to how water from the rainwater harvesting system would be reused. This has been included in the aforementioned condition.

### **Section 106 Agreement**

- 8.109 The applicant has proposed a section 106 contribution of £7,500 per residential unit, which equates to a total s106 package of £2,265,000 (302 x £7,500). This pro-rata sum is in line with developments approved elsewhere within the area. The heads of terms are as follows:

#### Highway and Transport Contributions

- 8.110 Provide £406,200 towards transport infrastructure and local pedestrian environment improvements. This includes:
- £40,000 towards the implementation of a raised pedestrian crossing on Marsh Wall
  - £40,000 towards street light improvements
  - £40,000 towards carriageway improvements to Marsh Wall in the vicinity of the site
  - £75,000 towards proposed signal junction improvements at Marsh Wall/Limeharbour
  - £181,200 towards the improvement of local bus services (£600 per residential unit)
  - £20,000 towards the provision of DAISY boards within the development
  - £10,000 towards the installation of automatic traffic data collection equipment

#### Education

- 8.111 The Council's Education department have requested a contribution of £407,286 towards education within the Borough. This is calculated on the basis of the development creating demand for 33 additional primary school places at £12,342 each.

#### Health

- 8.112 The Tower Hamlets Primary Care Trust have requested a contribution of £407,091 towards the development of health and wellbeing centres within Local Area Partnership 8, specifically the new network service hub at Wood Wharf.

#### Social and Community Facilities

- 8.113 The Cultural Services team have requested a contribution of £159,604. The proposed development will increase demand on leisure facilities and our emerging leisure centre strategy identifies the need to develop further leisure opportunities to align with population growth. Sport England as the Department for Culture, Media and Sport (DCMS) agency tasked with implementing sports policy have developed a sports facility calculator for s106 purposes. This calculates (based on population figures and research based demand data) the amount of water space and sports hall required by new developments. It then uses building cost index figures to calculate the cost associated. The model generates a total leisure contribution of £159,604.

#### Employment and Training

- 8.114 The Access to Employment Officer has requested a contribution of £1 per square foot of commercial and office floorspace towards employment and training initiatives. This generates a contribution of £14,100 based on 1310sq.m of retail and office floorspace. £56,576 is also requested for the Idea Store and local libraries.

#### Public Realm Improvements and Open Space Provision

- 8.115 A contribution of £1,628,180 towards the provision of open space has been requested by the Cultural Services team. In line with the approved Wood Wharf development, an agreed cost of laying out open space should be set at £260/sqm. The site proposes 302 residential units. Assuming an occupation rate of 1.8 people per unit (as per previous guidance from DC), this would result in a residential population of  $302 \times 1.8 = 544$ . Based on the LBTH open space standard of 1.2ha/1,000pop the development generates a need for 0.65ha of open space. Current plans show 265sqm or 0.0265ha of publicly accessible open space to be provided within the site boundary. Based on on-site provision against requirement, there is a shortfall of  $6,528\text{sqm} - 265\text{sqm} = 6,263\text{sqm}$ . An off-site contribution should be sought to mitigate for the impact on existing open space. Based on the cost of laying out open space as agreed during the Wood Wharf negotiations, this would be  $\text{£}260/\text{sqm} \times 6,685\text{sqm} = \text{£}1,628,380$ .

OFFICER COMMENT: In light of other contribution requests detailed above and the total s106 monies available, a lesser sum of £814,180 has been allocated towards Public Realm Improvements and Open Space Provision. This approach has been agreed with the Council's Cultural Services team.

#### Affordable Housing

- 8.116 Provision within the S106 legal agreement should be made to ensure the provision of 35% affordable housing in accordance with the application as stated above.

#### **Other Planning Issues**

#### Biodiversity



- 8.117 The site and surroundings are not designated for nature conservation, and neither the Environment Agency nor British Waterways raised any objections to the proposal on such grounds. The application proposes mitigation measures such as the provision of new habitats for wild birds within and around the proposed building. As such, it is considered that the proposed development would not have a direct adverse impact on the biodiversity of the area. Through the implementation of the proposed mitigation measures, the proposal is considered acceptable and in accordance with policy guidance.

#### Environmental Statement

- 8.118 The Environmental Statement and further information/clarification of points in the ES have been assessed as satisfactory by Council's independent consultants Bureau Veritas and Council Officers. Mitigation measures required are to be implemented through conditions and/ or Section 106 obligations.

#### Demolition & Construction

- 8.119 With regards to the objections received on the grounds of cumulative impacts during demolition and construction, this matter was covered within the submitted Environmental Statement and the subsequent updates under Regulation 19. The Council is satisfied that such impacts have been adequately assessed, and mitigation measures have been identified. These measures include the implementation of a Construction Management Plan which will require the developer to liaise with other sites under construction during the same period. Other mitigation measures include wheel washing facilities for construction vehicles and air quality controls. These have been secured by way of condition.

#### Television & Radio Reception

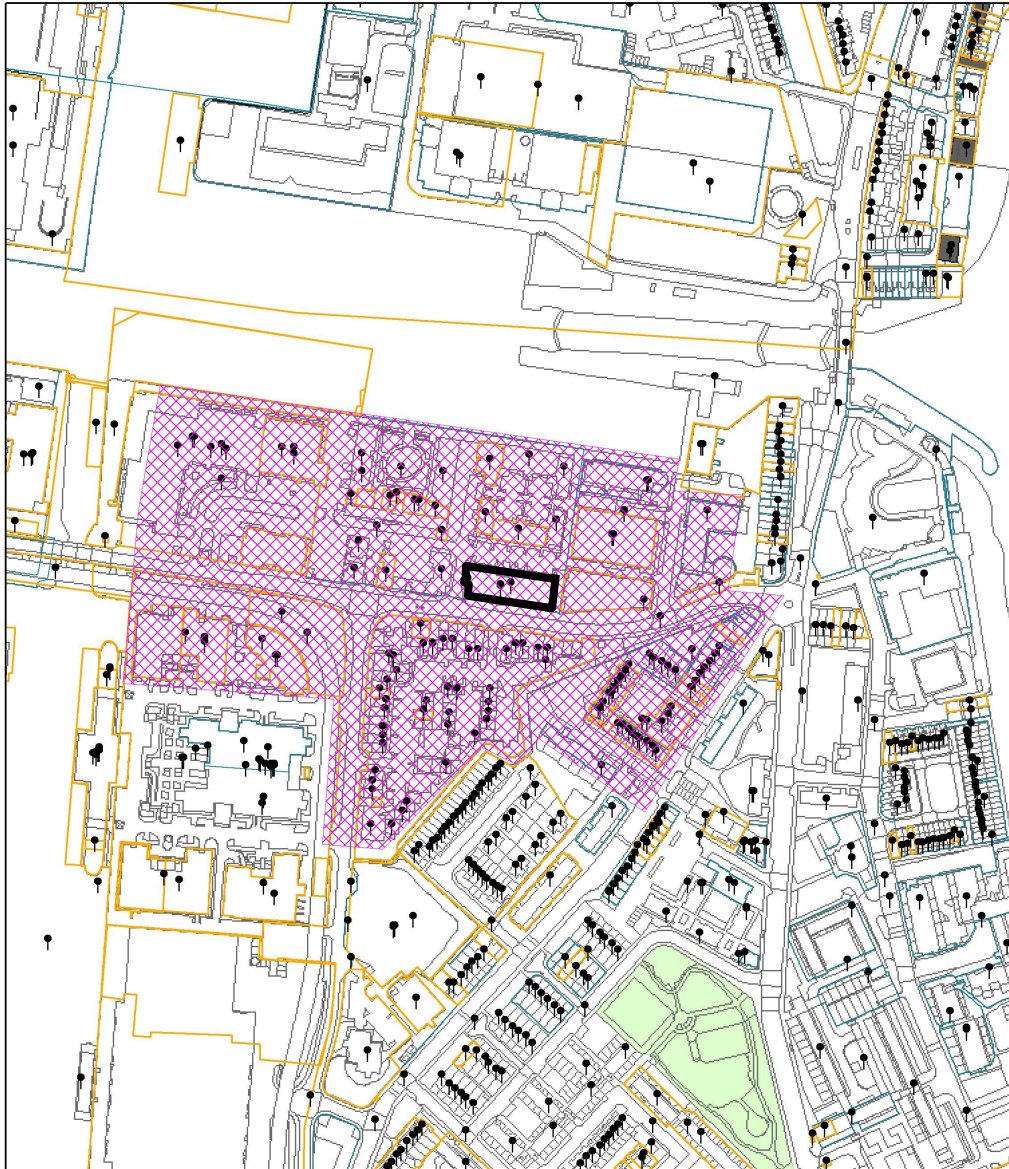
- 8.120 With regard to the objections received on the grounds of potential interference to television and radio signal reception, the submitted Environmental Statement includes an assessment of such potential electronic interference. The assessment details that the proposal, with mitigation measures, will have negligible impacts to television, radio and mobile phone reception. As detailed in section 3 above, the s106 agreement secures TV reception studies and mitigation measures to be carried out during the course of construction and upon completion.

### **9 Conclusions**

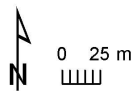
- 9.1 All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

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# Planning Application Site Map



-  Planning Application Site Boundary
-  Other Planning Applications
-  Consultation Area
-  Land Parcel Address Point



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

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# Agenda Item 7.6

<b>Committee:</b> Strategic Development	<b>Date:</b> 15 <sup>th</sup> April 2009	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b> 7.6
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<b>Report of:</b> Director of Development and Renewal  <b>Case Officer:</b> Richard Murrell	<b>Title:</b> Town Planning Application  <b>Ref No:</b> PA/08/02239 (Planning Permission) PA/08/02240 (Conservation Area Consent)  <b>Ward:</b> Mile End East
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## 1. APPLICATION DETAILS

**Location:** The Eric and Treby Estates, Treby Street, Mile End, London.

**Existing Use:** Housing estate

**Proposal:** Regeneration of existing estate comprising the refurbishment of existing buildings, the demolition of 27 bedsits, two x one bed flats at 1-14 Brokesley Street, 106-128 Hamlets Way and 1-7 Burdett Road and the erection of buildings between 2 and 7 storeys to provide 181 new residential units (comprising 19xstudio, 61x1bed, 52x2bed, 40x3bed and 9x5bed), a new community centre of 310 sq m, a new housing management office of 365 sq m and 85 sqm commercial space.

**Drawing Nos/Documents:** Drawing Numbers:  
Site Plans - P0/01 REV F, P0/02, P0/03 REVB, P0/04 REVB, P0/05 REVF, P0/06 REVC, P0/07 REVA, P0/08 REVA, P0/09 REVC, P0/10 REVB, P0/11 REVB, P0/12 REVC, P0/14 REVB, P0/15 REVD, P0/16 REVD, P0/17 REVC, P0/18 REVC, P0/19 REVC, P0/20, P0/21, P0/22 REVB, P0/26 REVB, P0/27 REVB, P0/28 REVB, P0/29 REVB, P030 REVC, P0/31 REVC, P0/32 REVB, P0/33 REVC, P0/34 REVC Site 1 - P1/01 REVC, P1/02 REVC, P1/03 REVD, P1/04 REVB, P1/05 REVC, P1/06 REVB, P1/07, P1/08, P1/09, P1/10 Site 2A and 2B - P2/01 REV E, P2/02 REVE, P2/03 REVD, P2/04 REVD, P2/05 REV D, P2/06 REV D, P2/07 REV D, P2/08 REV C, P2/09 REVC, P2/10 REV C, P2/11 REVC, P2/12 REV B, P2/13 REV B, P2/14 REVB, P2/15 REV A, P2/16 REV A, P2/17 REV A, P2/18 REVA, P2/19 REV A, P2/20 Site 4 - P4/01 REVC, P4/02 REVC, P4/03 Site 7 - P7/01 REVE, P7/02 REVD, P7/03 REVD, P7/04 REVB Site 8 - P8/01 REVD, P8/02 REVD, P8/03 REVA Site 9 - P9/01 REV C, P9/02 REV C, P9/03 Site 10 - P10/01 REVD, P10/02 REVC, P10/03 REVC, P10/04 REVA, P10/05 REVB, P10/06 REVB, P10/07 Site 11 - P11/01 REVC, P11/02 REVD, P11/03 REVC, P11/04 REVC, P11/05 REVD, P11/06 REVD, P11/07 REVA, P11/08 REVA, P11/09 REVA, P11/10 REVA, P11/11 REVA Site 12 - P12/01 REVB, P12/02 REVC, P12/03 REVC, P12/04, P12/05, P12/06 Site 13 - P13/01 REVC, P13/02 REVB, P13/03, Site 14 - P14/01 REVC, P14/02 REVC, P14/03 REVA, P14/04 REVA Site 15 - P15/01

REVD, P15/02 REVD, P15/03 REVD, P15/04 REVD, P15/05 REVD, P15/06 REVC, P15/07 REVC, P15/08 REVC, P15/10 REVA, P15/11 REVA, P15/12 REVA, P15/13 REVA. Improvements and Repairs – R/01 REVC, R/02 REVB, R/03 REVC, R/04 REVC, R/05 REVC, R/06 REVC, R/07 REVC, R/08 REVB, R/09 REVB, R/10 REVA, R/11 REVB, R/12 REVB, R/13 REVB, R/14 REVB, R/15 REVB, R/16 REVB, R/17 REVA, R/18 REVA, R/19 REVB, R/20 REVB, R/21 REVB, R/22 REVB, R/23 REVB, R/24 REVA, R/25 REVA, R/26 REVA, R/27 REVB and R/28 REVA.

Supporting Documents:

- Planning and Regeneration Statement (Prepared by Leaside Regeneration dated October 2008)
- Conservation Statement (Prepared by Leaside Regeneration dated October 2008)
- Report on the availability of Natural Daylighting and Sunlighting (Prepared by calfordseaden dated October 2008)
- Report on Daylight and Sunlight (Addendum prepared by calfordseaden dated January 2009)
- Report on Daylight Availability (Further information prepared by calfordseaden dated March 2009)
- Environmental Report (Prepared by Herts and Essex Site Investigations dated 7<sup>th</sup> March 2008)
- Archaeological Assessment (Prepared by Sutton Archaeological Services dated October 2007)
- Transport Assessment (Prepared by Peter Brett Associates dated September 2008)
- Lighting Design Proposal (Prepared by David Wood Architects dated 19 September 2008)
- Energy Statement (Prepared by Whitecode Design Associates dated June 2008)
- Statement of Community Involvement (Prepared by Leaside Regeneration dated October 2008)
- Flood Risk Assessment (Prepared by Amec dated - September 2008).
- Aborigicultural Impact Assessment (Prepared by D F Bionominque Ltd dated 10<sup>th</sup> September 2008)
- Noise Assessment (Prepared by Enviro Consulting Limited Dated October 2008)
- Air Quality Assessment (Prepared by Enviro Consulting October 2008)
- Phase 1 Desk Top Study Report (Prepared by Herts and Essex Site Investigations dated September 2008)

**Applicant:**

**Ownership:**

**Historic Building:**

**Conservation Area:**

East End Homes Ltd.

Various

Tower Hamlets Cemetery Conservation Area. Ropery Street Conservation Area.

## 2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

### 2.1 PA/08/02239 – Full Planning Permission

The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower

Hamlets Unitary Development Plan, the Council's Interim Planning Guidance (2007), associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that:

- The proposal will facilitate estate wide improvements and bring existing homes up to Decent Homes Plus standard to ensure that they are in a good state of repair. This is in accordance with the Mayor's Housing Supplementary Planning Guidance (November 2005) and Policy HSG5 in the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which support the principle of estate regeneration proposals.
- The proposal would result in an estate with a density of 410 habitable rooms per hectare, which is comfortably within limits set out in the London Plan Spatial Development Strategy for Greater London (Consolidated with alterations since 2004). The proposed development is considered to be sensitive to the context of the surrounding area, by reason of its site coverage, massing, scale and height. The development is therefore in accordance with Policy 3A.3 London Plan Spatial Development Strategy for Greater London (Consolidated with alterations since 2004) which seeks to ensure the maximum intensity of use compatible with local context.
- The proposal provides an acceptable amount of affordable housing (35%) and mix of units overall. As such the proposal accords with the criteria set out in policies 3A.5 and 3A.9 of the London Plan (Consolidated with Alterations since 2004), policy HSG7 of the Council's Unitary Development Plan 1998 and policies CP22, HSG2 and HSG3 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to ensure that new developments offer a range of housing choices.
- On balance the loss of open-space to new built development is acceptable given the priority placed on the estate regeneration objectives, the improvements to existing landscaping and the delivery of affordable housing. The development is therefore accords with PPS3, policies 3A.6, 3D.13 and 4B.1 of the London Plan (Consolidated with Alterations since 2004), policies DEV1, DEV12 and HSG16 of the Council's Unitary Development Plan 1998 and policies OSN2, DEV2, DEV 3, DEV4 and HSG7 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to improve amenity and liveability for residents.
- The height, scale and design of the proposed buildings are acceptable and in line with policy criteria set out in 4B.1 of the London Plan (Consolidated with Alterations since 2004), policies DEV1 and DEV2 of the Council's Unitary Development Plan 1998 and policies DEV1 and DEV2 of the Council's Interim Planning Guidance (October 2007): Core Strategy and Development Control, which seek to ensure buildings are of a high quality design and suitably located.
- The scale, design and detailed architectural design of buildings in, or near, Conservation Areas is considered sensitive to the character of these areas and as such accords with the requirements of saved policy DEV28 of the Council's Unitary Development Plan 1998, policy CON2 in the Council's Interim Planning Guidance (October 2007): Core Strategy and Development Control and advice in PPG15, which seek to ensure high quality development that enhances the character of Conservation Areas.
- Transport matters, including parking, access and servicing are acceptable and in line with policies DEV1 and T16 of the Council's Unitary Development Plan 1998 and

policies DEV17, DEV18 and DEV19 of the Council's Interim Planning Guidance (October 2007): Core Strategy and Development Control, which seek to ensure developments can be supported within the existing transport infrastructure.

- The impact of the development on the amenity of neighbours in terms of loss of light, overshadowing, loss of privacy or increased sense of enclosure is acceptable given the compliance with relevant BRE Guidance and the urban context of the development. As such, it accords with policies DEV1 and DEV2 of the Council's Unitary Development Plan 1998 and policies DEV1 and DEV2 of Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to ensure development does not have an adverse impact on neighbouring amenity.
- It is considered that, on balance the benefits of the scheme which will facilitate the upgrade of the estate, outweigh the shortfall in additional renewable energy provision. The proposal will make energy savings across the Eric and Treby Estate as a whole which is in accordance with the principles of Policy 4A.3 in the London Plan and policies DEV5 to DEV9 of the Council's Interim Planning Guidance (October 2007): Core Strategy and Development Control, which seek to reduce carbon emissions.
- Planning contributions have been secured towards education and health care, in line with Government Circular 05/2005, policy DEV4 of the Council's Unitary Development Plan 1998 and policy IMP1 of the Interim Planning Guidance (October 2007): Core Strategy and Development Control, which seek to secure contributions towards infrastructure and services required to facilitate proposed development.

## 2.2 PA/08/02240 Conservation Area Consent

- The demolition of the existing building on Brokesley Street is acceptable because it does not significantly contribute to the architectural and historic character of the area. As such its removal, and replacement with an acceptable building, would enhance the character of the Tower Hamlets Cemetery Conservation Area and accord with the requirements of saved policy DEV28 of the Council's Unitary Development Plan 1998, IPG policy CON2 advice in PPG15: Planning and the Historic Environment.

## 3. RECOMMENDATION

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

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

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

### Financial Contributions

- a) Provide a contribution of **£232, 125** towards the provision of future health and social care facilities.
- b) Provide a contribution of **£333, 234** towards the provision of primary school places.

### Non-financial Contributions

c) Affordable Housing (35%)

d) Clause requiring £8.2M (residual value after Stamp Duty Land Tax – SDLT) to be spent on the upgrade of the Eric and Treby Estate to bring existing units up to Decent



## Homes Plus Standard

e) Car Free Development for all new units

f) Employment Initiatives to use reasonable endeavours to employ local people during the construction and end user phases of the development.

g) Travel Plan to encourage sustainable travel to and from the development by residents.

h) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal.

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

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

### Conditions

1. Time Limit
2. Contaminated land survey
3. Samples / pallet board of all external facing materials
4. Full details of landscaping specifying the use of native species
5. Community Centre (Class D1) provided prior to occupation of 50% of units
6. Construction Management Plan
7. Service Plan Management Plan
8. Hours of construction (08.00 until 17.00 Monday to Friday; 08.00 until 13:00 Saturday. No work on Sundays or Bank Holidays)
9. Control of development works (restricted hours of use for hammer driven piling or impact breaking)
10. All residential accommodation to be completed to lifetimes homes standards
11. At least 10% of homes wheelchair accessible or easily adaptable
12. Design and method statement for foundations to accommodate London Underground Tunnels
13. Noise mitigation measures for proposed dwellings
14. Energy Implementation Strategy for existing units and new build
15. Sustainable Homes Assessment - minimum Code 3
16. Water source control measures implemented in accordance with submitted Flood Risk Assessment
17. Scheme to dispose of foul and surface water
18. Remove PD rights for new houses in Brokesley Street
19. Restriction on hours of operation of ball court until 9.00pm
20. Detail of enlarged windows
21. Completion of ecological assessment of site
22. Water Infrastructure survey
23. Obscure glazing to rear window of site 14
24. Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal

### Informatives

1. Contact Thames Water
2. Contact Building Control

3. S278 Highways Agreement
4. Any other informative(s) considered necessary by the Corporate Director Development & Renewal

3.5 That the Committee resolve to **GRANT** Conservation Area Consent subject to:

**Conditions**

1. Time Limit
2. No demolition until planning permission granted for replacement buildings. Demolition and rebuild as part of one development.

3.4 That, if within 1 month from the date of any direction by the Mayor the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.

**4. PROPOSAL AND LOCATION DETAILS**

**Proposal**

4.1 The application seeks to facilitate the comprehensive regeneration of the Eric and Treby Estates. The proposal includes:-

- The demolition of 29 existing dwellings
- The erection of 13 buildings between 2 and 7 storeys in height
- The provision of 181 new residential units comprising 19 x studio flats, 61 x 1 bed flats, 52 x 2 bed flats, 40 x 3 bed flats and 9 x 5 bed house and 1 x 5 bed flat.
- 35% of the new units will be designated as affordable housing
- 100% of the new affordable units will be in the social rent tenure
- The provision of a new community centre including external ball court (310 square metres).
- The provision of a new management offices (365 square metres)
- Provision of commercial unit (85 square metres)
- Reduction in off-street car-parking from 126 spaces to 91 spaces
- Reduction in number of garages from 150 to 62

4.2 A full description of each new build site is given under the Design and Amenity Section of the report.

4.3 The application also proposes refurbishment and improvements works to the rest of the estate comprising:-

- Refurbishment of existing dwellings to Decent Homes Plus Standards
- New entrance canopies to Ennerdale House, Wentworth Mews, Derwent House, Beckley House and 31 – 39 Brookesley Street
- Installation of new stairways to Windermere House
- Installation of new windows, cavity wall insulation, replacement cladding
- Improvements to building entry points, rationalisation of entrances and provision of door entry systems
- New lighting and signage
- Improvements to refuse storage and disposal systems
- Introduction of play facilities
- Improvements to landscaping and walkways

- 4.4 Following comments received during the course of the application amended plans were submitted in February 2009. The amendments included:-
- Overall reduction from 209 new units to 189 units
  - Reduction in height of building 2A from 7 storey to 6 storey
  - Amendment building 7
  - Removal of proposed building 5
  - Introduction of commercial use at base of building 8
  - Reduction in height of building 11 from 9 storey to 7 storey
  - Reduction in height of building 15 from 7 to 6 storeys along Hamlets Way.
  - Decreased amount of car-parking
  - Increased amount of retained open-space
- 4.5 In response to further consultation responses final amendments were made and submitted to the Council in March 2009. These amendments comprised
- Removal of site 6 from scheme
  - Reduction in number of units from 189 to 181 units
  - Alterations of fenestration site 7.

### **Site and Surroundings**

- 4.6 The Eric and Treby Estate occupies an area of 5.8 hectares. The site is approximately rectangular in shape with the majority of the estate contained between Burdett Road and Southern Grove, with an extension to the East to include properties on Brokesley Street. The site is bisected by Hamlets Way.
- 4.7 The site itself is predominately residential with the exception of a small parade of shops along Hamlets Way. Around the site there are a variety of uses including residential, offices along Southern Grove, the East London Tabernacle on Burdett Road and shops and cafes along Mile End Road.
- 4.8 The existing buildings on-site comprise a mixture of more modern estate blocks built in the latter part of the 20<sup>th</sup> century, and older Victorian terraces along Ropery Street, Eric Street, Mossford street and Brokesley Street. The estate is currently dominated by the 19 storey Ennerdale House, which stands significantly higher than surrounding buildings at the junction of Southern Grove and Hamlets Way. Beckley House at 11 storey is the second tallest building on the estate and is also located along Hamlets Way. The other buildings around the estate range from 2 to 7 storeys.
- 4.9 Two parts of the site fall within designated Conservation Areas. Brokesley Street is located towards the western edge of the Tower Hamlets Cemetery Conservation Area. The boundary of this area runs north to south behind the Victorian dwellings on the west side of Brokesley Street then returns along Hamlets Way to Southern Grove.
- 4.10 The Ropery Street Conservation is located towards the south-west of the site. The boundary of this Conservation Area extends south down the centre of Eric Street from Hamlets Way, with buildings on the Western side within the designated area. Further to the South all buildings on Ropery Street are within the area.

### **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)**

5.2	Proposals:	None
5.3	Policies:	ST1 Deliver and Implementation of Policy
		ST12 Cultural and Leisure Facilities
		ST15 Encourage a Wide Range of Activities
		ST23 Quality of Housing Provision
		ST25 Provision of Social and Physical Infrastructure
		ST26 Improve Public Transport
		ST28 Restrain Private Car
		ST30 Safety and Movement of Road Users
		ST34 Provision of Quality Shopping
		ST37 Improve of Local Environment
		ST41 Provision of Adequate Space for Local Business
		ST43 Use of High Quality Art
		ST49 Provision of Social and Community Facilities
		ST51 Public Utilities
		DEV1 Design Requirements
		DEV2 Environmental Requirements
		DEV3 Mixed Use Development
		DEV4 Planning Obligations
		DEV9 Minor Works
		DEV12 Landscaping
		DEV15 Retention/Replacement of Mature Trees
		DEV27 Minor Alterations in Conservation Areas
		DEV28 Proposals for Demolition in Conservation Areas
		DEV30 Additional Roof Storeys
		DEV50 Noise
		DEV51 Contaminated Land
		DEV55 Development and Waste Disposal
		EMP1 Employment Uses
		EMP6 Employing Local People
		EMP8 Small Businesses
		HSG4 Loss of Housing
		HSG7 Dwelling Mix
		HSG13 Internal Standards for Residential Development
		HSG15 Preserving Residential Character
		HSG16 Amenity Space
		T8 New Road
		T10 Traffic Management
		T16 Impact on Traffic
		T18 Pedestrians
		T21 Pedestrians
		OS7 Loss of Open Space
		OS9 Children's Play Space
		OS13 Youth Provision
		SCF11 Meeting Places

**Interim Planning Guidance for the purposes of Development Control**

5.4	Proposals:	
5.5	Core Strategies:	IMP1 Planning Obligations
		CP1 Creating Sustainable Communities
		CP3 Sustainable Environment
		CP4 Good Design

	CP5	Supporting Infrastructure
	CP19	New Housing Provision
	CP20	Sustainable Residential Density
	CP21	Dwelling and Mix Type
	CP22	Affordable Housing
	CP23	Efficient Use and Retention of Existing Housing
	CP24	Special Needs and Specialist Housing
	CP25	Housing Amenity Space
	CP27	High Quality Social and Community Facilities to Support Growth
	CP29	Improving Education and Skills
	CP30	Improving the Quality and Quantity of Open Spaces
	CP31	Biodiversity
	CP38	Energy Efficiency and Production of Renewable Energy
	CP39	Waste Management Plan
	CP40	Sustainable Transport Network
	CP41	Integrating Transport with Development
	CP42	Streets for People
	CP43	Better Public Transport
	CP46	Accessible and Inclusive Environments
	CP47	Community Safety
5.6 Policies:	DEV1	Amenity
	DEV2	Character and Design
	DEV3	Accessibility and Inclusive Design
	DEV4	Safety and Security
	DEV5	Sustainable Design
	DEV6	Energy Efficiency and Renewable Energy
	DEV7	Water Quality and Conservation
	DEV8	Sustainable Drainage
	DEV9	Sustainable Construction Materials
	DEV10	Disturbance from Noise Pollution
	DEV11	Air Quality and Air Pollution
	DEV12	Management of Demolition and Construction
	DEV13	Landscaping and Tree Preservation
	DEV15	Waste and Recyclable Storage
	DEV16	Walking and Cycling Routes and Facilities
	DEV17	Transport Assessments
	DEV18	Travel Plans
	DEV19	Parking for Motor Vehicles
	DEV20	Capability of Utility Infrastructure
	DEV22	Contaminated Land
	DEV24	Accessible Amenities and Services
	DEV25	Social Impact Assessment
	CON2	Conservation Areas
	HSG1	Determining Residential Density
	HSG2	Housing Mix
	HSG3	Affordable Housing Provisions
	HSG4	Varying the Ratio of Social Rented to Intermediate Housing
	HSG5	Estate Regeneration Schemes
	HSG7	Housing Amenity Space
	HSG9	Accessible and Adaptable Homes
	HSG10	Calculating the Provision of Affordable Housing
	SCF1	Social and Community Facilities
	OSN2	Open Space
	PS1	Noise

PS2	Residential Water Refuse and Recycling Provision
PS3	Parking
PS4	Density Matrix
PS5	Lifetime Homes

## 5.7 Supplementary Planning Guidance/Documents

Residential Space  
 Designing Out Crime  
 Landscape Requirements

## 5.8 Spatial Development Strategy for Greater London (London Plan)

2A.1	Sustainability Criteria
2A.2	Spatial Strategy for Development
2A.6	Areas for Intensification
2A.7	Areas for Regeneration
3A.1	Increasing London's Supply of Housing
3A.2	Borough Housing Targets
3A.3	Maximising the Potential of Sites
3A.5	Housing Choice
3A.6	Quality of New Housing Provision
3A.7	Large Residential Developments
3A.8	Definition of affordable Housing
3A.9	Affordable Housing Targets
3A.10	Negotiating Affordable Housing
3A.11	Affordable Housing Thresholds
3A.13	Special needs and Specialist Housing
3A.15	Loss of Housing and Affordable Housing
3A.17	Addressing the Needs of London's Diverse Population
3A.18	Protection and Enhancement of London's Infrastructure
3A.19	The Voluntary and Community Sector
3A.20	Health Objectives
3A.23	Health Impacts
3A.24	Education Facilities
3B.3	Mixed Use Development
3C.1	Integrating Transport and Development
3C.2	Matching Development to Transport Capacity
3C.3	Sustainable Transport in London
3C.14	Enhanced Bus Priority
3C.16	Road Scheme Proposals
3C.20	Improving Conditions for Buses
3C.21	Improving Conditions for Walking
3C.22	Improving Conditions for Cycling
3C.23	Parking Strategy
3C.3	Maintaining and Improving Retail Facilities
3D.8	Realising the Value of Open Space and Green Infrastructure
3D.11	Open Space Provision
3D.12	Open Space Strategies
3D.13	Play and Informal Recreation Strategies
3D.14	Biodiversity and Nature Conservation
4A.1	Tackling Climate Change
4A.2	Mitigating Climate Change
4A.3	Sustainable Design and Construction
4A.4	Energy Assessment
4A.5	Provision of Heating and Cooling Networks
4A.6	Decentralised Energy; Heating, Cooling and Power

4A.7	Renewable Energy
4A.9	Adaptation to Climate Change
4A.12	Flooding
4A.13	Flood Risk Management
4A.16	Water Supplies and Resources
4A.18	Water Sewerage and Infrastructure
4A.19	Improving Air Quality
4A.20	Reducing Noise
4B.1	Design Principles for a Compact City
4B.3	Enhancing the Quality of the Public Realm
4B.4	London's Buildings: Retrofitting
4B.5	Creating an Inclusive Environment
4B.6	Safety, Security and Fire Prevention and Protection
4B.9	Tall Buildings
4B.10	Large Scale Buildings

### 5.9 Government Planning Policy Guidance/Statements

PPS1	Delivering Sustainable Development
PPS3	Housing
PPS22	Renewable Energy
PPS23	Planning and Pollution Control
PPG13	Transport
PPG15	Planning and the Historic Environment
PPG17	Planning for Open Space, Sport and Recreation
PPG24	Planning and Noise

### 5.10 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 the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

6.2 The following were consulted regarding the application:

### 6.3 LBTH Cultural Services

Support estate regeneration programme. Request following financial contributions to mitigate for increased pressure on local resources:-

6.4 Increased use of open space - £148, 392

Loss of open space - £17, 404

Leisure facilities - £131, 641

Library facilities - £33, 696

6.5 *(Officer comment: Request for financial contributions are considered under Main Issues section of report. The submitted toolkit assessment demonstrates that the scheme would not be viable if additional contributions towards open space improvements were required. It is noted the scheme already delivers considerable improvements to the quality and usability of the existing open-spaces around the estate.)*

**6.6 LBTH Crime Prevention Officer**

- Has had detailed discussions with Applicants regarding scheme.
- Generally supportive though concerns raised over 1.5m height of fence around southern boundary of play space 8, which should be increased to 2.4m.

6.7 *(Office comment: Security measures must be balanced against other factors. An increase in the height of the fence would have a negative impact on the outlook from the neighbouring flats.)*

**6.8 LBTH Education**

Assessed scheme as requiring a contribution towards the provision of 27 additional primary school places @ £12,342 = £333,234.

*(Officer comment: This is secured through S106 agreement)*

**6.9 LBTH Energy Efficiency**

- Basic energy assessment completed of existing and new dwellings.
- CO2 emissions reductions of 44.07% from the existing dwellings as a result of refurbishment,
- Total CO2 emissions reductions of 22.6% from the baseline in the new build dwellings
- Total CO2 emissions reductions of 24.78% in the estate from the refurbished and new build dwellings (i.e. no Net increase in CO2 emissions as a result of regeneration).
- Attempts to comply with current energy efficiency and renewable energy policies must be demonstrated.
- Feasibility of a CHP system must be investigated in more detail
- Feasibility of 20% on-site renewable energy technologies required
- Financial detail of improvements to existing stock to justify not complying with energy efficiency and renewable energy policies.
- No sustainability statement has been provided. Compliance with Code for sustainable homes Level 3 required.

6.10 *(Officer comment: Energy Efficiency is discussed in detail under main issues section of report.)*

**English Heritage (Statutory Consultee)**

**6.11 Historic Buildings and Areas Section**

- Brokesley Street is situated within the Tower Hamlets Cemetery Conservation Area. The western side of the street is made up of Victorian terraced houses which stand in stark contrast to the post-war terraces of houses and flats on the eastern side of the street such as the existing nos. 1 to 14 Brokesley Street, the subject of this current Conservation Area Consent application.
- The Conservation Statement submitted with the application states that 'It is considered that the proposals will .... improve the vista when looking down the street, by providing a well designed elevation which echoes the principles of the Victorian terracing opposite ....'
- We disagree with this statement. Whilst the height of the proposed replacement might be more in keeping with the substantial Victorian terraces, it appears to us that the proportions and form of the proposed terrace are



radically different. The proposed terrace appears mean and sparsely detailed when compared with the handsome, richly detailed terrace opposite and the twin mid Victorian terraces which mark the entrance to Brokesley Street from Bow Road.

- You may wish to obtain large scale elevations of the proposed terrace, at this stage, so that a more informed assessment can be made.

6.12 *(Officer comment: Comments relate to new build site 10. This is discussed under Main Issues)*

6.13 Archaeology Section

- Reviewed submitted archaeology desk based assessment. Stated that no further consideration of archaeological matters required.

6.14 **LBTH Environmental Health**  
Contamination

- Submitted Environmental Report has been reviewed. Additional sampling is required and confirmation of remediation measures proposed.

6.15 *(Officer comment: This would be secured by condition)*

6.16 Daylight/Sunlight

- Satisfied with submitted Daylight / Sunlight study in terms of impact on neighbours. Recommend increase in size of bedroom window for specific units located behind balconies on sites 2a and 15 to ensure adequate internal daylighting.

6.17 *(Officer comment: This would be secured by condition)*

6.18 Noise and Vibration

- Parts of site fall within Noise Exposure categories B and C. Noted detail of window glazing and ventilation systems required to ensure reasonable internal noise levels not compromised on facades facing roads.

6.19 *(Officer comment: This is discussed under main issues. Details of specifications would be required by condition.)*

6.20 **Environment Agency (Statutory Consultee)**

- No objection subject to condition requiring compliance with surface water control measures outlined in submitted Flood Risk Assessment.

6.21 *(Officer comment: A suitable condition would be imposed on any permission)*

6.22 **Greater London Authority (Statutory Consultee)**

Stage One response received. The following issues were considered:-

6.23 Housing

- Cross subsidy from intensification of the site and private sales to facilitate refurbishment acceptable.

- Scheme does not propose 50% affordable housing. Financial assessment required to justify proposed level of affordable housing.
- 6.24 *(Officer comment: A toolkit appraisal has been submitted which demonstrates that it is not viable to deliver more than 35% affordable housing. The toolkit shows a deficit and as such any increase in affordable housing would have a direct impact on the funding available to facilitate the upgrade of the estate.)*
- 6.25 - Scheme proposes 100% social rent affordable units. Further justification required for not providing Intermediate units in line with London Plan policy.
- 6.26 *(Officers are satisfied that the provision of social rent units corresponds with Borough Housing Need priorities. This issue is further discussed in Main Issues section of report)*
- 6.27 - Dwelling mix is considered acceptable  
 - Quality of residential accommodation is acceptable  
 - Density is on lower side of London Plan policy which is acceptable given need to provide amenity space  
 - Urban Design, No objections raised  
 - Amenity Space, No objection raised  
 - Playspace, Level of child-play space and provision of community centre acceptable.
- 6.28 Transport
- Discussions with London Underground required to assess impact on tunnels required
  - Future residents should not have access to car-parking spaces
  - Construction Plan, Service and Delivery Plan and Travel plan required by condition or S106 agreement.
- 6.29 *(Officer comment: Suitable conditions would be imposed on any planning permission)*
- 6.30 - Financial contribution to improve local streetscene on Mile End Road and Burdett Road required  
 - Recommend car-free agreement, welcome car-club spaces, require Delivery and Service Plan and Construction Logistics Plan
- 6.31 *(Officer comment: Conditions relating to London Underground, DSP, CLP and car-free agreement would be imposed on any permission. The submitted toolkit assessment demonstrates that the scheme would not be viable if additional contributions towards street work improvements were required. It is noted that the scheme already delivers improvements to public realm with the estate-wide landscaping works.)*
- 6.32 Energy
- Scheme does not comply with London Plan energy policy.
  - Potential for communal heating system needs to be considered
  - Potential for Combined Heat and Power needs to be considered
  - Potential for District Heating system needs to be considered
  - Further information on cooling requirements required
  - Further information on renewable energy required
  - Sustainable Urban Drainage, living roofs and walls should be considered.
- 6.33 *(Officer comment: Matters relating to Energy are discussed in the Main Issues section of the report).*

#### 6.34 Employment

- Details of measures to provide training and employment opportunities to local community during construction required.

*(Officer Comment: A commitment to use local labour in construction would be secured through S106 agreement.)*

#### 6.35 Noise

- Conditions to mitigate noise impacts for dwellings in noise sensitive locations, particularly along Burdett Road, required.

6.36 *(Officer comment: Suitable conditions would be imposed on any planning permission)*

#### 6.37 **LBTH Highways**

- Site in area with PTAL of 6b and 6a with good access to public transport.
- New units car-free acceptable, should be secured in S106
- Reduction in existing car-parking acceptable
- Refuse and site servicing acceptable subject to use of materials to delineate carriageway on shared surfaces.
- Required visibility splays are achieved.
- Level of cycle parking acceptable
- Impact of increased trips on highway network acceptable
- Impact on public transport acceptable
- Request Section 278 agreement
- Travel plan required by S106 agreement

6.38 *(Officer comment: Highways issues are discussed in the Highways section of this report.)*

#### 6.39 **Natural England (Statutory Consultee)**

- Recommend assessment of site ecology undertaken
- No detail of biodiversity enhancements / measures should be secured
- Opportunities to improve access / quality of adjoining Sites of Importance for Nature Conservation should be sought.

6.40 *(Officer comment: Officer's are satisfied that the proposed landscaping works will introduce new habitat, which is likely to lead to improved biodiversity. The submitted toolkit appraisal has shown that the scheme would not be viable if additional contributions for off-site biodiversity enhancements were required. A further ecological survey would be required by condition.)*

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

No objection

#### 6.42 **LBTH Primary Care Trust**

- Requested a financial contribution to compensate for the additional burden on local health-care services. A £783,042 revenue contribution and a £232, 125 capital contribution has been requested.

6.43 *(Officer Comment: LBTH Planning only seek the capital portion of the contribution as Officers are of the opinion that without a more rigorous policy framework and detailed justification on the shortfall in local healthcare provision, it is not possible to seek revenue contributions at this time. The Capital contribution would be secured in the S106 agreement.)*

**6.64 Thames Water**

- Developers responsibility to ensure acceptable surface water drainage
- Public sewers cross application site
- Water supply infrastructure inadequate. Requested a condition requiring a Water Supply Infrastructure Assessment

6.65 *(Officer comment: Suitable conditions and informatives would be imposed on any permission)*

**6.66 Transport for London (Statutory Consutee)**

- Satisfied with trip generation assessment
- No impact on bus services
- Consider cycle parking acceptable
- Seek financial contribution for streetworks along Mile End Road/Burdett Road junction
- Request Delivery and Servicing Plan produced
- Request Construction Logistics Plan produced including consideration of use of water based freight
- Request detailed Travel Plan

6.67 *(Officer comment: Conditions relating to London Underground, DSP, CLP and car-free agreement would be imposed on any permission. The submitted toolkit assessment demonstrates that the scheme would not be viable if additional contributions towards street work improvements were required. It is noted that the scheme already delivers improvements to public realm with the estate-wide landscaping works.)*

**7. LOCAL REPRESENTATION**

7.1 A total of 1467 neighbouring properties within the area shown on the map appended to this report were notified about the applications and invited to comment. The applications were also publicised in East End Life and on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

7.2 No of individual responses: 34            Objecting: 34            Supporting: 0  
No of petitions received: 2

7.3 The following local groups/societies made representations:

The East London Baptist Church

- Object to sites 6 and 7
- Proposal will block light to South and North elevations
- The crèche, rear hall and sports hall will lose light
- The crèche and rear hall have no other sources of light except flank windows
- Loss of views of south elevation has detrimental impact on streetscene.
- Increased residents will cause parking pressures

*(Officer comment: It should be noted that site 6 has now been removed from the scheme)*

7.4 The following issues were raised in representations that are material to the determination of the application, and they are addressed in subsequent sections of this report:

7.5 Land use and housing

- Insufficient 4/5 bedroom houses
- Community centre not needed
- Too many social rent properties will detract from mix in area
- Loss of accommodation for elderly
- Funding for estate regeneration should not require new buildings

7.6 Design and Amenity

- Resulting estate density too high
- Loss of open-space / building should not take place on open-space
- Loss of children's play areas (particularly in relation to site 1)
- Buildings too high / too large (particularly site 10, 11 and 15)
- Loss of sunlight, daylight
- Buildings overbearing
- Loss of privacy
- Too many buildings, hemmed in feel
- Damages concept of original Architect's estate layout
- Increased noise and disturbance from children playing (particularly in relation to play area opposite Conniston House)
- New buildings likely to suffer from vandalism
- Disturbance from construction noise

7.7 Highways and parking

- General lack of parking provided / increased congestion
- Lack of parking for users of East London Tabernacle
- Cycle parking tokenistic
- Highway safety risk from increased congestion
- Risk for children making their way from proposed family dwellings on Brokesley Street to proposed play areas.
- Traffic obstruction from deliveries

7.8 Sustainability

- Buildings should be refurbished, not demolished.

7.9 Crime and safety

- New buildings likely to attract vandalism and additional crime

7.10 Infrastructure Impacts

- Lack of healthcare and education resources
- Cumulative impacts with other estate regeneration projects / St Clements Hospital needs to be considered.
- Existing sewerage inadequate / Low Water Pressure

7.11 *(Officer comment: A condition requested by Thames Water would require the prior completion of a Water Supply Infrastructure Assessment)*

7.12 Comments specifically in relation to Site 10

A large number of objections were received in relation to proposed building at site 10. The issues raised were

- Properties should be refurbished, not demolished
- One bed flats for elderly are required, family houses detracts from mixture of available housing types
- Lack of parking provided / increased congestion / pressure for spaces
- 1950s terrace part of streetscene and history of area
- Sightlines spoilt by increased height
- Planning permission has previously been refused for a roof extension along terrace
- Poor design, plain, does not follow Victorian character, materials not traditional
- Detracts from Conservation Area
- Additional height results in loss of light / overshadowing, street is narrow, unacceptable window to window distances
- Extra social tenants unbalances existing housing mix
- Family housing should be closer to play areas
- Too high density
- Should be made greenspace

#### 7.13 Comments specifically in relation to site 11

7.14 A petition with 33 signatures from occupiers of Loweswater House was received in relation to proposals for site 11. The issues raised are:-

- Loss of privacy
- Loss of landscaped play areas
- Overcrowding
- More traffic
- Open-space overshadowed
- Poor appearance. oppressive impact

#### 7.15 Residents Ennerdale House Petition

7.16 A petition was received containing 60 signatures from residents of Ennerdale House. The issue raised relate to:-

- Object to building on open-space
- Buildings too close together, loss of daylight and sunlight
- Too dense
- Additional public rented housing required, not luxury flats

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

- 7.18 - Laws prevent building on open space (*Officer comment: Planning issues associated with building on open-space are discussed under main issues. Compliance with other areas of legislation is not a planning matter.*)
- 7.19 - Eastend Homes held resident meetings at inconvenient times (*Officer comment: The Applicants held a long running series of meetings and workshops with residents prior to the submission of the applications. These are detailed in the submitted Statement of Community Involvement. These meetings are in addition to statutory consultation requirements, which have been carried out by*

*the Council.)*

- 7.20 - Likely increase in service charges for leaseholders (*Officer comment: This is a private matter between tenant and landlord.*)
- 7.21 The following procedural issues were raised in representations, and are addressed below:
- 7.22 - The submitted drawings are inaccurate and do not correctly show extensions to the rear of 644 – 648 Mile End Road. (*Officer comment: Amended drawings have been submitted. The submitted drawings are sufficient to allow a full assessment of this aspect of the proposal to be made.*)
- 7.23 - The submitted sunlight and daylight study is inaccurate (*Officer comment: The study has been reviewed by the Council's specialist Environment Health Officers who consider it acceptable.*)
- 7.24 - Inadequate consultation, Letters were not received. (*Officer comment: Records show that letters were dispatched. Site and Press Notices were also posted.*)
- 7.25 - Difficulty accessing internet drawings (*Officer comment: For the convenience of some residents plans are made available on the Tower Hamlets website. Hard copies of the documents are also available to view at the Council's offices.*)

7.26 Following the submission of amended plans in February 2009 a 2<sup>nd</sup> round of consultation took place. The following responses were received

7.27 No of individual responses: 5                      Objecting: 5                      Supporting: 0

7.28 No of petitions received: 0

7.29 The following additional issues were raised:-

- Continued concern over sunlight / daylight impacts in relation to site 15
- Storey height of site 15 should be limited to 4 storey
- The proposal has not changed, original comments still stand
- Loss of privacy to properties on Eric Street
- Proposed car-bays unattractive
- Plans inaccurate (*Officer comment: Amended accurate plans have now been submitted.*)
- Daylight / Sunlight study inaccurate (*Officer comment: Additional study work was later submitted*)
- Insufficient consultation / some documents submitted after consultation letters sent. (*Officer comment: Additional sunlight / daylight studies have been submitted after the second round of consultation. Site 6 was also removed from the scheme following discussions with Officers. The removal of the building was not subject to further consultation as it would not have any impact on neighbouring residents.*)

## 8. MATERIAL PLANNING CONSIDERATIONS

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

1. Principle of Estate Regeneration
2. Land Use
3. Density
4. Housing
5. Design and Neighbour amenity (including impact on Conservation Areas)
6. Amenity Space
5. Parking and Highways
6. Sustainability
7. Impacts on local infrastructure / S106

### **Principle of Estate Regeneration**

8.2 The Government is committed to creating the opportunity for decent homes for all. The regeneration and renewal of neighbourhoods is supported by the Mayor's Housing Supplementary Planning Guidance (November 2005). In Tower Hamlets, the Council is seeking that all homes are brought up to Decent Homes Plus standard to ensure that homes are in a good state of repair.

8.3 The Decent Homes Standard is defined by the Department of Communities and Local Government (DCLG) as a home which is 'warm, weatherproof and has reasonably modern facilities'. The Decent Homes Plus Standard goes beyond these requirements and includes works such as improved security, lift replacement and thermal comfort works.

8.4 As part of the Tower Hamlets Housing Choice Programme the Eric and Treby Estate was transferred to Eastend Homes in 2004. In order for Eastend Homes to facilitate the regeneration of the Eric and Treby Estate and bring the existing homes up to Decent Homes Plus standard, a comprehensive redevelopment is proposed. The application includes the provision of additional housing in new blocks across the application site, which increases the housing density of the estate. The increase in density is required in order to generate sufficient value from market development to support the refurbishment of the existing dwellings and the provision of new affordable housing. This accords with the requirements of IPG policy CP23, which seeks to improve all existing housing stock to a minimum of decent homes plus standard.

8.5 The application proposes the erection of 13 buildings providing 181 new residential units to facilitate the following estate regeneration improvements:-

Works	Cost (£)
New Kitchens and bathrooms	1,092,859
New Bathrooms	617,347
Central heating	1,140,975
Roof repairs	529,241
Thermal insulation improvement	1,697,086
Windows	448,169
Structural Repairs	465,320
Communal Area Improvements	258,949
Repair/Renew Entrance Doors	275,745
Balcony upgrading	414,960
Improvements to electrical and water services	1,947,596
Refuse Improvements	94,730



Environmental Works including Security/Lighting, Landscaping, Car Parking, Paving, Play equipment	2,209,296
New communal stairs and entrances including access control	270,000
Door Entry Systems Works	321,029
Repair/Renew Lifts	799,333
<b>Total</b>	<b>12,582,633</b>

8.7 The development would generate £8.2M towards these upgrade works.

8.8 In overall terms the principles and objectives set out in regional and local policies for estate regeneration schemes are achieved through this proposal. The proposal maximises the development potential of the site whilst upgrading the existing housing and communal areas. The planning issues are considered in detail below.

### **Land Use**

8.9 The existing land use of the site is predominantly residential. There are no specific land use designations in the adopted UDP or IPG. The application proposes additional housing, a community centre, housing offices and a small commercial unit.

#### Principle of additional housing

8.10 The application proposes 181 new units of accommodation. Taking into account the loss of 29 existing units this results in a net gain of 152 additional dwellings.

8.11 The provision of additional housing to facilitate the regeneration of the estate accords with the aims of London Plan Policy 3A.3 and IPG policies CP19 and CP20, which seek to maximise the supply of housing; and the aims of IPG policy CP23, which seeks to improve all existing housing stock to decent homes plus standard.

8.12 Housing issues are discussed in more detail in the Housing Section of this report.

#### Principle of community centre and offices

8.13 On the ground floor of site 1, the application proposes a new community centre (310 square metres) and office space (365 square metres). The centre would comprise a community hall, external ball court, meeting room and kitchen. The applicant has indicated that the office space would be used by Eastend Homes Housing Management Team.

8.14 London Plan Policy 3A.18 requires that in areas of major development and regeneration, adequate facilities should be provided for social infrastructure and community facilities. Saved policy SCF11 of the UDP encourages the provision of new meeting places, policy SCF1 in the IPG requires that consideration is given to the need for social and community facilities within redevelopment proposals.

8.15 There is currently no community centre on the estate. The proposed community centre, ball court and offices are well located around the base of a prominent estate building. The proposed facilities will be of considerable benefit to residents and are acceptable in land-use terms.

#### Principle of commercial space

8.16 The amendments to the application introduced a small shop / office unit (85 square metres, use classes A1, A2 or B1) on the ground floor of site 8. This use provides an active frontage to the Burdett Road / Wentworth Mews junction, contributes to the mix of uses in the area and is acceptable in terms of saved UDP policy DEV3 and policy CP1 of the IPG - which seek to provide a range of uses in the local environment.

### **Density**

- 8.17 London Plan policy 3A.3 links housing density to public transport availability which is expressed in a Public Transport Accessibility Level (PTAL). The site is located in an urban area and has a PTAL of 6a/6b. The London Plan states that the appropriate density for residential use should be within a range of 200-700 habitable rooms per hectare.
- 8.18 The existing estate has a density of 326 habitable rooms per hectares. The proposal would result in a scheme with a density of 410 habitable rooms per hectare.
- 8.19 The proposed density is within the range recommended in the London Plan. The density is considered appropriate in terms of local context, design principles, amenity impacts and infrastructure impacts. It is therefore considered acceptable in terms of London Plan policy 3A.3 and IPG policies CP20 and HSG1.

### **Housing**

- 8.20 The application proposes the erection of 13 new buildings at various sites around the estate providing 181 new residential units. Taking into account the demolition of 29 existing units there is a net gain of 152 housing units. Interim Planning Guidance policy sets out the Council's objective to ensure that all residents in Tower Hamlets have access to decent homes in decent neighbourhoods, as part of an overall commitment to tackle social exclusion.

#### Principle of demolition of housing units

- 8.21 The proposals involves the demolition of 27 bedsits, two x one bed flats at 1-14 Brokesley Street, 106-128 Hamlets Way and 1-7 Burdett Road. It is noted that the demolition of buildings at 106 – 128 and Hamlets Way and 1 – 7 Burdett Road has already taken place.
- 8.22 The housing units lost are replaced with an additional number of better quality units and as such there is no conflict with the objectives of UDP policy HSG4 and IPG policy CP23, which seeks to prevent the loss of housing.
- 8.23 The redevelopment of the sites at a higher density, with modern buildings incorporating sustainable design technologies also accords with the aims of over-arching sustainability objectives and IPG policy CP1.

#### Affordable Housing

- 8.24 Policy 3A.9 of the London Plan states that Boroughs should seek the maximum reasonable amount of affordable housing, taking into account the Mayor's strategic target that 50% of all new housing in London should be affordable and Boroughs' own affordable housing targets. Interim Planning Guidance policies CP22 and HSG3 seek to achieve 50% affordable housing provision from all sources across the Borough, and specify that individual developments should provide a minimum of 35% affordable housing.
- 8.25 IPG Policy HSG5 relates specifically to estate regeneration schemes. It states that the Council may consider varying its requirements towards additional affordable housing where it can be demonstrated that the provision of market housing on the estate is necessary in order to cross subsidise the works being undertaken.
- 8.26 The proposal would provide 19 entirely new additional affordable housing units, and would also replace the 29 affordable units lost through demolition. It total the scheme would provide 48 affordable units, which equates to 35% of all of the habitable rooms proposed. The application has been accompanied by a toolkit assessment which demonstrates that it would not be viable to provide any additional affordable housing. The scheme meets the

35% minimum affordable housing required by policy CP22 and is therefore acceptable.

- 8.27 It is noted that in this case the Applicant has not sought to make use of the provisions of HSG5 to allow a reduction in the level of affordable housing to facilitate estate regeneration cross subsidy.

#### Tenure Mix

- 8.28 London Plan policy 3A.9 promotes mixed and balanced communities by seeking a 70:30 split between social rent and intermediate tenures within affordable housing. In Tower Hamlets there is an identified need for a larger percentage of social rented units which is reflected in the 80:20 split between these tenures specified in IPG policies CP22 and HSG4.
- 8.29 The application seeks to provide 100% social rented accommodation in the affordable housing, and in this respect does not comply with requirements of the above policies. However, it is noted that the Council's Housing Section have not objected to the absence of intermediate units in the scheme. Given the particular need for additional social rented units in the Borough, the mix of tenures is considered acceptable.

#### Housing mix

- 8.30 London Plan policy 3A.5 promotes housing choice including the provision of a range of dwelling sizes. Unitary Development Plan policy HSG7 requires new housing schemes to provide a mix of unit sizes including a substantial proportion of family dwellings of between 3 and 6 bedrooms. Policies CP21 and HSG2 in the IPG specify that a mix of unit sizes should be provided to reflect local need and to contribute to the creation of balanced and sustainable communities. Policy HSG2 provides target percentages for dwelling sizes in affordable and market housing.
- 8.31 The application proposes the following mix of unit sizes for the new build. The target percentages given reflect those specified by IPG policy HSG2.

Unit Size	Total Units	Affordable: Social Rent			Market		
		Units	%	Target	Units	%	Target
Studio	19	0	0	0	19	14.3	25
1 bed	61	2	4	20	59	44.4	25
2 bed	52	13	27	35	39	29.3	25
3 bed	40	24	50	30	16	12	25
4 bed	0	0	0	10	0		
5 bed	9	9	19	5	0		
Totals	181	48	100	100	133	100	100

- 8.32 In the social rent tenure the application exceeds HSG2 targets for the provision of larger units with 69% of units having 3 or more bedrooms. In particular it is noted that the scheme includes the provision of eight 5 bedroom terraced dwelling houses, with generous gardens, which is a valued form of family accommodation that can be difficult to provide on other sites (one 5 bedroom flat is also provided).
- 8.33 In the market tenure only 12% of the units have 3 bedrooms, which is below the target of

policy HSG2. However, given the high level of family provision in the social rent sector the overall housing mix responds well to local needs and is acceptable in terms of policy.

- 8.34 The range of housing types provided is considered to make good re-provision of the type of units lost through the demolition.

#### Standard of accommodation

- 8.35 UDP policy HSG13 requires all new development to provide adequate internal space. Supplementary planning guidance note 1: residential space sets minimum internal flat and room sizes.

- 8.36 The proposed flats are well laid out with adequate room sizes. The flats benefit from acceptable outlook and would offer a reasonable standard of accommodation. The Council's Environmental Health Officer has raised concerns about the level of interior daylight for proposed new flats behind walkways on sites 2a and 15. To ensure these flats receive adequate light it is recommended that the size of the windows be increased to 1510mm x 1810mm. This would be secured by condition, and with this amendment the proposed flats would be acceptable.

- 8.37 The application has been accompanied by a Noise Survey which includes an assessment of whether the proposed flats would suffer from unreasonable levels of noise. This particularly relates to those flats located on Burdett Road and Southern Grove, as these roads generate greater levels of traffic noise. The study concludes that part of the development is located within Noise Exposure Contour C. In these locations planning permission should only be granted where alternative sites are not available, and where appropriate mitigation can be provided. Officers consider that there are no realistic alternative locations for additional housing and conditions can require the use of suitable glazing to ensure internal noise levels are acceptable. With the imposition of conditions requiring appropriate survey work and mitigation measures the development would be acceptable.

#### Wheelchair and accessible accommodation

- 8.38 London Plan policy 3A.5 and Interim Planning Guidance policy HSG9 require housing to be designed to 'Lifetime Homes' standards and for 10% of all new housing to be wheelchair accessible.

- 8.39 It total 13 wheelchair accessible units are proposed and a further 5 could easily be converted for wheelchair users. This equates to 10% of the total housing provision and is considered acceptable.

- 8.40 All of the units would be constructed to Lifetimes Homes standards and the details of this would be required by condition.

#### **Design & Neighbour amenity**

- 8.41 The main design issues for Members to consider relate to the scale and appearance of the proposed buildings, the relationship to the existing buildings, and the impact of the buildings on designated Conservation Areas.

- 8.42 In terms of amenity, the main issues Members must consider are the impact of the proposed buildings on the neighbouring occupiers in terms of potential loss of light, overshadowing or increased sense of enclosure.

#### General design principles

- 8.43 Good design is central to the objectives of national, regional and local planning policy. Chapter 4B of the London Plan refers to 'Principles and specifics of design for a compact city' and specifies a number of policies aimed at achieving good design. These policies are reflected in saved policies DEV1, DEV2 and DEV3 of the UDP; and IPG policies DEV1 and DEV2.
- 8.44 These policies require new development to be sensitive to the character of the surrounding area in terms of design, bulk, scale and the use of materials. They also require development to be sensitive to the capabilities of the site and that it should not result in overdevelopment or poor space standards.
- 8.45 Policy CP4 of the IPG seeks to ensure new development creates buildings and spaces that are of high quality in design and construction, are sustainable, accessible, attractive, safe and well integrated with their surroundings.
- 8.46 Policy DEV4 in the IPG seeks to ensure safety and security in new development. This can be achieved by incorporating principles such as ensuring building entrances are visible, designing development to face the street with active frontages and by creating opportunities for natural surveillance of the public realm.
- 8.47 Some of the proposed buildings are significantly higher than neighbouring buildings. Therefore consideration has also been given to the requirements of IPG policy DEV27, which details specific criteria that are relevant to the assessment of tall buildings.

#### Impact on Conservation Areas

- 8.48 Parts of the Eric and Treby Estate fall within designated Conservation Areas. Brokesley Street is found towards the Western edge of the Tower Hamlets Cemetery Conservation Area. Proposed building 10 is located within this area. The Ropery Street Conservation is located towards the South West of the site. The boundary of this Conservation Area extends south down the centre of Eric Street from Hamlets Way.
- 8.49 The application proposes the erection of a new building at site 10 and improvement works to 31 – 39 Brokesley Street, both of which are within the Tower Hamlets Cemetery Conservation Areas.
- 8.50 Building site 14 is located within the Ropery Street Conservation Area. Site 15 is located on the edge of the Ropery Street Conservation Area.
- 8.51 In assessing any development proposal in a Conservation Area, the Council must pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Planning Policy Guidance Note 15: Planning and the Historic Environment provides advice on the approach to development in Conservation Areas. This document includes the advice that new buildings need not copy their older neighbours in detail, as a variety of styles can add interest and form a harmonious group.
- 8.52 National guidance is carried through to the local level where IPG policy CON2, re-asserts that development in Conservation Areas should preserve or enhance the distinctive character or appearance of that area in terms of scale, form, height, materials, architectural detail and design.
- 8.53 UDP policy DEV28 sets criteria that must be taken into account when assessing proposal to demolish buildings in Conservation Areas.

### Summary design issues

- 8.54 A detailed consideration of the design of each proposed building is given below. In overall terms the proposed buildings are considered to respond well to the constraints of each individual site, and provide a cohesive approach to the renewal of the estate. The landscaping works take the opportunity to improve the quality of the existing open-spaces and introduce dedicated areas of children's play-space.
- 8.55 In general the application has attempted to site buildings on redundant areas of surface parking and hard-standing. In some cases building does take place on existing open-space, and this issue is discussed in more detail under the amenity section of this report.
- 8.56 The larger buildings (sites 2, 15 and 11) would be sited along Hamlets Way. This is one of the wider roads which bisects the estate. Existing tall estate blocks including Ennerdale House and Beckely House are already located on this road and it is considered an appropriate location for larger scale buildings.
- 8.57 In more sensitive locations, such as those within Conservation Areas, the scale of buildings has been limited and a traditional design employed. The development of sites along Burdett Road would help to strengthen the street frontage and remove unsightly garages.
- 8.58 Outside of Conservation Areas the proposed buildings use common design themes and a consistent pallet of materials. This includes the use of brick, small areas of render, balcony systems and green-glazed bricks around entrance doors. The result helps to tie the estate buildings together helping to create a sense of place.
- 8.59 In overall terms the proposed buildings complement the existing buildings around the estate and, when combined with the landscaping works, will lead to a significant improvement in the quality of the local environment for residents.

### Daylight and Sunlight

- 8.60 In terms of amenity, Policy DEV2 in the UDP 1998 and Policy DEV1 of the IPG seeks to ensure that development where possible, protects and enhances the amenity of existing and future residents as well as the amenity of the public realm.
- 8.61 In accordance with BRE Guidance, a Daylighting and Sunlighting report was submitted with the application. The report calculates the Vertical Sky Component (VSC), Average Daylight Factor (ADF) and Sunlighting for adjoining properties. Further addendums to this report were also submitted.
- 8.62 The VSC quantifies the amount of skylight falling on a vertical wall or window. For a room with non-continuous obstructions there is the potential for good daylighting provided that the VSC, at the window position 2m above ground, is not less than the value for a continuous obstruction of altitude 25 degrees. This is equal to a VSC of 27%.
- 8.63 The VSC calculation can be related to the ADF which, in addition to the amount of skylight falling on a vertical wall or window, considers the interior daylighting of the building. The calculation takes into account the thickness of the glazing, size of the window, reflectance and total area of room surfaces.
- 8.64 Sunlighting has been measured using sunlight availability indicators or sunpath indicators. The British Standard recommends that at least 25% of annual probable sunlight hours be available at the reference point, including at least 5% of annual probable sunlight hours in the winter months.

- 8.65 The calculations have been based on a sample of rooms in the blocks that are likely to be most affected by the proposal.

Summary sunlight and daylight issues

- 8.66 The report demonstrates that there are some instances where the VSC is below the levels set out in the BRE guidance. However, in nearly all situations the affected rooms would still have sufficient ADF. Given the urban context of the site, it is considered that the resultant levels of daylight can be accepted.
- 8.67 Levels of sunlight to some properties have also been reduced, however, on balance the impact is also considered to be acceptable given the urban context.
- 8.68 The Council's Environmental Health Section has reviewed the Daylight and Sunlighting Report and considers that the report satisfactorily demonstrates that there will be no significant impact with regard to daylight/sunlight on existing residents.

Site specific design and amenity considerations

- 8.69 In total 13 new buildings are proposed. The main issues in relation to each of these buildings are considered in turn:-

Site 1

- 8.70 Site one is located at the junction of Southern Grove and Hamlets Way. It currently comprises grass open-space and an area of hard-standing (which used to be a playground). The site wraps around the foot of Ennerdale House – a 19 storey Tower, to the North is Derwent House – a 6 storey block.
- 8.71 The proposed building can be separated into two components. Firstly, a single storey component which wraps around the base of Ennerdale House. This will provide 365 square metres of office space. The applicant has indicated that this will be used by their housing management team.
- 8.72 The second component would be a four storey block fronting Southern Grove. The block is sited in-between Ennerdale House and Derwent House. It is linked to the single storey part of the building which provides the office space. Part of the ground floor of this building would be used to provide a community centre. The centre would comprise a 190 square metre main hall, an outside ball court and associated facilities. The housing offices, community centre and ball court would all be accessed via a shared entrance from Southern Grove.
- 8.72 The remainder of the ground floor of the block, and the upper floors, would provide 9 affordable housing units including one wheelchair maisonette with parking space.
- 8.73 In design terms the proposed building helps to create a strong frontage to Hamlets Way and Southern Grove, and encloses the areas of open-space to the rear. At a maximum of 4 storey the block relates well to the 6 storey Derwent House. In overall terms the design is considered acceptable.
- 8.74 In terms of amenity the main impact would be on the occupiers of flats in the South-east corner of Derwent House and the lower floors of Ennerdale House. The reductions in daylight and sunlight pass ADF targets and are considered acceptable. Occupiers of neighbouring properties could suffer from noise and disturbance associated with the use of the external ball court. A condition would prevent the use of this facility after 9.00pm which would preserve residential amenity.

Site 2a –

- 8.75 Site 2 is located on the North side of Hamlets Way to the West of Ennerdale House. It currently comprises surface car-parking and hard-standing. Part of Derwent House runs North-South towards the application site. This part of Derwent House is 4 storey in height.
- 8.76 The application proposes a part 4, part 6 storey building. The building is arranged in an L-shape, with the longer 6 storey frontage to Hamlets Way and a shorter 4 storey return to the Derwent House spur. The building would provide 36 private flats. The building would enclose an area of public amenity space to the rear.
- 8.77 The building has simple rectangular form with one change in height which is comparable to existing buildings on the estate. The six storey height is considered acceptable along Hamlets Way and the reduction to 4 storey helps to tie the proposal into the existing development. matching the height of the Derwent House spur. In design terms the building is considered acceptable.
- 8.78 Site 2a is sufficiently far from Derwent House (opposite to North) and Beckley House (to south) for there to be no significant impact in terms of loss of daylight or sunlight.

Site 2B

- 8.79 Site 2B comprises a raised pedestrian walkway linking Hamlets Way to Maplin Street. There are garages underneath the raised walkway. To the West is the 5 storey block of Windemere House. The ground floor of this block also comprises garages. The garages are accessed from Maplin Street. Currently a change in land-levels means that this access terminates in a dead-end at its southern-end. To the East is an area of open space used by residents of Derwent House, and then the 4 storey Derwent House block itself.
- 8.80 The application proposes the erection of 11 residential units in a block approximately following the line of the existing raised walkway. The block would be part 2 and part 4 storey. The scheme includes removing the existing dead-end to create a new 'street' running from Hamlets Way to Maplin Street (this would be a shared pedestrian/vehicle surface. A barrier would prevent vehicles using the street as a through route).
- 8.81 The scale and bulk of the building is considered acceptable given the scale of the neighbouring buildings. The proposed residential units would be arranged so that they are accessed from the new street, with ground floor windows adding activity to an area that currently benefits from little natural surveillance. At first floor level the flats are arranged with habitable windows facing East, away Windemere House. This arrangement ensures that there is no loss of privacy to the occupiers of these properties.
- 8.82 In terms of loss of daylight and sunlight the proposed building would have some impact on the occupiers of Windemere House. However, there are no habitable rooms at ground floor level on this property, and the reductions to the first floor level are not excessive given the context of the application site.

- 8.83 Site 3 (There is no site 3)

Site 4

- 8.84 Site four comprises a ground floor undercroft area beneath Coniston House. The majority of the area has no specific use, though there are some pram stores. The application proposes to infill this area to create 4 affordable units. The flats would be accessed via an entrance deck on the North side of Coniston House.



8.85 The in-fill would make more beneficial use of the available space. There has been no objection to the loss of the pram stores. The proposed façade treatment complements that used on the existing building above, and in overall terms is acceptable. This proposed building has no impacts in terms of day lighting or sunlight.

8.86 Objectors have raised concerns about potential noise and disturbance from the proposed play area to the North of this site. This is an open-area and there would be no control on the hours of use. Officer's consider that in a residential area, a degree of noise associated with children playing is acceptable.

8.87 Site 5 – Omitted from amended submission

Site 6

8.88 Following discussions with Officer's site 6 has been removed from scheme now recommended for approval.

Site 7

8.89 Site 7 is rectangular in shape and fronts Burdett Road. It is located just to the North of the East London Tabernacle and to the South of flats 1 – 30 Wentworth Mews. The site was previously occupied by three single storey bungalows – which have now been demolished.

8.90 The application proposes a four storey block providing 8 affordable housing units. The flats are arranged two per floor accessed from a central stairwell. The ground floor units benefit from rear gardens and the upper floors have balconies.

8.91 The scale and form of the block is appropriate in relation to the adjoining buildings. The building infills the existing gap in the frontage along Burdett Road and is acceptable in design terms.

8.92 The main amenity impact would be on the occupiers of the flats in Wentworth Mews. Wentworth Mews has garages on the ground floor. At first floor level and above habitable room windows face the application site. The proposed building is located to the south of these windows and they will therefore suffer a loss of sunlight and daylight. However, a distance of 9.5m separates the proposed building from Wentworth Mews. This is considered sufficient to ensure that the occupiers of this property do not suffer from any unreasonable loss of light or outlook and is acceptable.

8.93 Windows serving offices are located in the North flank of the Tabernacle, facing the application site. These windows will experience some loss of light, however given the non-residential use and the location to the south of the proposed development there would not be any significant detrimental impact on the occupants.

Site 8

8.94 Site 8 is rectangular in shape and is located at the junction of Burdett Road and Wentworth Mews. Flats 1-30 Wentworth Mews are located to the South of the site. Flat 1c Wentworth Mews is located on the opposite side of the Mews. The site currently comprises a surface parking court. There is a change in level of approximately 600mm between the site level and the Burdett Road pavement.

8.95 The application proposes a 4 storey block. The block would comprise a commercial unit on the ground floor (uses A1, A2 or B1) and 6 private residential units above. The residential unit and commercial units would be accessed from Burdett Road. The commercial unit would also have a service bay to the rear, which would be accessed from Wentworth Mews.

- 8.96 In design terms the incorporation of a commercial unit helps to add activity to the Burdett Road / Wentworth Mews junction and complements the commercial units found on the ground floor of 1c Wentworth Mews. The block itself follows the style of block 7 and is considered to relate well to the neighbouring buildings and is acceptable.
- 8.97 The main impact of the proposal would be on the occupiers of the flats 1-30 Wentworth Mews, just to the South of the site. The ground floor of this building comprises garages. Upper floors are residential with windows serving habitable rooms facing the application site. These windows appear to serve kitchens and bedrooms. A distance of approximately 4m separates the proposed building from these windows.
- 8.98 Due to the orientation of the existing building these windows already receive little daylight or sunlight. The proposed building will cause a further reduction in available light, however with the exception of the kitchen window of 2 Wentworth Street all pass ADF targets. On this basis the impact on amenity is acceptable. It is also noted that the occupiers of the flats will continue to enjoy light and outlook from living windows to the rear.

#### Site 9

- 8.99 Site 9 is located at the junction of Eric Street and Wentworth Mews. The site is adjacent to the Wentworth Arms public house, a three storey Victorian building. Coopers Court, an elderly peoples home, is located on the opposite side of Eric Street. The site is currently occupied by single storey garages that are accessed from Eric Street.
- 8.100 The application proposes a 4 storey building adjacent to the public house. The building would provide 4 affordable flats. The building would be flush with the building line of the public house along Eric Street, and would slightly higher in height. Large balconies would be provided on the SE corner of the upper floors introducing additional activity to a poorly overlooked corner of the estate. The building does appear large in relation to the modestly proportioned Wentworth Arms. However, there are relatively few viewing angles where this is noticeable and in overall terms the design makes good use of an area of dead space and is acceptable.
- 8.101 The proposed building is sufficiently far from neighbouring buildings for there to be no significant impacts in terms of loss of light or overshadowing. There are no windows in the flank walls of the Wentworth Arms Public House and any potential overlooking would be at an oblique angle and as such would not result in any significant loss of amenity.

#### Site 10

- 8.102 Site 10 comprises 1 – 14 Brookesley Street. This is a two storey block of flats that are currently vacant. The site is located within the Tower Hamlets Cemetery Conservation Area. The existing one-bed flats were constructed in the late 1950s in a style characteristic of this time. On the opposite side of Brookesley Street is an attractive terrace of Victorian dwellings. The Council's Conservation Appraisal notes that residential townscapes, including Brookesley Street, contribute to the character of the Conservation Area.
- 8.103 The application proposes replacing the existing flats with a terrace of 8 x 5 bedroom dwelling-houses with rear gardens. The dwellings would be in the social rent tenure.
- 8.104 Members will note from the Recommendation section of this report that they are asked to consider two separate matters in relation to the development on this site. Firstly, because the existing flats are located in a Conservation Area, Conservation Area Consent is required for their demolition. This consent is a stand-alone application (reference PA/08/2240), and its merits are considered below. Secondly, Members must consider whether the proposed terrace, which forms part of the larger estate regeneration planning

application, is acceptable in terms of planning policy.

*Conservation Area Consent*

- 8.105 The existing flats are not considered to have any historical significance and do not make any significant positive contribution to the quality of the Conservation Area. Objectors have noted that they reflect the evolution of the character of the area, however Officers do not consider that on its own this warrants their retention. It is considered that the demolition of the flats, and the erection of a suitable replacement, would accord with the requirements of saved UDP policy DEV28 and IPG policy CON2, as it would improve the character of the conservation area.
- 8.106 A condition would be placed on any permission to ensure that the demolition of the flats was tied to the construction of a replacement building – to prevent an undeveloped site blighting the Conservation Area.

*Planning Permission for replacement terrace dwellings*

- 8.107 The proposed terrace would be three storey in height and would have a flat roof hidden behind a corniced parapet. The terrace would be constructed from yellow London stock brick with painted timber windows and cast-iron rainwater goods.
- 8.108 A large number of objections have been received in relation to the design of the proposed terrace. English Heritage also raised concerns about the proportions of the building and the relative lack of detailing.
- 8.109 It is acknowledged that the proposed terrace does not slavishly replicate the form or rich architectural detailing seen on the Victorian dwellings opposite. However, it does not necessarily follow that the design is poor. The terrace would be a modern addition to the street and would be seen as such.
- 8.110 The parapet line of the proposed terrace is approximately 1m higher than the parapet (not the top of the ridge) of the Victorian dwellings opposite. From ground level this difference in height would not have any significant impact on streetscape views. The scheme would not harm the appearance of the terraces along the street and is acceptable in terms of saved UDP policy DEV30, which seeks to preserve rooflines of uniform character.
- 8.111 The use of traditional materials helps to tie the building into the historic character of the area and ensures that the terrace is a sensitive addition to the streetscene. In overall terms Officers are satisfied that the proposed terrace will enhance the character and appearance of the Conservation Area and that it is acceptable in terms of relevant design policy.
- 8.112 The main amenity impacts from the proposal relate to potential loss of light, overshadowing and increased sense of enclosure. The proposal would have an impact on properties to North. This includes first floor flats at 642 – 648 Mile End Road. There are also residential flats located in a converted office/storage located in the rear yard area of 642 – 648 Mile End Road. These properties have been shown on the amended plans submitted with the application.
- 8.113 These properties would suffer from a loss of daylight and available sunlight. However, on balance the impact does not significantly exceed the current situation and the impact is considered acceptable.
- 8.114 The properties on the opposite side the road comprise 77 Brookesley – a converted warehouse and the terrace of 71 – 75 Brookesley, a terrace of dwellings. The submitted study shows that there will be little loss of daylight to these properties. There will be some loss of morning sunlight, however the effect would be transitory and on this basis is

acceptable.

#### Site 11

- 8.115 Site 11 is located on the South side of the junction between Southern Grove and Hamlets Way. The site abuts Loweswater House, which is 7 storey in height. Ennerdale House is 19 storey in height and is located on the opposite side of Hamlets Way. To the West is the 11 storey Beckley House. The site currently comprises surface parking and open space. The boundary of the Tower Hamlets Cemetery Conservation Area runs along opposite side of Southern Grove to the East of the application site.
- 8.116 The application proposes the erection of 7 storey building. The building would have a rectangular footprint with the long edge providing a 28.6m frontage to Hamlets Way. The building would provide 27 private flats. The flats benefit from private balconies and access to a large communal roof terrace.
- 8.117 The main body of the building (excluding the lift core which projects above) is approximately 3.6m higher than the adjoining Loweswater House. The additional height is justified given the location on the building at the junction of two of the estate's larger roads. The longer frontage to Hamlets Way is well articulated with contrasting materials, windows and balconies helping to break up any appearance of bulk. The scale and design of the building sits well with the neighbouring Loweswater House, would preserve the setting of the Tower Hamlets Cemetery Area and is acceptable.
- 8.118 In terms of amenity impacts, it is noted that Loweswater House is located to the South of the development and as such would not suffer any loss of sunlight. West facing windows, at 90 degrees to the proposed building would lose some daylight. However, the losses do not result in ADF levels below BRE guidelines and the impact is therefore acceptable in an urban environment. The relatively oblique angle between proposed habitable room windows / balconies and Loweswater House ensures that there would be no significant loss of privacy for existing occupiers.
- 8.119 A distance of 20m separates Ennerdale House from the proposed building which is sufficient to ensure that there is no significant loss of light or loss of privacy implications.

#### Site 12

Site 12 is a rectangular plot of land fronting English Street. It is currently used to provide surface car-parking. The site is located adjacent to the south-east corner of Beckley House, and directly to the south is 2 – 36 English Street, a 4 storey block of flats. An electricity sub-station is located in the corner and this would be unaffected by the proposal.

- 8.120 The application proposes the erection of a 4 storey block providing 4 private flats. The dual aspect units would be arranged one per floor. The ground floor unit is a wheelchair unit and would have an associated car-port. The proposed building would be separated from the English Street block by the single storey substation.
- 8.121 In design terms the proposed building sits slightly forward of, and is slightly higher than, the existing English Street block. This adds a degree of visual variation along the length of street and helps the block to act as a terminating point to the streetscene. In overall terms the design is acceptable.
- 8.122 The main amenity impacts would be on the occupiers of the flats to the north-west of the development in Beckley House. Habitable room windows would suffer a loss of daylight however the resultant ADF values exceed BRE guide lines and are therefore considered acceptable. There would be some loss of sunlight to the private garden at the base of Beckley House and to balconies higher up. However, any impact would be limited to the

morning hours and as such the overall impact on the amenity of the occupiers is considered acceptable. The rear windows of the proposed building have been angled to prevent overlooking back towards windows in the south wall of Beckley House preventing any significant loss of privacy.

#### Site 13

- 8.123 Site 13 is located towards the northern end of English Street. It currently comprises single storey garages and hard-standing. To the North is the 4 storey block of 2 – 36 English Street, to the west the flank wall of 1 – 27 Treby Street and to the South the 3 storey 38 – 48 English Street. The application proposes a 4 storey block comprising 4 flats. The ground floor flat is a wheelchair unit with associated parking bay. The flats are arranged one per floor and have a single aspect over English Street.
- 8.124 In design terms the proposed block follows the building line and general scale of development along English Street which results in an acceptable appearance. When viewed in conjunction with site 12 the development will provide complementing 'bookends' to 2 – 36 English Street resulting in a consistent streetscene.
- 8.125 In terms of amenity the main impact will be on habitable room windows to the West. There would be a reduction in daylight however the resulting ADF values exceed BRE targets and are considered acceptable. There would be some loss of morning sunlight to the rear of 1 – 27 Treby Street, however, the impact is transitory and is therefore acceptable. The single aspect over English Street prevents any loss of privacy to these occupiers.

#### Site 14

- 8.126 Site 14 comprises a vacant plot located at the corner of Ropery Street and Eric Street. Ropery Street comprises 2 storey Victorian terraces. The dwellings abutting the site on Eric Street were constructed circa 1970s and are 3 storey in height.

The site is located within the designated Ropery Street Conservation Area. The Conservation Area largely comprises terraced dwellings. The Council's Conservation Area Appraisal describes how the uniformity of these terraces contributes to the special character of the area.

- 8.127 The application proposes a part 2, part 3 storey block providing 4 social rent residential units. The design of the proposed corner building seeks to provide a link between the two styles of development that abut the site. Along Ropery Street the building would be 2 storey and would follow the style of the adjoining Victorian terrace. As the building nears the corner it rises to three storey to tie in with the established storey height along Eric Street.
- 8.128 The building follows the scale of the adjoining properties, incorporates traditional design features and utilises appropriate materials. As such it is considered a sensitive addition to the terraced street-scene that enhances the character of the Ropery Street Conservation Area and is acceptable.
- 8.129 The impact on neighbouring amenity in terms of potential loss light and overshadowing is considered acceptable as resultant ADF levels do not fall below BRE targets. A condition would ensure that the bathroom window in the East elevation is obscure glazed to prevent overlooking into the bedroom window of 1 Ropery Street and with this safeguard the potential impacts on privacy are acceptable.

#### Site 15

- 8.130 Site 15 is the area of land located at the junction of Eric Street and Hamlets Way. It was previously occupied by a two storey residential building with a large area of open-space in front. The building has recently been demolished. To the South of the site are two parallel 4 storey residential blocks, one of which fronts Eric Street and the other Treby Street. The area in-between these blocks are private gardens. Further to the North, on the opposite side of Hamlets Way, is another 4 storey residential block.
- 8.131 To the West, on the opposite side of Eric Street, is a two storey terrace of Victorian Dwellings. These dwelling are located in the Ropery Street Conservation Area, the boundary of which runs along the centre of Eric Street.
- 8.132 The application proposes a stepped building rising to a maximum of 6 storey along Hamlets Way. The building would provide 56 private residential units. The building would have an approximate U shape, with the higher and longer component fronting Hamlets Way and two arms returning to the South to meet the existing blocks on Eric and Treby Streets.
- 8.133 The building would be 4 storey in height adjacent to the existing 4 storey block fronting Eric Street. This portion of the development has a façade without any balconies and would be finished in a buff coloured brick. In terms of scale the proposal relates well to the existing development. The uncluttered design and materials ensure that the building is considered to preserve the setting of the Ropery Street Conservation Area.
- 8.134 The height of the building steps up to a maximum of 6 storey along Hamlets Way. This is considered acceptable along Hamlets Way as this wider road can accommodate buildings of a larger scale. The frontage along Hamlets Way is well articulated which helps to reduce any impression of excessive bulk. The materials used will tie in well with the other new buildings further to the East. The final part of the building is the 5 storey arm returning to link the building to the existing 4 storey development on Treby Street. The centre of the U-shape is used to provide a communal garden area. In overall terms the design of the building is considered acceptable.
- 8.135 The main impact of the development would be potential loss of sunlight and daylight to properties on the opposite side of Hamlets Way, and properties on the opposite side of Eric Street. The submitted daylight study notes that while the levels of loss may be noticeable the resultant levels do not exceed BRE ADF guidelines, and are therefore acceptable.
- 8.136 The distance and ‘across the road’ relationship ensures that neighbouring residents would not suffer from any unreasonable loss of privacy from windows on the building’s frontages. To the rear overlooking would only be possible from relatively oblique angles, which would ensure that there was no direct overlooking into the rear rooms of 36 – 66 Eric Street or 2 – 32 Treby Street.

#### Other improvement works

- 8.137 The other estate-wide improvement works including new entrances, landscaping, installation fo street furniture, street-lighting and cladding would all help to improve the appearance of the estate and are acceptable in design terms.
- 8.138 The introduction of new entrance to 31 – 39 Brokesley Street would help to announce the building on the street and would preserve the character of the Tower Hamlets Cemetery Conservation Area.

#### Design and amenity conclusion

- 8.139 Overall, the proposed buildings are considered acceptable in terms of design and amenity. The height, scale and design of the proposed buildings are acceptable and in line with

policy criteria set out in 4B.1 of the London Plan, policies DEV1 and DEV2 of the UDP and policies DEV1, DEV2 and DEV27 of the IPG which seek to ensure buildings are of a high quality design and suitably located. The proposed buildings sensitively designed and are considered to enhance the character and appearance of the Ropery Street and Tower Hamlets Cemetery Conservation Areas.

- 8.140 The impact of the development on the amenity of neighbours in terms of loss of light, overshadowing, loss of privacy or increased sense of enclosure is acceptable given the compliance with relevant BRE Guidance and the urban context of the development. As such, the scheme accords with policy DEV2 of the UDP and policy DEV1 of Council's IPG. Given the acceptable design and amenity impacts, the application is not considered an overdevelopment.

### **Amenity space**

- 8.141 The application seeks to improve the quality and usability of the existing open-spaces across the estate. This includes the provision of a new ball court and the provision of 6 dedicated child-play areas. Existing grassed areas would be landscaped with the addition of planting and seating.

### **Estate-wide**

- 8.142 In terms of defining open space, the Mayor's Best Practice Guidance on Preparing Open Space Strategies provides a clear definition for both Public and Private forms of open space. Public Open Space is defined as

*“public parks, commons, heaths and woodlands and other open spaces with established and unrestricted public access and capable of being classified according to the open space hierarchy, which meets recreational and non-recreational needs”.*

- 8.143 Private open space is defined as

*“open space to which public access is restricted or not formally established but which contributes to local amenity or wildlife habitat or meets or is capable of meeting recreational or non-recreational needs, including school and private playing fields”.*

- 8.144 The guidance also states that private residential gardens or incidental areas such as road verges or streets (unless these form part of a link in the open space network) should not be included.

- 8.145 Saved UDP policy OS7 states that planning permission will not normally be given for any development that results in the loss of public or private open-space having significant amenity value.

- 8.146 Policy OSN2 in the IPG states that given the existing deficiency of open-space the Council will not permit any further loss of the Borough's open space resource. London Plan policy 3D.8 states that the Mayor will work with strategic partners to protect, promote and improve access to London's network of open-spaces. The policy also notes that poor quality is not in itself a reason to justify the loss of open-space.

- 8.147 Policy HSG16 in the UDP requires that all new housing developments include an adequate provision of amenity space. IPG policy CP25 states that all new housing developments should provide high quality private and communal amenity space for all residents and policy HSG7 provides specific minimum standards for new residential developments.

Public Open Space

8.148 Quality, quantity and access to open space are key components to the delivery of sustainable communities. The existing open-spaces on the estate comprise relatively large grassed areas.

8.149 The table below details existing and proposed levels of public open space:-

As existing	10, 744m <sup>2</sup>
Lost to new building footprint and ancillary spaces	- 1, 734m <sup>2</sup>
Gained from conversion of hard-standing / existing surface parking	+ 890m <sup>2</sup>
Net loss of open-space to built development	844m <sup>2</sup>

8.150 The application also proposes to re-allocate some areas of existing public space as private gardens for existing residents. These areas comprise:-

Number 10 and 11 (space lost to provide private gardens)	Loss of 182m <sup>2</sup>
Number 12 (space lost to provide communal garden)	Loss of 495 m <sup>2</sup>
Overall Gross loss public open-space	2, 411m <sup>2</sup>
Overall Net Loss public open-space	1, 521m <sup>2</sup>

8.151 The application proposes the reconfiguration and upgrade of the open space throughout the estate. The calculations show there will be an loss in the provision of open space across the estate of 844 sq m. Whilst it is acknowledged that the population density will increase as a result of the proposal, it is considered that the proposed open space provision is acceptable given that there will be a significant improvement in quality of the amenity areas. It should be noted that the figures do not take into account the increase in provision of private gardens, private communal gardens and roof terraces which contribute to improving the living environment for existing and new residents.

8.152 The private gardens would be provided around the edge of two areas of public open space to the West of Windermere House (existing open space numbers 10 and 11 on submitted plan F528/PO/07 Rev A ). Residents of Windemere House requested the provision of these gardens during the Developer’s community consultation events, and they would be seen as a considerable benefit of the scheme. The creation of the gardens would rationalise the existing boundary of the areas of public space, and is not considered to have any significant impact on the openness, overall quality or function of these spaces.

8.153 The scheme also proposes the re-allocation of existing public open space to the rear of site 7 as a private communal garden (marked as existing open space number 12 on submitted plan F528/PO/07 Rev A). This space would be linked with existing areas of hard-standing



to the rear of the Tabernacle to form one enlarged open-space. As this space is surrounded on all sides by rear gardens it is not considered appropriate to make this generally accessible to the public. Accordingly it would be allocated as a private communal garden for the benefit of all existing and proposed residents occupying the dwellings around the space. The area of hardstanding given over to this private communal garden amounts to 765 sq m.

- 8.154 The application seeks to gain some additional replacement public open-space by reclassifying an existing communal garden as public open-space. This area (numbered 8 on submitted plan F528/PO/07 Rev A) is located in-between Derwent House and the raised pedestrian footway. This area is currently fenced off for the exclusive use of residents of Derwent House, and as such is technically classified as private communal open space. The scheme proposes making this space available for the use of all estate residents, and accordingly 848 sq m would be re-classified as public open space. An additional 132 sq m is gained from an area of hardstanding, providing an area of public open space comprising 980 sq m.
- 8.155 The proposed public open space provision has been given very careful consideration. It is accepted that any loss of open space is contrary to the objectives of open-space policies. However, the objectives of these policies must also be balanced against the improvements made to the quality and usability of the existing open-spaces, the provision of affordable housing and the overall objectives of the estate regeneration.
- 8.156 The application also makes provision of 375 square meters of 'private' communal space in the form of roof terraces on buildings 2, 11 and 15. Site 15 also has a ground level communal courtyard of 320 square metres. In total this comprises 695 square metres of space which provides some compensation for the loss of the public open space.
- 8.157 In overall terms the regeneration of the estate, it is considered that the proposal will lead to a significant and tangible improvement in living conditions for residents, which on balance is considered to outweigh policy objectives to retain open-space.

#### Child Play Space

- 8.158 London Plan Policy 3D.13 requires residential development to make provision for play and informal recreation, based on the expected child population. The Mayor's SPG sets a benchmark of 10sq.m of useable child play space to be provided per child. The guidance also notes that under 5 child play space should be provided on site. The Council's Interim Planning Guidance sets a standard of 3 square metres per child.
- 8.159 The existing estate currently has no dedicated areas of child play space. To application includes the provision of playspace for the expected child yield for both the existing and proposed units of accommodation.
- 8.160 The table below details the estates child play space requirements. The space requirement is based on the IPG 3 square metre per child standard.

Unit Size	Market Units				Affordable			
	No. of Units	Child Yield	Total Yield	Space required (sqm)	No. of Units	Child Yield	Total Yield	Space required (sqm)
Studio	21	0.036	0.756	2.268	27	0.059	1.593	4.779
1 bed	87	0.036	3.132	9.396	103	0.059	6.077	18.231
2 bed	149	0.228	33.972	101.916	149	0.49	73.01	219.03
3 bed	125	0.564	70.5	211.5	103	0.912	93.936	281.808
4 bed	8	0.742	5.936	17.808	6	1.221	7.326	21.978
5 bed	3	0.742	2.226	6.678	11	1.221	13.431	40.293
6 bed	0	0.742	0	0	2	1.221	2.442	7.326
<b>Totals</b>	<b>393</b>		<b>116.552</b>	<b>349.566</b>			<b>197.815</b>	<b>593.445</b>
<b>Grand Total</b>				<b>943</b>				

8.161

The application proposes to create 960 square metres of dedicated child-play space. The spaces include a ball court and five play areas targeted for younger children. The proposed playspace will provide dedicated facilities for children of a variety of ages. The amount of provision exceeds the Council's IPG standard of 943 square metres and as such is considered acceptable.

8.162 Private amenity space

Policy HSG16 of the UDP requires the provision of adequate amenity space in new housing development. Interim Planning Guidance policy HSG7 sets specific minimum standards for housing developments based on the size of the proposed dwelling.

8.163

The application provides private amenity space in the form of balconies and terraces. Almost all of the flats benefit from access to private amenity space. The only exception are the flats on the upper floors of site 14, which is because balconies would be out of character with the Ropery Street Conservation Area.

8.164

In some cases the proposed terraces are smaller than policy would require, however in other places the standards are exceeded. For the most part this is a reflection of the trade-offs made when designing the building layouts. In total the application proposes 2912 square metres of private amenity space. IPG policy HSG7 would require the provision of 2865 square metres of space. The private amenity space provided is considered acceptable in quality, and exceeds the policy standard in terms of quantity.

### **Parking and Highways**

8.165 Policy 3C.1 of the London Plan seeks to ensure the integration of transport and development by encouraging patterns and forms of development that reduce the need to travel by car and to locate high trip generating development in locations with high levels of transport accessibility and capacity. Policy 3C.2 further requires proposals for development to be considered in terms of existing transport capacity. The Mayor seeks to ensure that on-site car parking at new developments is the minimum necessary.

8.166 Saved policy T16 of the UDP states that new development proposals will be assessed in relation to the ability of the existing and proposed transport system to accommodate the additional traffic that is likely to be generated. Saved policy T18 states that priority will be given to the safety and convenience of pedestrians in the management of roads and the design of footways.

- 8.167 Policies CP41 and DEV19 of the IPG seek to ensure the integration of new development with transport, recognising that this is fundamental to achieving more sustainable patterns of travel in Tower Hamlets. Maximum car parking, and minimum cycle parking standards are detailed in IPG Planning Standard 3.

#### Car Parking

- 8.168 There are currently 126 car-parking spaces and 150 garages located around the estate. The application proposes to retain 61 of the existing car-parking spaces, and to provide 30 additional spaces, giving a total of 91 spaces. Sixty-two of the garages would be retained. There are also 181 on-street parking bays controlled by Council issued permit or meter payment.
- 8.169 Of the 30 new spaces, 13 are covered spaces associated with the wheelchair accessible housing. This meets the 10% wheelchair standard space required by IPG policy DEV19.
- 8.170 The new residential units would be 'car-free' and occupiers would not be eligible to apply for Council issued car-parking permits. This would overcome the objections made by residents relating to problems associated with increased pressure for car-parking spaces.
- 8.171 The level of car parking provision is well below the maximum levels specified in by IGP policy DEV19. The site is located in an area with a high PTAL level and the overall reduction in the amount of car-parking accords with sustainability objectives and as such is acceptable.
- 8.172 The submission of a complete Travel Plan would be secured in a S106 Agreement to ensure compliance with IPG policy DEV18.

#### Cycle Parking

- 8.173 London Plan policy 3C.22 and Interim Planning Guidance Policy DEV16 require the provision of adequate cycle parking for new residential development. The application makes provision of cycle parking for all new residential blocks at a ratio of one stand per dwelling. The stands are located in communal stores, private sheds or stands in front of the property. Ideally all cycle stores should be located within buildings, however on some sites this has not proved possible due to site constraints. In overall terms the amount of cycle parking meets policy minimums and is considered acceptable.

#### Access, Servicing and Highway Safety

- 8.174 The application includes details of proposed refuse stores and servicing arrangements for new and existing dwellings. These have been reviewed by the Council's Highway Section and are considered acceptable.
- 8.175 Objectors have raised concerns relating to the distance from proposed dwellings on Brokesley Street to the play areas within the estate. It is noted that the proposed dwellings have back gardens, which would allow safe play areas for younger children. The distance to play areas within the main estate is not far and Officer's consider that the journey can be safely made by older children or under parental supervision.
- 8.176 In overall terms the proposal is not considered to have any adverse impacts on highway or pedestrian safety and complies with the requirements of UDP policies T16 and T18.

#### **Sustainability**

- 8.177 Policies 4A.2, 4A.4, 4A.6 and 4A.7 of the London Plan sets out that the Mayor will and the boroughs should support the Mayor's Energy Strategy and its objectives of reducing carbon

dioxide emissions, improving energy efficiency and increasing the proportion of energy generated from renewable sources. The latter London-wide policies are reflected in policies CP3, DEV5 and DEV6 of the IPG. In particular, policy DEV6 which requires that:

- 8.178 All planning applications include an assessment which demonstrates how the development minimises energy demand and carbon dioxide emissions;  
Major developments incorporate renewable energy production to provide at least 20% of the predicted energy requirements on site.
- 8.179 The application has been accompanied with a detailed Energy Strategy. This strategy details how insulation improvements to the existing dwellings can deliver a substantial carbon saving. The study also considers the feasibility of introducing a district heating system and on-site renewable energy technologies.
- 8.180 The study acknowledges that the integration of renewable technologies into the scheme is technically possible. However, practical and financial constraints limit the opportunity to introduce a large scale renewable energy component.
- 8.181 The following feasibility reasons for not providing a district heating system have been provided by the applicant:
- 8.182 Residents will remain in their homes whilst improvement works are carried out. The change from the current provision of individual boilers to a district heating system would be very disruptive.
- 8.183 Some units have been purchased under the right to buy scheme and as such it would not be possible to require leaseholders to connect to the district heating scheme.
- 8.184 The buildings are spread across the estate which would make the provision of a single district heating system difficult and costly to implement.
- 8.185 As a result of these constraints, the proposal seeks to make energy savings across the estate as a whole. The existing estate buildings are old and significant improvements to energy consumption can be made, for instance by introducing cavity insulation and installing new condensing boilers. In addition to improvements to existing dwellings, the new development will be designed to meet Sustainable Code 3 requirements.
- 8.186 Overall, the refurbished scheme will achieve a total reduction in carbon emissions for the existing stock of 44.07%, a total reduction of 22.6% in the new build and a total reduction from the baseline (existing and new build) of 42.29%. There will be a reduction in carbon emissions from the estate in its present condition of 27.48%, despite the increase in number of housing units. (Note since the submission of the Energy Strategy the number of proposed units has been reduced).
- 8.187 Officers consider that it is more cost effective investing in refurbishment to deliver a carbon reduction by upgrading the existing stock rather than installing costly renewable technologies. The alternative is that money spent on achieving Decent Homes Plus standard would instead be spent on renewable technology for the new build. There are larger carbon savings per pound for the refurbishment works than there are for the renewable elements.
- 8.188 The comments made by the Council's Sustainability Officer and the GLA Stage One response have been noted. It is accepted that the proposal does not meet the Energy criteria set out in the London Plan. Nevertheless, in this case greater weight has been placed on policy objectives to provide affordable housing and to upgrade housing to Decent

Homes Plus standards and given the financial constraints of the scheme the proposal is acceptable.

#### Biodiversity and Trees

- 8.189 London Plan policy 3D.14 states that the planning of new development and regeneration should have regard to nature conservation and biodiversity, and opportunities should be taken to achieve positive gains for conservation through the form and design of development. Saved UPD policy DEV57 states that the Council will not permit developments that cause unjustifiable harm to designated sites of Nature Conservation Importance or Green Chains. Saved UDP policy DEV12 requires the provision of landscaping and policy DEV15 seeks the retention or replacement of mature trees.
- 8.190 Policy CP31 of the IPG states that the Council will seek to ensure the protection, conservation, enhancement, and effective management of the Borough's biodiversity.
- 8.191 Tower Hamlets Cemetery is designated as a Site of Metropolitan Importance for Nature Conservation. Mile End Park is a Site of Borough Importance. The scale of the development is such that the proposal would not have any significant adverse impacts on these designated areas.
- 8.192 The proposed landscaping works would improve the range of habitats around the estate which would promote biodiversity. The comments from Natural England regarding the need for further ecological assessment, enhanced mitigation and financial contributions to improve the SINC have been considered. However, the submitted toolkit assessment has shown that additional contributions would be at the expense of other estate improvement works. It is considered that the proposed landscaping works provide sufficient biodiversity improvements and in this respect the proposal is acceptable.
- 8.193 The application has been accompanied with an Arboricultural Assessment. The scheme does not propose the removal of any trees with significant amenity value, and in overall terms the impact on trees is considered acceptable.

#### Air Quality

- 8.194 London Plan policy 4A.19 and IPG policy DEV11 require the potential impact of a development on air quality to be considered. IPG policy DEV12 requires that air and dust management is considered during demolition and construction work.
- 8.195 The application has been accompanied by an air quality assessment. This considers the likely impact of the construction phases of development. It is concluded that a Construction Management Plan could mitigate for any potential adverse impacts, for instance by ensuring that dust suppression measures are implemented. This would be secured by condition.
- 8.196 Once completed the development would be 'car-free' which would ensure that the scheme does not have any adverse impacts on air quality. The development is therefore considered to comply with relevant air quality policies.

#### Flood Risk

- 8.197 Interim Planning Guidance DEV21 seeks to ensure developments do not lead to increased risk from flooding. The site is located in Flood Risk Zone 1 (lowest risk) a Flood Risk Assessment has been submitted because the development site exceeds 1 hectare in size.
- 8.198 The submitted Flood Risk Assessment has been reviewed by the Environment Agency who have raised no objection subject to the imposition of a condition relating to surface water drainage. A condition would be imposed on any permission and as such the development

would be acceptable.

#### Site Contamination

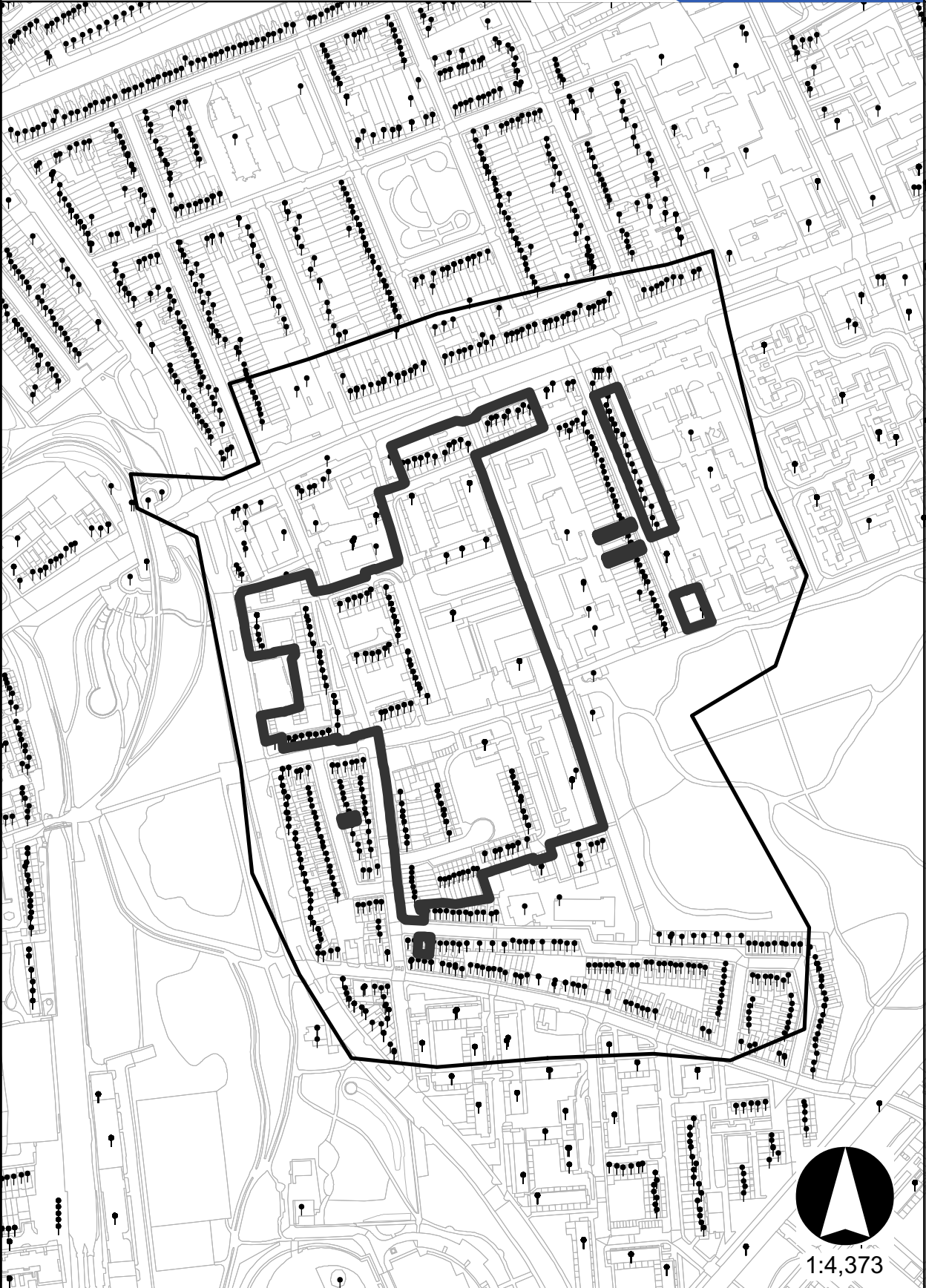
- 8.199 In accordance with the requirements of PPS23, saved UDP policy DEV51 and IPG policy DEV22 the application has been accompanied by a Phase 1 Desk Based Assessment of Ground Conditions to assess whether the site is likely to be contaminated.
- 8.200 The study has been reviewed by the Council's Environmental Health Officer who has concluded that there is a potential threat of contamination. The study identifies the need for further intrusive investigations and this, and any necessary mitigation, would be required by condition.

#### Impacts on local infrastructure and other planning issues

- 8.201 A toolkit has been submitted with the application. It compares the potential revenue from the site with the potential costs of the development. The figures input into the toolkit appear low in terms of market value. However, the developer costs are substantially lower than the standard toolkit values. Other costs are generally at the standard level or below and no exceptional developer's costs have been input into the toolkit.
- 8.202 The toolkit demonstrates the financial constraints of the scheme and shows that the scheme would generate 8.2M in cross-subsidy for the upgrade of the existing properties on the estate to Decent Homes Plus standard.
- 8.203 Any additional requirements such as increased s.106 contributions or the incorporation of additional renewable energy would have a direct negative impact on the funding available for the upgrade of the estate.
- 8.204 Overall, the scheme provides 35% affordable housing in accordance with Council policy and provides a comprehensive refurbishment of the existing estate to bring the existing homes up to Decent Homes Plus standard. Contributions have been sought towards the provision of future health and social care facilities (£232, 125) and the provision of primary school places (£333, 324).
- 8.205 It is considered that on balance the benefits of a scheme which will facilitate the upgrade of the estate outweigh the shortfall in additional renewable energy provision and the absence of other mitigating financial contributions.
- 8.206 Mitigation for other developments in the vicinity of the site is considered on a case by case basis and it is not considered that the cumulative impacts of these developments would result in any significant adverse impacts.

### **9 Conclusions**

- 9.1 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.



Planning Application Site Boundary



Consultation Area



Land Parcel Address

0 30 m



1:4,373

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# Agenda Item 7.7

<b>Committee:</b> Strategic Development	<b>Date:</b> 15 <sup>th</sup> April 2009	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 7.7
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Planning Application for Decision	
<b>Case Officer:</b> Devon Rollo		<b>Ref No:</b> PA/08/02347	
		<b>Ward(s):</b> Spitalfields and Banglatown	

## 1. APPLICATION DETAILS

**Location:** Holland Estate, Commercial Street, London

**Existing Use:** Residential housing estate, offices, retail units and vehicle parking.

**Proposal:** Refurbishment of the retained existing dwellings on Holland Estate, the replacement of 43 dwellings, (13 x one bed flats, 9 x two bed flats, 18 x three bed flats and 3 x four bed flats) totalling 143 habitable rooms within Ladbroke House, Bradbury House, Evershed House and Denning point with the erection of 209 new residential units containing studio, 1, 2, 3, 4 and 5 bedrooms, provision of a new community centre (use class D1) of 644sqm, a new Eastend Homes local housing office and head office of 1,078sqm (use class B1), the introduction of an Estate wide landscaping scheme and the replacement of 11 retail units (including 2 kiosks) with 6 new retail units providing some 1,490sqm comprising use classes A1, A2 and A3.

**Drawing Nos:** 2195-0500 P01, 2195-0501 P01, 2195-0502 P01, 2195-0503 P01, 2195-0504 P01, 2195-0505 P01, 2195-0506 P01, 2195-0507 P01, 2195-0508 P01, 2195-0509 P01, 2195-0510 P01, 2195-0511 P01, 2195-0512 P01, 2195-0513 P01, 2195-0514 P01, 2195-0515 P01, 2195-0516 P01, 2195-0517 P01, 2195-0600 P01, 2195-0601 P01, 2195-0602 P01, 2195-0603 P01, 2195-0604 P01, 2195-0605 P01, 2195-0606 P01, 2195-0607 P01, 2195-0700 P01, 2195-0702 P01, 2195-0703 P01, 2195-0800 P01, 2195-0801 P01, 2195-0803 P01, 2195-0804 P01, 2195-0806 P01, 2195-0807 P01, 2195-0809 P01, 2195-0815 P01, PL\_L02 Rev A,

**Supporting Documents:** Design and Access Statement  
 Planning and Regeneration Statement – October 2008  
 Phase I Desk Top Study Report – May 2008  
 Arboricultural Impact Assessment – 3 October 2008  
 Stage D Proposals, Landscape Strategy – October 2008  
 Statement of Community Involvement – October 2008  
 Project Management Plan – 16 October 2008  
 Flood Risk Assessment ref. 5788001704 – August 2008  
 Flood Risk Assessment ref. 5788001704 – October 2008  
 Site Waste Management Plan – 22 June 2008  
 Wind Microclimate Study – 3 October 2008  
 Report on the Availability of Natural Daylighting and Sunlighting – October 2008  
 Noise Assessment – October 2008  
 Air Quality Assessment – October 2008  
 Archaeological Assessment – June 2008  
 Site Utilities Desk Study – December 2008  
 Energy Strategy – September 2008

**Applicant:** Mr Stephen Inkpen  
Eastend Homes Ltd.  
1<sup>st</sup> Floor  
Tayside House  
31 Pepper Street  
London  
E14 9RP

**Owner:** Eastend Homes;  
Numerous Leaseholders

**Historic Building:** No

**Conservation Area:** Wentworth Street  
Fournier Street

## 2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan, the Council's Interim Planning Guidance (2007), associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that:

- The proposal will facilitate estate wide improvements and bring existing homes up to Decent Homes standard to ensure that they are in a good state of repair. This is in accordance with the Mayor's Housing Supplementary Planning Guidance (November 2005) and Policy HSG5 in the Council's Interim Planning Guidance (2007): Core Strategy and Development Control which support the principle of estate regeneration proposals.
- The proposal would result in an estate with a density of 725 habitable rooms per hectare, which is comfortably within limits set out in the London Plan Spatial Development Strategy for Greater London (Consolidated with alterations since 2004). The proposed development is considered to be sensitive to the context of the surrounding area, by reason of its site coverage, massing, scale and height. The development is therefore in accordance with Policy 3A.3 London Plan Spatial Development Strategy for Greater London (Consolidated with alterations since 2004) which seeks to ensure that the maximum intensity of use is compatible with local context.
- The proposal provides an acceptable amount of affordable housing (38.6%) and mix of units overall. As such the proposal accords with the criteria set out in policies 3A.5 and 3A.9 of the London Plan (Consolidated with Alterations since 2004), policy HSG7 of the Council's Unitary Development Plan 1998 and policies CP22, HSG2 and HSG3 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to ensure that new developments offer a range of housing choices.
- The quantity and quality of housing amenity space, communal space and open space is acceptable and accords with PPS3, policies 3A.6, 3D.13 and 4B.1 of the London Plan (Consolidated with Alterations since 2004), policies DEV1, DEV12 and HSG16 of the Council's Unitary Development Plan 1998 and policies DEV2, DEV 3, DEV4 and HSG7 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to improve amenity and liveability for residents.
- The height, scale and design of the proposed buildings are acceptable and in line

with policy criteria set out in 4B.1 of the London Plan, policies DEV1 and DEV2 of the Council's Unitary Development Plan 1998 and policies DEV1 and DEV2 of the Council's Interim Planning Guidance (October 2007) for the purposes of Development Control, which seek to ensure buildings are of a high quality design and suitably located.

- Transport matters, including parking, access and servicing are acceptable and in line with policies DEV1 and T16 of the Council's Unitary Development Plan 1998 and policies DEV17, DEV18 and DEV19 of the Council's Interim Planning Guidance (October 2007) for the purposes of Development Control, which seek to ensure developments can be supported within the existing transport infrastructure.
- The impact of the development on the amenity of neighbours in terms of loss of light, overshadowing, loss of privacy or increased sense of enclosure is acceptable given the general compliance with relevant BRE Guidance and the urban context of the development. As such, it accords with policies DEV1 and DEV2 of the Council's Unitary Development Plan 1998 and policies DEV1 and DEV2 of Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to ensure development does not have an adverse impact on neighbouring amenity.
- It is considered that, on balance, the benefits of the scheme which will facilitate the upgrade of the estate outweigh the shortfall in additional renewable energy provision. The proposal will make energy savings across the Holland Estate as a whole, which is in accordance with the principles of Policy 4A.3 in the London Plan and policies DEV5 to DEV9 of the Council's Interim Planning Guidance (October 2007), which seek to reduce carbon emissions.
- Planning contributions have been secured towards education and health care and requirements secured for local labour use, a green travel plan, a car club scheme and delivery of a community centre, in line with Government Circular 05/2005, policy DEV4 of the Council's Unitary Development Plan 1998 and policy IMP1 of the Interim Planning Guidance (October 2007) for the purposes of Development Control, which seek to secure contributions towards infrastructure and services required to facilitate proposed development.

### 3. RECOMMENDATION

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

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

B. The prior completion of a **legal agreement**, to the satisfaction of the Chief Legal Officer, to secure the following:

#### Financial Contributions

1. Provide a contribution of **£225,596** towards the provision of future health and social care facilities.
2. Provide a contribution of **£283,866** towards the provision of primary school places.

(Total S.106 financial contribution = **£509,462**)

#### Non-financial Contributions

3. Affordable Housing (38.6%)
4. Car Free Development for all new units

5. Employment Initiatives to use reasonable endeavours to employ local people during the construction and end user phases of the development.
6. Green Travel Plan to encourage sustainable travel to and from the development by residents.
7. Clause requiring £10,285,000 (residual value after Stamp Duty Land Tax – SDLT) to be spent on the upgrade of the Holland Estate to bring existing units up to Decent Homes Standard.
8. Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal
9. Provision of a car club scheme and a minimum of 2 car club spaces provided within the development for the use of residents
10. Provision and operation of a Community Centre
11. Provision of 24 hour public access to the public open space

3.2 That the Head of Development Decisions is delegated power to impose conditions [and informatives] on the planning permission to secure the following:

#### **Conditions**

- 1) Extended 5 year Time Period
- 2) Material Samples for new build
- 3) Material Samples for refurbishments
- 4) Landscaping Plan and Management Plan
- 5) Construction Management Plan
- 6) Servicing and Delivery Plan for commercial units
- 7) Construction working hours
- 8) Construction noise levels
- 9) Lifetime Homes
- 10) Ground Borne Noise Assessment & Mitigation
- 11) Noise mitigation
- 12) Ventilation details
- 13) Energy Strategy (further details)
- 14) Sustainable Homes Assessment
- 15) Waste and Recycling Storage
- 16) Cycle Storage
- 17) Land Contamination
- 18) Surface Water Drainage
- 19) Sewer Capacity
- 20) Electric vehicle charging points
- 21) Petrol/oil interceptors.
- 22) 10% Wheelchair Units
- 23) Low Water Use Technology
- 24) Schedule of Highways Work
- 25) Any other condition(s) considered necessary by the Corporate Director Development & Renewal.

#### **Informatives**

- 1) Thames Water (Minimum water pressure provision)
- 2) S106 agreement
- 3) S278 agreement

3.3 That, if by 2<sup>nd</sup> of July 2009 the legal agreement has not been completed to the satisfaction of

the Chief Legal Officer, the Head of Development Decisions is delegated power to refuse planning permission.

#### **4. PROPOSAL AND LOCATION DETAILS**

##### **Proposal**

- 4.1 As part of Eastend Homes ongoing work towards achieving 'Decent Homes' standards within its developments (to be completed by 2010), the applicant seeks to secure investment in estate-wide improvements, including the replacement of kitchens and bathrooms to all tenanted properties and the upgrading of the external environment with improvements to security and safety throughout the estate.
- 4.2 The regeneration proposals will include the installation of new lift cores, new refuse storage and recycling facilities and general improvements to the communal landscaped areas and existing defined play areas. Improvements will also be made to the external appearance of buildings with works to the entrances of existing blocks.
- 4.3 In addition to the refurbishment of the retained existing buildings, the applicant proposes the demolition of 43 poor quality residential units (13 x one bed, 9 x 2 bed, 18 x 3 bed and 3 x 4 bed units), and proposes the construction of 209 new residential units in 5 new buildings, to a maximum height of 12 storeys.
- 4.4 11 retail units (including 2 kiosks) with an existing floor area of 1167m<sup>2</sup> will be replaced with 6 new retail units providing 1,490m<sup>2</sup> (Use Classes A1, A2 and A3). A new Eastend Homes Local Housing Office and Head Office of 1,078m<sup>2</sup> (Use Class B1) will incorporate the replacement of 245m<sup>2</sup> of existing office floorspace.
- 4.5 The scheme will also provide a new community centre of 644m<sup>2</sup> located to the rear of Wentworth Street. This facility will occupy the ground and first floors, and will front onto a new pedestrian area with enhanced landscaping.
- 4.6 The areas comprising the comprehensive regeneration works can be separated into four distinct sites.
- The area containing Brune, Carter, Bernard and Barnett Houses borders Brune Street to the north, Bell Lane to the west, Toynbee Street to the east and the rear of the properties fronting Wentworth Street.
  - Wentworth Dwellings, which are 2 separate buildings located on opposite sides of a courtyard in an urban block bounded by Wentworth Street, Goulston Street, New Goulston Street and Middlesex Street, and Brunswick House located on the opposite side of New Goulston Street, extending around the corner onto Goulston Street.
  - Herbert and Jacobson Houses form a separate area and are located on Old Castle Street, opposite the Denning Point complex.
  - The final area, comprising Wheler House, is located south of Quaker Street, and is bounded on the east by Quaker Court and on the west by buildings that face onto Wheler Street.
- 4.7 The Denning Point complex will contain the entire new build element of the proposals and occupies an urban block broadly rectangular in shape and is bounded by Wentworth Street to the north, Commercial Street to the east, Old Castle Street to the west and Pomell Way to the south.

## Site and Surroundings

- 4.8 Holland Estate is located within the Spitalfields / Banglatown Ward of the London Borough of Tower Hamlets, near the Tower Hamlets boundary with the City of London. The site lies within a mixed commercial and residential area. The Holland Estate comprises a collection of sites within distinct areas containing a total of 2.4 hectares.
- 4.9 The application site comprises 13 residential blocks. The wider series of estates were built in the late 1960's/early 1970's and the blocks are generally a uniform height of 4 / 5 storeys with the exception of Denning Point, a 22 storey tower, located on the eastern side of the estate. Currently the site contains 417 residential units and has a density of 529 habitable rooms per hectare. The breakdown of existing residential unit sizes is as follows:

Unit size	Total units	Affordable Housing				Market Housing	
		Social Rented		Intermediate		Private Sale	
		Units	%	Units	%	Units	%
Studio	0	0	0%	0	0	0	0%
1 bed	106	58	29.9%	0	0	48	21.5%
2 bed	215	98	50.5%	0	0	117	52.5%
3 bed	60	23	11.9%	0	0	37	16.6%
4 bed	26	9	4.6%	0	0	17	7.6%
5 bed	9	6	3.1%	0	0	3	1.3%
5 bed	1	0	0%	0	0	1	0.5%
<b>Total</b>	<b>417</b>	<b>194</b>	<b>100%</b>	<b>0</b>	<b>0</b>	<b>223</b>	<b>100%</b>

Table 4.1 – Existing Housing Mix within Holland Estate

- 4.10 The Denning Point complex is bordered by two conservation areas, namely Wentworth Street Conservation Area and the Whitechapel High Street Conservation Area. The southern boundary of the Artillery Passage Conservation Area runs down Brune Street to the north of Carter House. Bernard House and Old Wentworth Dwellings both lie within different parts of the Wentworth Street Conservation Area. In addition, the site containing Wheler House lies within the Fournier Street Conservation Area.
- 4.11 The estate is well served by public transport with Liverpool Street Station located approximately 400m to the west and Whitechapel and Aldgate Underground Stations within approximately 50m and 100m of the site respectively and 4 bus routes along Commercial Street and Whitechapel High Street that serve Mile End, Hackney, Ilford, Wood Green, Paddington and the West End,
- 4.12 Vehicular access into and through the estate is predominantly via Commercial Street and Middlesex Street and by a number of smaller roads running east - west. Car parking is provided in a series of surface areas around the base of each of the blocks, these currently provide a total of 118 spaces across the estate plus an additional 97 spaces within an existing, currently unused underground car park beneath Denning Point. Eastend Homes controls all the parking on the estate.
- 4.13 Whilst much of the site is bordered by different Conservation Areas, just three properties lie within a Conservation Area, namely Wheler House (Fournier Street Conservation Area), Old Wentworth Dwellings and Bernard House (both within Wentworth Street Conservation Area).

## Planning History

- 4.14 There is no relevant planning history to this application.

## 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:

### **The London Plan Spatial Development Strategy for Greater London Consolidated with Alterations since 2004 (February 2008)**

2A.1	Sustainability Criteria
2A.8	Town Centres
3A.1	Increasing London’s Supply of Housing
3A.3	Maximising the Potential of Sites
3A.5	Housing Choice
3A.6	Quality of New Housing Provision
3A.7	Large Residential Developments
3A.8	Definition of Affordable Housing
3A.9	Affordable housing Targets
3A.10	Negotiating Affordable Housing in Individual Private Residential and Mixed Use Schemes
3A.11	Affordable Housing Thresholds
3A.15	Loss of Affordable Housing
3A.17	Addressing the Needs of London’s Diverse Population
3A.18	Protection and enhancement of Social Infrastructure and Community facilities
3B.1	Developing London’s Economy
3B.2	Office Demand and Supply
3B.3	Mixed Use Developments
3B.6	Improving London’s ICT infrastructure
3C.1	Integrating Transport and Development
3C.2	Matching Development to Transport Capacity
3C.3	Sustainable Transport in London
3C.21	Improving Conditions for Walking
3C.22	Improving Conditions for Cycling
3C.23	Parking Strategy
3D.1	Supporting Town Centres
3D.2	Town Centre Development
3D.3	Maintaining and Improving Retail Facilities
3D.8	Realising the Value of Open Space and Green Infrastructure
3D.13	Children and Young Peoples Play and Informal Recreation Strategies
3D.14	Biodiversity and Nature Conservation
4A.1	Tackling Climate Change
4A.2	Mitigating Climate Change
4A.3	Sustainable Design and Construction
4A.4	Energy Assessment
4A.5	Provision of Heating and Cooling Networks
4A.6	Decentralised Energy: Heating, Cooling and Power
4A.7	Renewable Energy
4A.9	Adaptation to Climate Change
4A.10	Overheating
4A.11	Living Roofs and Walls
4A.12	Flooding
4A.13	Flood Risk Management
4A.14	Sustainable Drainage
4A.16	Water Supplies and Resources

4A.17	Water Quality
4A.19	Improving Air Quality
4A.20	Reducing Noise and Enhancing Soundscapes
4A.28	Construction, Excavation and Demolition Waste
4B.1	Design Principles for a Compact City
4B.2	Promoting World Class Architecture and Design
4B.3	Enhancing the Quality of the Public Realm
4B.4	London's Buildings: Retrofitting
4B.5	Creating an Inclusive Environment
4B.6	Safety, Security and Fire Prevention and Protection
4B.8	Respect Local Context and Communities
4B.10	Large-scale buildings – Design and Impact
4B.11	London's Built Heritage
4B.12	Heritage Conservation

### **Unitary Development Plan 1998 (as saved September 2007)**

#### Proposals:

LSP	Local Shopping Parade
CAZ	Central Area Zone
AAIP	Area of Archaeological Importance or Potential
CA	Conservation Area: Wentworth Street
CA	Conservation Area: Fournier Street

#### Policies:

ST1	Effective and Fair Planning Service
ST12	Availability and Accessibility
ST15	Expansion and Diversification of Local Economy
ST17	High Quality Work Environments
ST23	Quality of Housing Provision
ST25	Provision of Social and Physical Infrastructure
ST26	Improve Public Transport
ST28	Restrain Use of Private Cars
ST30	Improve Road Safety
ST34	Improved Provision of Shopping
ST35	Retention of Local Shops
ST37	Attractive Environment
ST41	Provision of Quality Shopping
ST43	Public Art
ST49	Social and Community Facilities
DEV1	Design Requirements
DEV2	Environmental Requirements
DEV3	Mixed Use Development
DEV4	Planning Obligations
DEV9	Minor Works
DEV12	Provision of Landscaping in Development
DEV15	Retention/Replacement of Mature Trees
DEV17	Siting and Design of Street Furniture
DEV18	Art and Development Proposals
DEV50	Noise
DEV51	Contaminated Land
DEV55	Development and Waste Disposal
DEV56	Waste Recycling
DEV 69	Efficient Use of Water
CAZ1	Location of Central London Core Activities
EMP1	Employment Uses
EMP6	Employing Local People



EMP8	Small Businesses
HSG4	Loss of Housing
HSG6	Accommodation Over Shops
HSG7	Dwelling Mix
HSG13	Internal Standards for Residential Developments
HSG15	Preserving Residential Character
HSG16	Amenity Space
T8	New Roads
T16	Traffic Priorities for New Development
T18	Pedestrians and the Road Network
T19	Priorities for Pedestrian Initiatives
T21	Pedestrian Needs in New Development
S4	Changes of Use in Local Parades
S5	Changes of Use
S9	Improvement and Enhancement
S10	Requirements for New Shopfront Proposals
S11	Use of Open Grills
S13	Shop Window Displays for Non A1 Uses
O7	Loss of Open Space
O9	Children's Play Space
O13	Youth Provision
SCF11	Meeting Places

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

#### Proposals:

CFAAP	City Fringe Area Action Plan
CAZ	Central Activities Zone
CAZF	CAZ Frontage: Wentworth Street
CA	Conservation Area: Wentworth Street
CA	Conservation Area: Fournier Street
AAI	Area of Archaeological Importance
PWSG	Pomell Way Square Garden

#### Core Strategies:

CP 1	Creating Sustainable Communities
CP 3	Sustainable Environment
CP 4	Good Design
CP 5	Supporting Infrastructure
CP 7	Job Creation and Growth
CP 8	Tower Hamlets' Global Financial and Business Centre and the Central Activities Zone
CP 9	Employment Space for Small Business
CP 11	Sites in Employment Use
CP 15	Provision of a Range of Shops
CP 16	Vitality and Viability of Town Centres
CP 19	New Housing Provision
CP 20	Sustainable Residential Density
CP 21	Dwelling Mix and Type
CP 22	Affordable Housing
CP 23	Efficient Use and Retention of Existing Housing
CP 24	Specialist Needs and Specialist Housing
CP 25	Housing Amenity Space
CP 27	High Quality Social and Community Facilities to Support Growth
CP 30	Improving the Quality and Quantity of Open Spaces
CP 31	Biodiversity
CP 38	Energy Efficiency and Production of Renewable Energy

	CP 39	Sustainable Waste Management
	CP 40	A Sustainable Transport Network
	CP 41	Integrating Development with Transport
	CP 42	Streets for People
	CP 43	Better Public Transport
	CP 46	Accessible and Inclusive Environments
	CP 47	Community Safety
	CP 48	Tall Buildings
Policies:		
	DEV 1	Amenity
	DEV 2	Character and Design
	DEV 3	Accessibility and inclusive Design
	DEV 4	Safety and Security
	DEV 5	Sustainable Design
	DEV 6	Energy Efficiency and Renewable
	DEV 7	Water Quality and Conservation
	DEV 8	Sustainable Drainage
	DEV 9	Sustainable Construction Materials
	DEV 10	Disturbance from Noise Pollution
	DEV 11	Air Pollution and Air Quality
	DEV 12	Management of Demolition and Construction
	DEV 13	Landscaping and Tree Preservation
	DEV 14	Public Art
	DEV 15	Waste and Recyclables Storage
	DEV 16	Walking and Cycling Routes and Facilities
	DEV 17	Transport Assessments
	DEV 18	Travel Plans
	DEV 19	Parking for Motor Vehicles
	DEV 20	Capacity of Utility Infrastructure
	DEV 22	Contaminated Land
	DEV 24	Accessible Amenities and Services
	DEV 25	Social Impact Assessment
	DEV 27	Tall Building Assessment
	HSG 1	Determining Residential Density
	HSG 2	Housing Mix
	HSG 3	Affordable Housing Provisions in Individual Private Residential and Mixed-Use Schemes
	HSG 4	Varying the Ratio of Social Rented to Intermediate Housing
	HSG 5	Estate Regeneration Schemes
	HSG 7	Housing Amenity Space
	HSG 9	Accessible and Adaptable Homes
	HSG 10	Calculating Provision of Affordable Housing
	EE 2	Redevelopment/Change of Use of Employment Sites
	RT 1	Primary Shopping Frontage
	RT 4	Retail Development and the Sequential Approach
	SCF 1	Social and Community Facilities
	OSN 2	Open Space
	CON 2	Conservation Areas

### **Supplementary Planning Guidance/Documents**

Designing Out Crime (Part 1 & 2) – SPG 2002  
 Residential Space – SPG 1998  
 Landscape Requirements – SPG 1998  
 Shop Front Design – SPG 1998  
 Flexible Design in Business Use (B1) – SPG 1998

## Government Planning Policy Guidance/Statements

PPS 1	Delivering Sustainable Development
PPS 3	Housing
PPS 6	Planning for Town Centres
PPG 13	Transport
PPG 22	Renewable Energy
PPG 24	Planning and Noise

### Community Plan – One Tower Hamlets

The following Community Plan objectives relate to the application:

A Great Place To Be  
Healthy Communities  
Prosperous Communities  
Safe and Supportive Communities

## 6. CONSULTATION RESPONSE

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

### LBTH Access Officer

6.2 No objections received

### LBTH Education

6.3 The proposed mix for net increase in dwellings is assessed as leading to a contribution towards 23 additional primary school places at £12,342 = £283,866. This would attract an additional cost on the education system and a financial contribution of this value is requested.

### Officer's Comments

6.4 A financial contribution of £283,866 towards education has been agreed to by the developer in the Heads of Terms for a Section 106 Agreement in order to mitigate the impact of the additional housing units on the education system.

### LBTH Energy Efficiency Unit

6.5 No objections received

### LBTH Environmental Health

#### *General*

6.6 No bedroom should be less than minimum floor area of 6.5 m<sup>2</sup>. Sufficient extract ventilation is required to internal kitchens, bathrooms, and w.c.s. Premises must comply with relevant statutory requirements including the Housing Act 2004, or comply with relevant Building Regulations.

#### *Land Contamination*

6.7 Environmental Health is in agreement with the submitted information that additional investigative works must be carried out to further characterise the potential threat to future site users.

- 6.8 Environmental Health questions the lack of any proposals to monitor ground gas. The submitted report states that inhalation is a potentially significant pathway and that hydrocarbon barriers may be required within buildings. If this is the case then surely it would be appropriate to quantify the risk in order to propose suitable mitigation measures. Current guidance (CIRIA C665) suggests six monitoring visits over a two month period for potentially low risk sites.
- 6.9 Environmental Health would also suggest the applicants' environmental consultant liaise with Defra and the Environment Agency in order to obtain a copy of the current deterministic CLEA model and tools in which to assess the risk from contaminated land.
- 6.10 Once additional reports are prepared they should be submitted to Environmental Health, via Development Control, for further comment.

*Environmental Health - Noise & Vibration*

- 6.11 According to the acoustic report submitted by Enviros Consulting Ltd, dated July 2008, the facades facing east- commercial street, west - Old Castle Street, north – Wentworth street and south – Pomell Way are all in PPG 24, Noise Exposure Category (NEC) C. However, the Council noise map shows that façades facing eastward - Commercial Street are in (NEC) D. The guidance given by the PPG is that in Noise Exposure Category “D” planning permission should normally be refused.
- 6.12 Environmental Health recommendation is that planning permission should either be refused or conditioned until the applicant/developer provides detailed information demonstrating that facades facing Commercial Street would no longer be in this category. This could be by providing details of adequate sound attenuating glazing, mechanical or acoustic ventilators complying with the Noise Insulation Regulations 1975 or equivalent. However, they must be designed to ensure that the internal acoustic environment within habitable rooms will be of an acceptable standard, in accordance with BS 8233:1999 Sound Insulation and Noise Insulation for buildings and World Health Organisation Guidelines on Community Noise 2000.

*Ground Borne Noise and Vibration*

- 6.13 The site of the proposed development lies on underground train tunnels. However, no ground borne noise and vibration survey has been undertaken.
- 6.14 Prior to the commencement of the development, the developer/agent must carry out a survey and demonstrate by calculation and prediction of ground borne noise and vibration levels inside the proposed development. The report of the survey must be submitted for approval by Tower Hamlets Environmental Health Department before planning permission is granted or before development works on the site commenced.

*Controlling The Construction Phase*

- 6.15 Conditions recommended controlling working hours and noise levels.

*Daylight/Sunlight*

- 6.16 Environmental Health has raised concerns that the daylight and sunlight do not meet BRE criteria.

Officer's Comments

- 6.17 Matters regulated under the Housing Act 2004 and Building Regulations are considered to be controlled under their respective statutory processes and should not be controlled under the Planning Acts. Therefore, no comment on these matters is undertaken within this report.
- 6.18 Conditions are recommended to be included on the consent relating to land contamination,

noise mitigation, ground borne noise and construction.

- 6.19 As discussed in Section 8 of the report, it is acknowledged that the daylight and sunlight does not meet BRE guidelines. However, it is considered that the breaches are acceptable given the inner city location.

### **LBTH Highways**

- 6.20 The subject site is shown to be in an area with a PTAL accessibility rating of 6a the site is therefore considered to have a very good level of accessibility to local public transport links.

#### *Old Castle Street – Highway Improvement Line*

- 6.21 There is an existing area of highway land adjacent to the site that has been safeguarded for proposed highway widening. The Highways Section would like to see this proposed widening be retained to provide a new footway / on the eastern side of Old Castle Street.

#### *Parking*

- 6.22 The applicant has indicated that 105 car parking spaces would be provided as part of the application, which is a reduction of 36 spaces, is not ideal but would be acceptable. The proposed levels of parking provision would be significantly lower than the maximum standard as set out in the Interim Planning Guidance (IPG) Parking Standards.

- 6.23 As the site is considered to be in a good location to support car free development, resident's rights to Parking Permits should be restricted and should form part of a Section 106 Agreement.

- 6.24 The site is in such a location that the applicant should be advised that the any scheme at this location should be included as part of a scheme such as "City Car Club"

#### *Disabled Parking*

- 6.25 The applicant has indicated the provision of 11 disabled parking spaces as part of the above parking standard. From the standards set out in the IPG the applicant would be required to provide disabled parking at 10 % of the total number of parking spaces provided as part of this application. As such the proposed 11 disabled parking spaces would be acceptable as part of the above planning application.

#### *Site Access*

- 6.26 The site will be accessed from Old Castle Street which is classified as public Highway and is maintained by the London Borough of Tower Hamlets.

- 6.27 The proposed access will be located at the southern boundary of the site. The ramp has sufficient off street space to allow a vehicle to wait if necessary before gaining access the proposed basement car parking area enter. There is sufficient space to allow vehicles to enter and exit the site in forward gear. This arrangement would be acceptable.

#### *Refuse Storage*

- 6.28 The applicant has provided details of refuse storage areas at ground floor level. Highways have no objection to the proposed refuse collection taking place from ground level.

#### *Site Servicing*

- 6.29 Ideally site servicing should take place from within the curtilage of the site, however due to the constraints of the site it would not be possible to undertake servicing form within the curtilage of the site.

- 6.30 The applicant has not indicated a clear strategy in terms of the servicing / deliveries to the site. Further clarification will be required on this element of the application. The applicant will be required to provide a "Service & Delivery Plan" to outline the proposed strategy for site

servicing and deliveries to the site a copy of a Service & Delivery Plan should be provided and forwarded to this section for approval.

#### *Visibility Splays*

- 6.31 In the interest of highway safety and efficiency, vehicle sight lines must be maintained from the carriageway with no obstruction above the height of 1.05m. The sight lines shall measure 2.40 meters in from the carriageway boundary towards the subject site from the access point onto Old Castle Street extending 40.00m in both directions. This is in accordance with Manual for streets. Sight lines have been confirmed as acceptable.

#### *Cycle Parking*

- 6.32 Under the standards set in the Local Development Framework the applicant should be providing a total of 290 spaces which would be acceptable, the applicant has indicated that they will be looking at providing a slightly higher cycle parking provision of 340 stands which would be acceptable.

#### *Traffic Generation*

- 6.33 The transport information concludes that a pro-rata increase in traffic will result in an additional 320 multi model trips during the AM peak hour and an additional 294 multi model trips during the PM peak hour. These figures have been incorporated into the existing highway network peak flows to help assess the highway implications of the proposals.

- 6.34 This increase can be accommodated on the existing highway network in the vicinity of the site without detriment to traffic movements and would be acceptable.

#### *Public Transport Trip Generation*

- 6.35 The proposed development would result in a net increase in the number proposed trips across several mode of transport, including significant increases in the walking and the use of public transport. Which given the aims of the Council to encourage reliance on more sustainable forms of transport would be acceptable.

- 6.36 There would be a slight increase in car trips which equates to an additional vehicle trip every 2 to 3 mins, this figure would be acceptable in principle.

- 6.37 The developer has provided total figures for both the Am and Pm peaks which would be acceptable.

#### *Pedestrians*

- 6.38 The proposed development is forecast to generate 138 trips during the AM Peak and 137 trips during the PM Peak. The pedestrian environment adjacent to the site provides adequate facilities in terms of the safety and security of pedestrians within the development. The existing pedestrian infrastructure is very good and the site has a good level of connectivity with the surrounding areas and demonstrates that the site is a very accessible to all forms of sustainable transport and would be acceptable.

#### *Travel Plan*

- 6.39 The applicant has provided a draft Interim Travel Plan to outline the measures that will be taken to encourage the use of more sustainable forms of transport. Highways confirm that they would have no objection in principle.

- 6.40 The developer has indicated that a full Travel Plan will be submitted at a later for comments / approval and this would be acceptable.

#### Officer's Comments

- 6.41 The applicant has confirmed that there will be a widening of the pavement on the eastern side of Old Castle Street.

- 6.42 Included in the section 106 agreement is a requirement to change the traffic management order to exempt occupiers from obtaining parking permits, provision of a car club scheme and parking spaces and a requirement to produce a Travel Plan for the development.
- 6.43 A condition of consent is recommended to be included, requiring the submission and approval of a servicing and delivery plan for the commercial units. A condition will also be included requiring submission of details of the cycle storage.

### **LBTH Strategic Transport**

- 6.44 The development should be car free in accordance with the council's sustainable development goals. The site is within the London Congestion Charge Zone and peak time congestion experienced near to the site on the A11 (Whitechapel Road), A13 (Commercial Road) and A1202 (Commercial Street) and good public transport access Level 6b.
- 6.45 The transport assessment should include assessment of capacity of the strategic road network in the vicinity of the site and demonstrate sufficient capacity during the peak to accommodate any proposed car trips from the development. The assessment should also include a survey of car trips currently originating from the site.
- 6.46 The council is committed to encouraging an increase in electric car use in the borough. To achieve this it is essential there is a good network of electric car charging points in the borough. As part of this development the council would seek the provision of electric car charging points within the car park.
- 6.47 A travel plan should be submitted as part of the application and should be compliant with new TfL guidance on residential travel plans and set out a clear management strategy which includes:
- Subsidised public transport: Maybe an Oyster Card with some credit.
  - Car club access should be available to residents of the development in order to present an alternative to private car ownership and use. This may mean the provision of bays within the site or adjacent to the site. If the latter is deemed more suitable then S106 contributions will be needed for a new on street car club bay and corresponding permit. Stand alone car clubs exclusive to a single development are not ideal, but could be possible with a development of 250 units or more. Given the number of units within this development, it should be viable to have at least 1 car club bays dedicated to residents of the development. Section 106 contributions should also be made towards car club membership for all residents for one year.
  - should identify clear measurable targets
  - A plan for monitoring the effectiveness of the travel plan through onsite iTrace compliant travel surveys as required from the new TfL travel plan guidance.
- 6.48 For pedestrian safety reasons, it is necessary to maintain pedestrian visibility splays within which unobstructed visibility is available for drivers to see and be seen by pedestrians on a footway thereby enabling drivers and pedestrians to see a potential hazard in time. These splay areas measuring 1.5m by 1.5m, with no obstruction more than 0.6m high are located either side of where a proposed vehicle access meets the back edge of the footway. Pedestrian visibility splays should be provided at all new vehicle accesses. The splay areas should be physically protected and shown on the deposited plans. The plans provided show a lack of left hand side visibility for vehicles exiting the car park.

### Officer's Comments

- 6.49 The Section 106 Agreement will require the proposed new units to be Car Free, however, parking within the estate is maintained for the existing units.

- 6.50 A condition of consent will be recommended on the consent to ensure that the parking spaces provided within the estate include capability for electric car charging.
- 6.51 The Section 106 Agreement will include the requirement for an acceptable Travel Plan to be implemented as well as a minimum of 2 bays within the development to be included as dedicated Car Club bays.
- 6.52 The body of the report includes details of visibility on vehicle entry and exit points and concludes that the proposed egress points have an acceptable level of visibility to ensure pedestrian and highway safety.

#### **LBTH Waste Management**

- 6.53 No objections received

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

- 6.54 No objections. English Heritage does not wish to offer any comments on this application.

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

- 6.55 No objection subject to condition of consent being imposed on approval relating to surface water drainage.

#### Officer's Comments

- 6.56 A condition of consent relating to surface water drainage is recommended as being included on the consent if approved.

#### **Government Office for London (Statutory)**

- 6.57 No objections received

#### **Greater London Authority (Statutory)**

- 6.58 The Mayor considers that the application does not comply with the London Plan. London Plan policies on regeneration, housing, mixed-use developments, urban design, inclusive access, energy and transport are relevant to this application. The application complies with some of these policies but not with others, for the following reasons:

- Affordable housing: A toolkit appraisal was submitted too late to allow GLA officers to ascertain that the affordable housing provision was the maximum reasonable amount viable for the new development.
- Transport: TFL recommends an essentially car-free development given the excellent public transport accessibility of the site; changes to the servicing arrangements, and submission of additional information to ensure compliance with the London Plan.
- Energy; Details of the submitted energy strategy require clarification and additional information to ensure full compliance with the London Plan energy policies.

#### Officer's Comments

- 6.59 The proposed affordable housing is considered in accordance with the Council's requirement of 35% minimum affordable housing. The applicant is in fact proposing in excess of this target and providing a 38.6% provision.
- 6.60 The new build component of the development is car free. The development would actually represent a reduction in the overall vehicle spaces on site and residents of the new build



units will be restricted from acquiring parking permits.

- 6.61 As discussed in Section 8 of this report the applicant has provided sufficient information to confirm to officer's that the proposed energy efficiency measures would be more viable and present greater energy savings than the provision of additional renewable energy measures. The energy efficiency measures are therefore considered acceptable.

#### **Metropolitan Police**

- 6.62 Metropolitan Police are very positive about these plans. They are dealing with an area that has suffered extensive crime and anti-social behaviour for many years, mainly emanating from Denning Point, but these plans, whilst not removing the building, have suddenly encapsulated it into a new development, with extensive amenity space for all residents, old and new, secure accommodation to SBD standards, and active frontages all over the place.
- 6.63 In addition, the created route through from Commercial Street to Liverpool Street will be a boon to commuters and the general public, linking Brick Lanes environment to the east through Middlesex Street to Liverpool and Broad Streets. I have been extensively consulted by both Eastend Homes and their architects.

#### **National Air Traffic Services Ltd. (Statutory)**

- 6.64 NATS (En Route) Limited has no safeguarding objections to this proposal.

#### **National Grid (Statutory)**

- 6.65 National Grid has no objection to the proposal.

#### **Natural England (Statutory)**

- 6.66 No objections received

#### **Primary Care Trust**

- 6.67 Primary Care Trust has requested a financial contribution of £225,596 towards the new network service hub planned for the Goodmans Field Site.

#### Officer's Comments

- 6.68 The S106 is proposed to include a financial contribution of £225,596 towards healthcare facilities.

#### **Thames Water Utilities Ltd. (Statutory)**

##### *Waste Comments*

- 6.69 With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.
- 6.70 There are public sewers crossing this site, and no building works will be permitted within 3 metres of the sewers without Thames Water's approval.

- 6.71 Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

*Water Comments*

- 6.72 On the basis of information provided, Thames Water would advise that with regard to water infrastructure we would not have any objection to the above planning application.
- 6.73 Thames Water recommend the following informative be attached to this planning permission. *Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.*

Officer's Comments

- 6.74 It is recommended that a condition be included on the permission, if granted, that petrol / oil interceptors be fitted to drainage areas of all new vehicle parking/washing areas and vehicle carriageways within the development.
- 6.75 It is recommended the requested informative is included on the permission should planning permission be granted.

**7. LOCAL REPRESENTATION**

- 7.1 A total of 2143 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses: 3            Objecting: 1            Supporting: 1

- 7.2 The following local groups/societies were notified but made no representations:

- Spitalfileds Community Association
- Spitalfields Joint Planning Group
- Stepney Street Traders Association

- 7.3 The following issues were raised in representations:

- Loss of existing buildings which are less than 40 years old;
- The change of textile district character of the area due to the removal of commercial units and replacement of new units
- Loss/reduction in parking
- Loss of amenity through loss of established businesses
- Overdevelopment
- Impact on retailers

- 7.4 The following supporting comments were raised in representations:

- Good for local people waiting for housing

Officer's Comments

- 7.5 The proposed loss of buildings is regarded as acceptable, as it is being undertaken in order to provide an improved standard of living accommodation and greater efficiency in the use of land.
- 7.6 Any impact on the textile character of the business in the area is considered regrettable; however, the removal of the commercial units will be temporary. The businesses that occupy the future units would not be able to be regulated beyond the Use Classes and therefore would not be a material planning consideration under the assessment of this application.
- 7.7 The reduction in the parking is considered in accordance with the strategic planning policies of the LBTH and greater London. The future occupiers of the new build development would be prohibited from obtaining parking permits and would therefore not be able to occupy resident's bays in the surrounding area. Parking provisions are to be provided in accordance with the parking standards and therefore considered appropriate.
- 7.8 As with the loss of textile character it is regrettable that the commercial units would have to close to facilitate the development before being re-instated. This however, is not a material planning consideration under the assessment of the application.
- 7.9 The proposed density, scale, mass and layout of the development is in accordance with the Council and London Plan policies as discussed in Section 8 of this report. While the development increases the mass and density of development on the site in order to achieve more efficient use of the land, it is not considered that the proposal leads to overdevelopment.
- 7.10 Impact on retailers through the loss of the commercial lease of their premises is again not a material planning consideration that can be take into account in the processing of this application.

## **8. MATERIAL PLANNING CONSIDERATIONS**

- 8.1 The main planning issues raised by the application that the committee must consider are:
1. Principle of Estate regeneration
  2. Principles of the Land Use
  3. Impact on the Amenity of Adjoining Occupiers and the Surrounding Area
  4. Traffic and Servicing Issues
  5. Design and Layout of the Development
  6. Sustainability
  7. Planning Obligations

### **Principle of Estate regeneration**

- 8.1 The Government is committed to creating the opportunity for decent homes for all. The regeneration and renewal of neighbourhoods is supported by the Mayor's Housing Supplementary Planning Guidance (November 2005). In Tower Hamlets, the Council is seeking that all homes are brought up to Decent Homes standard to ensure that homes are in a good state of repair.
- 8.2 The Decent Homes Standard is defined by the DCLG as a home which is 'warm, weatherproof and has reasonably modern facilities.' The Decent Homes Standard goes beyond the previous requirements and includes works such as improved security, lift replacement and thermal comfort works.
- 8.3 As part of the Tower Hamlets Housing Choice Programme Holland Estate was transferred to Eastend Homes in 2006. In order for Eastend Homes to facilitate the regeneration of the

Holland Estate and bring the existing homes up to Decent Homes standard, a comprehensive redevelopment is proposed with an increased housing density on site. The increase in density is required in order to generate sufficient value from market development to support the refurbishment, replacement and increased provision of affordable housing and to achieve a mixed and balanced community.

- 8.4 The application proposes the demolition of 43 poor quality units and the erection of 209 new residential units in 5 buildings to facilitate the estate-wide improvements
- 8.5 Overall, the principles and objectives set out in regional and local policies for estate regeneration proposals are achieved for the Holland Estate through a comprehensive redevelopment scheme. The proposal maximises the development potential of the site whilst upgrading the existing housing and communal areas. The planning issues are considered in detail below.

### **Principle of the Land Uses**

- 8.6 The London Plan 2008, The Council's adopted Unitary Development Plan 1998 (UDP) and the Council's Interim Planning Guidance 2007 (IPG) include a number of policies requiring discussion when assessing the principle of land use.

### Principle of Residential Use

- 8.7 The London Plan 2008 sets out a number of policies relating to the provision of housing within the Greater London Area and the London Borough of Tower Hamlets itself. In general these policies require the Borough to provide 3,150 additional dwellings per year for the next years. Coupled with providing these housing units are requirements to provide quality in the design of these houses in order to ensure the quality of the living environments created.
- 8.8 Taking this into account and that the site already has an existing predominant residential use the proposed erection of an additional 166 residential units (after taking into account the demolition of 43 units) within the Denning Point complex area of the Holland Estate is considered, in principle, an acceptable land use.
- 8.9 The principle of the residential land use is considered in accordance with policies 3A.1, 3A.3 and 3B.3 of the London Plan 2008 and policy CP19 of the IPG.

### Principle of Office Use

- 8.10 The London Plan 2008 sets out a number of policies which support the provision, increase and regeneration of office use within the Central Activities Zone and appropriate office locations in order to provide employment and economic opportunities. These policies are supported by UDP and IPG policies which also seek to encourage office provision and local economy and job growth.
- 8.11 The Denning Point Complex, where the new build component of the development is proposed, is located within the Central Activities Zone and has an existing provision of 245m<sup>2</sup> of office space. The proposed development intends to improve this office provision to 1,078m<sup>2</sup> of office floorspace for a new Eastend Homes Local Housing Office and Head Office.
- 8.12 It is considered that the proposed increase in office floorspace would be, in principle, an acceptable land use and would be in accordance with policies 3B.1, 3B.2 and 3B3 of the London Plan 2008, policies ST15, ST17 and EMP1 of the UDP and policies CP7, CP8, CP11 and EE2 of the IPG.

### Principle of Retail

- 8.13 The site is located within the area identified within the London Plan 2008, the UDP and the IPG as a Central Activity Zone. Policies 2A.8, 3D.1, 3D.2 and 3D.3 of the London Plan 2008, policies ST34, S4 and S7 of the UDP and policies CP15, CP16, RT1 and RT4 of the IPG and which are applicable for these areas seek to provide a balance of town centre uses to encourage the vitality and viability of the area and promote economic and job growth.
- 8.14 The proposal seeks to replace the existing 11 retail units (including 2 kiosk units) totalling 1,167m<sup>2</sup> of retail floorspace with 6 new retail units providing 1,490m<sup>2</sup>. This represents an increase in retail floorspace of 323m<sup>2</sup>. Given that there is an existing retail component within the development and the retail floorspace proposed is being offered in replacement of this provision and the location is within the Central Activity Zone it is considered that the principle of the retail land use within the development is acceptable.
- 8.15 It is considered that the retail component of the development would be acceptable in terms of policies 2A.8, 3D.1, 3D.2 and 3D.3 of the London Plan 2008, policies ST34, S4 and S7 of the UDP and policies CP15, CP16, RT1 and RT4 of the IPG.

#### Principle of community uses

- 8.16 London Plan 2008 policies 3A.17 and 3A.18, supported by policies ST49 and SCF11 of the UDP and policy SCF1 of the IPG, promote the provision of an appropriate range of community facilities to cater for the needs of London's diverse population.
- 8.17 The applicant is proposing to include a two storey 644m<sup>2</sup> floorspace community centre within the redeveloped Denning Point Complex of the Holland Estate. Given the extremely good public transport links and the large residential population within the surrounding area, including Holland Estate, which would be included in the catchment area for the proposed facility, the community centre land use is considered, to be in principle acceptable.
- 8.18 The proposed community facilities are considered to be in accordance with policies 3A.17 and 3A.18 of the London Plan 2008, policies ST49 and SCF11 of the UDP and policy SCF1 of the IPG.

### **Housing Provision**

#### Affordable Housing

- 8.19 Policy 3A.9 of the London Plan 2008 states that policies should set an overall target for the amount of affordable housing provision over the plan period in their area, based on an assessment of all housing needs and a realistic assessment of supply. It also states that boroughs should take account of regional and local assessments of need, the Mayor's strategic target for affordable housing provision that 50% of provision should be affordable and, within that, the London-wide objective of 70% social housing and 30% intermediate.
- 8.20 This policy is supported by policy CP 22 of the Council's IPG which states that the Council will seek to maximise all opportunities for affordable housing on each site, in order to achieve a 50% affordable housing target across the Borough, with a minimum of 35% affordable housing provision being sought. Policy HSG4 of the IPG, however, seeks an 80:20 affordable rent to intermediate ration of affordable housing except where there is, or is proposed, a large quantity of affordable social rent onsite, because of the borough's specific need for a larger proportion of affordable social rent.
- 8.21 The applicant is proposing 51 affordable units within the net new build component of the development, after taking into account those which will be demolished. This would represent a 38.6% provision of the 166 new additional dwellings to be provided, which is considered in

accordance with policy 3A.9 of the London Plan 2008 and policy CP22 of the Council's IPG. The financial appraisal provided confirms affordable housing grant will be required to deliver this level of affordable housing. Preliminary discussions with the Homes and Communities Agency have taken place and it is anticipated that grant will be available therefore the reduction in the level of affordable housing as allowed under HSG5 has not been necessary.

- 8.22 Within the existing development of 417 units there are no intermediate units, however the applicant is proposing a percentage split of 25.5% intermediate and 74.5% affordable social rented in the 51 additional affordable units. This would be considered to be acceptable in terms of policy 3A.9 of the London Plan 2008 and HSG4 of the IPG due to the high percentage of existing affordable social rent units within the affordable housing on the Estate.

### Housing Mix

- 8.23 Policy HSG2 of the IPG specifies the appropriate mix of units to reflect local need and provide balanced and sustainable communities. Family accommodation is identified as a priority reflecting the findings of the Borough's Housing Needs Survey. In terms of family accommodation the policy requires 45% of affordable social rented housing and 25% of market and intermediate affordable housing to comprise of family housing (units with 3 or more bedrooms).
- 8.24 Table 8.1 details the proposed mix of housing within the proposed total new build element of the development, including the proposed replacement units for the demolished units.

		Affordable Housing						Market Housing		
		Social Rented			Intermediate			Private Sale		
Unit size	Total units	Units	%	Target %	Units	%	Target %	Units	%	Target %
Studio	20	0	0	0	0	0	25	20	16	25
1 bed	50	10	15	20	4	31	25	36	28	25
2 bed	82	27	40	35	7	54	25	48	37	25
3 bed	48	22	32	30	2	15	25	24	19	25
4 bed	7	7	10	10	0			0		
5 bed	2	2	3	5	0			0		
<b>Total</b>	<b>209</b>	<b>68</b>	<b>100</b>	<b>100</b>	<b>13</b>	<b>100</b>	<b>100</b>	<b>128</b>	<b>100</b>	<b>100</b>

Table 8.1 – Housing mix in proposed new build units

- 8.25 Whilst the proposal meets the IPG policy target for larger family affordable rented units, the proposed development falls below the target for larger family intermediate and private family units. The applicant has stated this is as a result of the particular site constraints of this central location, where it is difficult to achieve the amenity space on a constrained site whilst achieving the necessary level of cross subsidy to facilitate the wider regeneration objectives of the development within other areas of the Estate.
- 8.26 As such, it is considered that the provision of family housing within the proposed development, on balance, represents a scheme which meets the Council's regeneration and renewal aspirations. While the development does not completely comply with the provisions of HSG2 of the IPG, it meets the Council's affordable housing target of 35% as well as meeting the Council's target for affordable family units of 45%.

### Density of Development

- 8.27 The proposed development would have a density of 725 habitable rooms per hectare, an

increase of 196, from the existing 529 habitable rooms per hectare within the Estate. Policy 3A.3 of the London Plan 2008 and policy HSG 1 of the IPG seek to maximise the potential of sites while maintaining an appropriate density in relation to transport capacity and the setting of the site.

- 8.28 In accordance with this aspiration The London Plan 2008 provides a density matrix, setting out acceptable densities in terms of the accessibility of the site to public transport, in order to maximise the potential of sites while ensuring that the development is adequately supported by the transport network. The subject site is located within an area which has a Public Transport Accessibility Level (PTAL) of 6, which the matrix sets out acceptable density levels as 650-1100 habitable rooms per hectare.
- 8.29 The IPG details a number of matters that should be included when assessing the appropriate density. These include the setting of the site, the local context and character, the need to protect and enhance amenity, the housing mix, access to town centres, open space provision, the impact on services and infrastructure and the provisions of other non-residential uses onsite. The IPG provides a density matrix to relate the setting of the site and its location to public transport to density. Given the location of the site within the City Fringe Area and the PTAL rating of 6 the matrix provides for a density within the range of 650-1100 habitable rooms per hectare.
- 8.30 It is therefore considered that the proposal is acceptable in terms of policy 3A.3 of the London Plan 2008 and policies HSG1.

### **Impact on the Amenity of Adjoining Occupiers and the Surrounding Area**

#### Daylight and Sunlight

- 8.31 Policy DEV2 of the Unitary Development Plan 1998, policy DEV1 of the Interim Planning Guidance 2007 and policy 4B.10 of the London plan require that developments preserve the amenity of the adjacent occupiers, including sunlight and daylight.
- 8.32 The applicant has provided a Daylight and Sunlight Report with their application outlining the daylight and sunlight received by the adjacent buildings. It has assessed the daylight and sunlight levels of the proposed development against the guidance provided in the BRE Report 209 "Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice" (1991) providing the results of the effect on daylight in terms of the tests use in the BRE guidelines.
- 8.33 It is widely accepted that the most appropriate test, given the city centre location, is the Average Daylight Factor (ADF) test, which gives the interior illumination in the rooms taking into account the size of the windows. The tests carried out by the applicant show that the daylight received by the habitable rooms of the residential buildings adjacent the development will meet or exceed the BRE guidelines, providing acceptable daylight levels to the future occupants of the development.
- 8.34 The sunlight results generally fall below the guidance level, though the submitted report has noted that those most affected appear to be dual aspect dwellings and therefore would retain amenity to other elevations. The results are considered by the daylight and sunlight consultant to be typical of inner city development. The results for the properties facing directly southwards towards the development are considered to show that an acceptable proportion of annual sunlight will be available.
- 8.35 It is therefore considered in terms of daylight and sunlight that on balance given the central city location the proposal would be generally in accordance with policy DEV2 of the Unitary Development Plan 1998, policy DEV1 of the Interim Planning Guidance 2007 and policy

4B.10 of the London plan.

#### Privacy

- 8.36 Issues of privacy/overlooking need to be considered in accordance with policy DEV2 of the Unitary Development Plan 1998 and policy DEV1 of the Interim Planning Guidance 2007, which informs that new developments should be designed to ensure that there is sufficient privacy for adjacent habitable rooms.
- 8.37 The blocks forming the courtyard block are separated by a distance exceeding 18m, which is considered acceptable to maintain privacy between habitable rooms. The location of balconies within the development has been generally designed to maximise the privacy and prevent overlooking with between units.
- 8.38 However, given the density of the development, the design of the perimeter block and the inner city location the development does produce an aspect of overlooking which cannot reasonably be designed out.
- 8.39 The majority of the units have an outlook over the surrounding roads with an acceptable separation distance exceeding 18m between any neighbouring buildings. The proposed distances between buildings are reduced to approximately 15m on Old Castle Street, however given that the outlook would be across the public road this is considered acceptable and would not significantly impact on the existing expected privacy level in the central city location.
- 8.40 On balance it is therefore considered that the proposed development would be acceptable in terms of privacy and generally in accordance with policy DEV2 of the UDP and policy DEV1 of the IPG.

#### Noise and Vibration

- 8.41 In protecting the amenity of the surrounding area Policies DEV2 and DEV 50 of the UDP and policy DEV1 and DEV 10 of the IPG also require the noise and vibration nuisance from a development to be minimised.
- 8.42 No specific details of the proposed noise and vibration levels of plant or ventilation systems to the proposed development has been provided with the application, however it is considered that a condition of consent could ensure that details of the noise and vibration impacts of any proposed plant and ventilations systems would be submitted to Council for approval prior to installation. This would ensure that any acoustic attenuation required would be installed to mitigate the impact on the adjoining occupiers and surrounding area.

#### Odour & ventilation

- 8.43 The proposed development includes the replacement of the existing 1,167m<sup>2</sup> of retail floorspace provided by 11 retail units with an increased provision totalling 1,490m<sup>2</sup> in 6 retail units, which is proposed to include A1-A3 uses. As such, there will potentially be a food cooking and associated odours being created within the development. Policy DEV 2 of the UDP and Policy DEV1 of the IPG require the mitigation of odours in order to protect amenities within the development and of the wider area.
- 8.44 In order to remove these odours from the development and create suitable internal amenity ventilation and extract systems would be required to be installed. This would potentially consist of general ventilation for units within the development, in order to provide fresh air into the development, and extract systems to the units with cooking facilities, in order to extract cooking odours.



- 8.45 Details of these systems have not been provided. It is therefore recommended if approved, conditions are included on the planning permission to ensure that the ventilation and extraction systems are appropriate and don't impact on the amenity of the adjacent occupiers or the appearance of the development.

#### Construction

- 8.46 It is acknowledged that the proposed development would result in some disruption to the amenity of the area and highway network due to the construction effects of the proposed development; however these will be temporary in nature.
- 8.47 Demolition and construction is already controlled by requirements to adhere to numerous other legislative standards, such as Building Act 1984, Environmental Protection Act (EPA) 1990, Environment Act 1995 and Air Quality Regulations 2000 and Health and Safety at Work Act 1974. However, PPS23 makes provision for the inclusion of conditions of consent to mitigate effects of construction.
- 8.48 It is therefore recommended that if approved a condition of consent is included, which would require the submission of a Construction Management Plan in order to ensure that the best practice examples are followed to avoid, remedy and mitigate the effects of construction.

#### Vehicle Traffic Movements

- 8.49 Vehicle movements associated with the proposed development have the potential to impact on the amenity of the area through noise, pollution and the general vehicle movement within the public realm. Policy DEV2 of the UDP and DEV 1 of the IPG seek to protect this amenity.
- 8.50 As detailed below the proposed development will produce a number of additional trip movements. However, given the high Public Transport Accessibility Location (PTAL) rating and central city location of the site, there is a maximisation in the use of public transport and walking. This combined with the reduction in vehicle parking numbers would insure that the number of vehicle traffic movements and minimised.
- 8.51 It is therefore considered that the impact on the amenity of the area through increased vehicle traffic movement will not be significant and in terms of the impact of vehicle movements the development will accord with policy DEV2 of the UDP and DEV 1 of the IPG.

### **Traffic and Servicing Issues**

#### Trip Generation

- 8.52 Policies 3C.1, 3C.2, 3C.17 and 3C.23 of the London Plan 2008, policies ST28 and T16 of the UDP and policies CP41, DEV17 and DEV19 of the IPG seek to restrain unnecessary trip generation, integrate development with transport capacity and promote sustainable transport and the use of public transport systems.
- 8.53 The applicant has provided a Transport Assessments detailing the proposed additional trip generation as a result of the proposal. Table 8.2 shows the estimated increase across the different transport modes during the peak morning and evening hours.

	Walk	Cycle	Public Trans	Car Driver	Car Pass	Taxi	Motor cycle
AM In	+54	+4	+59	+9	0	+1	+1
AM Out	+84	+6	+83	+16	+1	+1	+1
PM In	+74	+4	+51	+12	+1	+1	+1
PM Out	+63	+4	+68	+12	+1	+1	+1

Table 8.2 – Estimated trip generation

- 8.54 Table 8.2 shows that a significant number of trips generated from the development would be undertaken on the public transport network or by walking, which is reflective of the high PTAL rating of 6 that the area has and therefore would be in accordance with the aspirations of policies 3C.1, 3C.2, 3C.17 and 3C.23 of the London Plan 2008, policies ST28 and T16 of the UDP and policies CP41, DEV17 and DEV19 of the IPG.

#### Parking

- 8.55 London Plan Policies 3C.17 and 3C.23 seek to reduce traffic congestion and vehicle use by minimising vehicle parking within developments and promoting use of public transport. This is supported by policies DEV17 and DEV19 of the IPG.
- 8.56 The proposed development seeks to provide 105 car parking spaces which include 11 spaces for disabled uses. There are currently 141 car parking spaces within the Denning Point Complex of the development and thus the proposed development envisages a net reduction of 36 spaces. It is proposed that the existing basement car park would be retained to provide the 105 parking spaces.
- 8.57 It is therefore considered that the vehicle parking provisions would be in accordance with policies 3C.17 and 3C.23 of London Plan 2008 and policies DEV17 and DEV19 of the IPG. A S106 legal agreement should be entered into so that the Traffic Management Order can be amended to exempt residents, occupiers and employees of new build components of the development from obtaining parking permits. This will ensure no overflow parking on the road network.

#### Cycle Parking and Facilities

- 8.58 Policy 3C.22 of the London Plan 2008, policy ST30 of the UDP and policies CP40, CP42 and DEV16 of the IPG seek to provide better facilities and a safer environment for cyclists.
- 8.59 The proposals within the new build provision of the development provide for 319 bicycle spaces for the new residential units and allows for visitor spaces. In addition the scheme provides an additional 13 spaces for the retail units, 3 spaces for the community facility and 5 spaces for the offices.
- 8.60 The proposed cycle storage is to be secure and located in sheltered areas, within close proximity to the part of the development they serve. This provision is in accordance with Council's standards and would be considered to provide adequate cycle storage. A condition of consent is recommended to ensure the layout of the cycle storage is acceptable.

8.61 It is therefore considered that the proposed development would accord with policy 3C.22 of the London Plan 2008, policy ST30 of the UDP and policies CP40, CP42 and DEV16 of the IPG.

#### Deliveries and Servicing

8.62 Policies ST30 and T16 of the UDP and policy DEV17 of the IPG seek to provide adequate provision for the servicing and operation of developments while minimising the impact on the highway.

8.63 Refuse collection and servicing would take place from the street for all elements of the scheme, albeit that the routes taken by refuse/service vehicles would vary depending on which part of the development was being served.

8.64 Refuse collection/servicing for the residential units would be undertaken from Old Castle Street or Pomell Way.

8.65 The large scale retail unit will be serviced from Commercial Street where there are on-street bays that permit loading for a maximum of 20 minutes between 10:00 and 16:00 any day.

8.66 The additional retail units will be served from Wentworth Street, as is currently the case, while the office development would be serviced from Commercial Street.

8.67 While both TFL and Council's Highways department have detailed concerns that the proposed servicing of the commercial units may not be appropriate, it is in line with the existing servicing of the area. While ideally developments should be serviced from onsite, the nature of the site and the development means that onsite provision is not appropriate. Any onsite servicing provision would result in a reduction in the amenity space and public open space provided for residents and the public.

8.68 There are existing servicing bays which are provided on Commercial Street. As the servicing of commercial sites is existing from this location and it is proposed to continue to utilise the existing bays for servicing of the commercial units in the development it is not considered that the impacts of the practice would be significant enough to warrant refusal on those grounds. A condition is considered appropriate to require a servicing plan for the site which would enable the times of servicing to be limited in order to mitigate against any impact.

8.69 It is therefore considered that the proposed servicing arrangements are acceptable in terms of policies ST30 and T16 of the UDP and policy DEV17 of the IPG.

#### Public transport capacity

8.70 While the applicant has not carried out an analysis of the impact of the increased number of public transport users in relation to the current capacity the moderate increase in public transport use is not considered to be a significant impact. The site is located in an area with a PTAL of 6A and is well connected to a number of public transport modes.

8.71 The proposed increase of 83 outward and 59 inward morning peak hour journeys and 51 inward and 68 outward evening peak hour journeys spread across the public transport infrastructure of underground tube, network rail and bus services, would not be considered to amount to a significant impact on these services.

8.72 As such, it is considered that there would not be a significant impact on the public transport capacity and the development is acceptable in terms of policies 3C.1 and 3C.2 of the London Plan 2008 and policy DEV17 of the IPG.

#### Sight lines/Access

- 8.73 There are no obstructions within 2.4m in from the back edge of the carriageway at the head of the vehicle access ramp to the basement parking. The most advanced building line is 4.2m behind the carriageway at this point and the only construction beyond the face of the building is a guarding at the head of the ramp and, further away, guardings/railings to the terraces/front yards. These will be of visually open construction.
- 8.74 The proposed access will be located at the southern boundary of the site, the ramp has sufficient off street space to allow a vehicle to wait whilst waiting to access the proposed basement car parking area enter. There is sufficient space to allow vehicles to vehicles to enter and exit the site in forward gear.
- 8.75 Council's Highways department have reviewed the application and consider sightlines to be acceptable and in accordance with guidance. It is therefore considered that the proposed development, in terms of sight lines and vehicle access would not cause unacceptable safety concerns to pedestrians or the highway network.

### **Design and Layout of the Development**

- 8.76 Wheler House is the northern most property in the application site area and comprises a 5 storey brick building. The proposals for Wheler House seek to improve the boundary treatment, to provide new gated access, new lifts and secure entrances, as well as two new underground refuse storage stations and improved hard and soft landscaping.
- 8.77 Barnett, Bernard, Bruce and Carter Houses are all of the same style and range between 3 – 5 storeys. Proposals to these buildings include new controlled gated access, new passenger lifts, new underground refuse storage stations and new hard and soft landscaping.
- 8.78 Wentworth Dwellings, two separate buildings of 3 – 4 storeys, and Brunswick House, a 4 storey building, are all brick-faced with concrete tile roofs dating from the 1980s and form a distinct area. The works to these buildings include the removal of streetside glass canopies, improvements to the hard and soft landscaping, drainage of access decks and lighting.
- 8.79 Key refurbishment works to Herbert and Jacobson Houses, located on Old Castle Street, include new secure access gates, new lifts, new underground refuse storage stations, a restored play area and new soft and hard landscaping to the courtyards.
- 8.80 Ladbrooke and Bradbury Houses and Evershed House are all to be entirely redeveloped under the application proposals, providing a much needed enhancement of the estate. The proposed layout comprises a series of new blocks, reinforcing the traditional street frontage whilst creating a new open space on a busy route through the estate and a new private courtyard for communal use. All of the new development is clustered in an area surrounding Denning Point. Storey heights for the new build compliment the existing built form. This site is located within close proximity to various tall building clusters and the Aldgate Gyratory. This presents the opportunity to introduce buildings of a mass and scale appropriate to an inner city location. Buildings with a height of up to twelve storeys (Block C fronting Commercial Street) are proposed and will complement the character of this area, providing a transition between the higher buildings to the south and those of a smaller scale on Wentworth Street.
- 8.81 The 22 storey Denning Point building will remain and the scheme proposes to make significant improvements to the building externally, by recladding and providing new windows and balconies as well as a new entrance.

### **Mass and Scale**

- 8.82 Policies 4B.1, 4B.2 and 4B.10 of the London Plan 2008, policies DEV1, DEV2 and DEV3 of

the UDP and policies CP4, DEV1 and DEV2 of the IPG seek to ensure developments are of appropriate mass and scale to integrate with the surrounding environment, high quality in design and protect the amenity of the surrounding environment and occupiers.

- 8.83 The scale and mass of the new build development is considered to respond to the orientation of the site, the heights of nearby buildings and the nature of the surrounding streets.
- 8.84 Building heights fronting Old Castle Street have been kept at 4-5 storeys, respecting the neighbouring residential buildings and creating an appropriate residential scale to the street as well as admitting a quality of direct sunlight into the courtyard.
- 8.85 Taller buildings of 5-12 storey fronting onto Pomell Way and Commercial Street respond to the commercial nature and scale of the neighbouring buildings, while maximising the number of dwellings receiving direct sunlight.
- 8.86 The Wentworth Street building's height also acceptably responds to the heights of neighbouring buildings while respecting the scale of the street market. The buildings to the northern side of the courtyard have been kept relatively low to allow good sunlight into the public open space formed between the Wentworth Street buildings and the courtyard block.
- 8.87 Overall it is considered that the scale and massing of the building is appropriate and has been related to the neighbouring developments in terms of height, scale and nature. It is considered that in terms of scale and mass the proposal is generally in accordance with policies 4B.1, 4B.2 and 4B.10 of the London Plan 2008, policies DEV1, DEV2 and DEV3 of the UDP and policies CP4, DEV1 and DEV2 of the IPG.

#### Appearance and Materials

- 8.88 The proposed scheme comprises four main building elements:
- the existing tower of Denning Point;
  - the new courtyard buildings that are formed around Denning Point;
  - the free-standing building on Wentworth Street; and
  - the upgrades to the other building on the estate.

#### *Denning Point*

- 8.89 Denning point is currently somewhat degraded in terms of its appearance and its facing materials are showing decay. The applicant proposes to apply a rain-screen cladding system whose panel sub-divisions will follow the lines of the existing slab edges and brick wall infills. New windows will replace the existing with the same pattern of opening lights and glazed spandrel panels. Because the new overcladding will increase the overall thickness of the external wall construction, it is proposed to extend the balconies accordingly and replace the guarding with new glass balustrades.
- 8.90 It is proposed to use a pale coloured cladding material, such as precast fibre-reinforced cement panels or a matt finished coated metal system. Insulated render, contained in small bays trimmed with metal reveals, is an alternative option. Final choice of materials has not been made and the applicant is still researching appropriate finishing materials in terms of performance, cost and appearance.
- 8.91 There is currently no terminal treatment at roof level of the Denning Point tower. It is therefore proposed to apply a screen of glass or metal panels at roof level that will give the building a positive "crown".
- 8.92 The regularity of the building plan – a rectangle with balconies applied equally to the four corners – is interrupted on the Commercial Street elevation by the escape staircase that protrudes eccentrically beyond the face of the building. The glazing to the staircase will

be replaced as part of the re-cladding and it is proposed to use the new cladding as an expressive vertical element on the façade.

#### *The Courtyard Block*

- 8.93 The courtyard building faces onto busy Commercial Street as well as the quieter Pomell Way, Old Castle Street and the new public square.
- 8.94 The ground floor of the Commercial Street building is proposed to be occupied by a large retail space that is faced with a simple curtain wall shopfront system. The glazing pattern is proposed to be enlivened by using a limited variety of panel widths, deployed in an irregular array. This glazing system would extend around the plinth at the base of Denning Point, rising up to two storeys in height. The transparency of the shopfront glazing will give way to a greater proportion of opaque glazing where it forms the solid external walls to offices and service spaces.
- 8.95 The double-height reception area of the new Eastend Homes offices is located on the corner of Commercial Street and the new public square, with the entrance facing the square. This double-height space will be clad in clear glass so that its presence will be highly visible by day and by night.
- 8.96 The principle of the treatment of the Commercial Street elevation will be carried throughout this block, along Pomell Way and into its rear elevations that overlook the courtyard, except that the unified linear balconies will give way to individual balconies for each flat. Colour will be expressed in the glass balustrades to these balconies.
- 8.97 This lower key appearance is appropriate to these quieter streets and it allows a change in facing materials to be applied to the remainder of the courtyard building.
- 8.98 The domestic quality of Old Castle Street is reflected in the choice of light coloured brickwork as the facing material for the new terrace of maisonettes and flats. A rhythm of individual two-storey dwellings is expressed in the composition of openings in this façade, with a varied pattern of openings serving the flats on the upper floors.

#### *Wentworth Street*

- 8.99 The Wentworth Street building must fit into the existing market streetscape which, regardless of the varieties of architectural style, is predominantly composed of brickwork with shopfronts at street level. The new building will be faced in the same light coloured brickwork used on the Old Castle Street terrace, expressed in a composition that is characterised by large openings onto living rooms and inset balconies. Smaller vertical openings for bedroom windows echo the domestic quality of the Old Castle Street building and give a nod to the traditional sash windows of the neighbouring buildings. Occasional tall coloured glass infill panels to the balcony balustrades make a visual connection to the main Commercial Street elevation.
- 8.100 The new community centre is located on the southern side of the Wentworth Street building, taking the form of a wedge cut into the brick mass of the building. It is two storeys high and is finished in the same glazed curtain wall system as the Eastend Homes on the opposite side of the public square.

#### *General Estate*

- 8.101 It is considered that the proposal for the main new build and the recladding of Denning Point each responds to its context whilst also complementing the other. The concept of the proposed materials is acceptable in principle, however it is recommended that a condition is included on the consent to require the submission and approval of material samples in order to ensure an appropriate quality of material is used in the development

and that the quality of the development is not compromised.

- 8.102 With regards to the proposals elsewhere on the estate, including the provision of lift blocks and entrance improvements to the existing buildings, no detail of the materials, which are proposed to be used, have been provided. It is therefore recommended that a condition be included to require the submission and approval of materials in relation to this work also, in order to ensure that appropriate materials are used and that the proposals do not detract from the appearance of the existing buildings.
- 8.103 In terms of materials it is considered, subject to the proposed conditions, that the proposals are acceptable in terms of policies 4B.1, 4B.2 and 4B.10 of the London Plan 2008, policies DEV1, DEV2 and DEV3 of the UDP and policies CP4, DEV1 and DEV2 of the IPG.

#### Internal Amenity

##### *Flat Sizes*

- 8.104 The proposed flat sizes are considered to be generally good size, exceeding the Council's Supplementary Planning Guidelines. Furthermore, the layouts of the flats generally provide for maximum internal living space in that the internal halls are minimised. Balcony areas of living rooms would add to the useable space, allowing an element of indoor outdoor living.
- 8.105 It is therefore considered that that the size of the proposed units would be acceptable and would provide appropriately for the living conditions of future occupiers.

##### *Noise*

- 8.106 The proposed development is located in a poor noise environment, with road traffic noise and underground railway noise contributing to the potential noise impacts upon the proposed living environments.
- 8.107 The Council's Environmental Health Officer has reviewed the application and the acoustic report information submitted by the applicant and recommended that the condition be included on the planning permission, if approved, requiring that the developer provide details of how adequate sound attenuation can be provided to ensure acceptable an internal living environment to the proposed dwellings.
- 8.108 In addition the Environmental Health Officer has recommended that the developer must carry out a survey and demonstrate by calculation and prediction of ground borne noise and vibration levels inside the proposed development, due to the underground railway tunnels that run under the site. It is recommended that any approval of the development be subject to a condition requiring the submission of the ground borne noise and vibration details as well as appropriate mitigation measures, if required, in order to ensure the living conditions of the future residents.

#### Impact on Conservation and Heritage Values

- 8.109 Policies 4B.11, 4B.12 and 4B.13 of the London Plan, policies DEV32 and DEV37 of the UDP and policies CON1 and CON2 of the IPG seek to preserve the historic assets of the city.
- 8.110 The site is surrounded by a number of Conservation Areas and is bounded by Wentworth Street Conservation Area, the Whitechapel High Street Conservation Area and the Artillery Passage Conservation Area.
- 8.111 Wheler House lies within the Fournier Street Conservation Area, whilst Bernard House and Old Wentworth Dwellings both lie within different parts of the Wentworth Street Conservation Area.
- 8.112 None of the demolition works or new build element proposed is located within any of the above Conservation Areas. In addition it is considered that the proposed new blocks have

been designed to be sympathetic to the scale and mass of the existing buildings within the estate as well as the surrounding area.

8.113 In accordance with policies 4B.11, 4B.12 and 4B.13 of the London Plan, policies DEV32 and DEV37 of the UDP and policies CON1 and CON2 of the IPG and the Fournier Street Conservation Area and the Wentworth Street Conservation Area Appraisal and Management Statements, the proposals seek to improve the external environment and therefore to improve the setting within the Conservation Areas.

8.114 The key refurbishment works within the Conservation Areas comprise of new controlled access gates, new perimeter railings, new underground refuse storage stations and new hard and soft landscaping. As such, the proposals improve the setting of the existing building and make a more positive contribution to the wider area.

Play Areas/External Amenity Space

8.115 Policies 3D.8, 4B.1, 4B.2 and 4B.3 of the London Plan 2008, policy DEV12 of the UDP and policies CP4, CP30 and DEV13 of IPG promote the good design of public places and the provision of green spaces. Furthermore London Plan 2008 policy 3D.13, policy O9 of the UDP and policies CP25 and HSG7 of the IPG require the provision of appropriate child play space within residential developments.

*Private and Communal Amenity Space*

8.116 In accordance with Policy HSG17 of the UDP and HSG7 (Table DC2) of the Council's IPG, overall the proposal retains the existing private amenity space and provides private gardens and private balconies and/or terraces to the vast majority of all the new units. Table 8.3 below provides details of the private amenity space provided for each new unit.

	Type	Grnd	Upper Grnd	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	Total	Req		
															1			
Block A	4bed	(50)23													23	50		
	4bed	(50)25													25	50		
	4bed	(50)24													24	50		
	4bed	(50)24													24	50		
	4bed	(50)24													24	50		
	4bed	(50)24													24	50		
	4bed	(50)24													24	50		
	5bed	(50)26	(0) 6												32	50		
	5bed	(50)26	(0) 6												32	50		
															<b>Total</b>	<b>232</b>	<b>450</b>	
																<b>Surplus/Shortfall</b>	<b>-218</b>	
Block B	1bed	(25)19		(6) 5	(6) 4	(6) 4	(6) 4								36	49		
	1bed	(25)23		(6) 5	(6) 5										33	37		
	1bed			(6) 4	(6) 5										9	12		
	2bed	(25)16		(10) 5	(10)16	(10) 5	(10) 5								47	65		
	2bed	(25)23		(10) 6	(10)16										45	45		
	2bed			(10) 6	(10) 5										11	20		
	2bed			(10) 6											6	10		
	2bed			(10) 6											6	10		
	3bed			(10) 5	(10) 15	(10) 7	(10) 7								34	40		
	3bed				(10) 5	(10) 5	(10) 5								15	30		
																<b>Total</b>	<b>242</b>	<b>318</b>
																	<b>Surplus/Shortfall</b>	<b>-76</b>
Block C	studio	(25) 8		(6) 5	(6) 5	(6) 5	(6) 5	(6) 5	(6) 5	(6) 5	(6) 5	(6) 5	(6) 5	(6) 5	48	73		
	studio			(6) 5	(6) 5	(6) 5	(6) 5	(6) 5	(6) 5	(6) 5	(6) 5				40	48		
	1bed	(25)20		(6)10	(6) 10	(6) 10	(6) 10	(6) 10	(6) 10	(6) 10	(6) 10	(6) 10	(6) 10	(6) 10	130	91		
	1bed			(6)10	(6)10	(6)10	(6)10	(6)10	(6)10						60	36		
	1bed			(6)11	(6)11	(6)11	(6)11	(6)11	(6)11						66	36		
	1bed			(6)11	(6)11	(6)11	(6)11	(6)11	(6)11						66	36		
	1bed			(6)11	(6)11	(6)11	(6)11	(6)11	(6)11						66	36		
	2bed			(10) 5	(10) 5	(10) 5	(10) 5	(10) 5	(10) 5	(10) 5	(10) 5	(10) 5	(10) 5	(10) 5	55	110		





Point site alone, and will refurbish and improve the existing, poor quality and run down areas of defined playspace across the wider estate to provide a total of 1,608m<sup>2</sup> playspace.

- 8.122 In accordance with policy HG7 of the IPG, it has been calculated that the wider estate, based on the combined proposed new and existing homes, should provide a total of 621.5m<sup>2</sup> of children’s play space (see Table 8.4 below). Currently, the estate provides just 560m<sup>2</sup> of dedicated play space. The proposals will provide approximately 1,608m<sup>2</sup> of dedicated play space distributed appropriately throughout the estate, improving opportunities for overlooking and creating safer play environments. As such, the amount of play area exceeds the policy requirements and is therefore considered in accordance with policy 3D.13 of the London Plan 2008, policy O9 of the UDP and Policies CP25 and HSG7 of the IPG.

Tenure	Market Units				Intermediate Units				Social Rented Units			
Unit Size	No. of Units	Child Yield	Total Yield	LBTH 3sq.m.	No. of Units	Child Yield	Total Yield	LBTH 3sq.m.	No. of Units	Child Yield	Total Yield	LBTH 3sq.m.
Studio	20	0.036	0.72	2.16	0	0.036	0	0	0	0	0	0
1 bed	80	0.036	2.88	8.64	4	0.036	0.144	0.432	59	0.059	3.481	10.443
2 bed	164	0.228	37.392	112.176	7	0.228	1.596	4.788	117	0.49	57.33	171.99
3 bed	56	0.564	31.584	94.752	2	0.564	1.128	3.384	35	0.912	31.92	95.76
4 bed	14	0.742	10.388	31.164	0	0.742	0	0	13	1.221	15.873	47.619
5 bed	3	0.742	2.226	6.678	0	0.742	0	0	8	1.221	9.768	29.304
6 bed	1	0.742	0.742	2.226	0	0.742	0	0	0	1.221	0	0
<b>Totals (sq.m.)</b>	<b>338</b>		<b>85.932</b>	<b>257.796</b>	<b>13</b>		<b>2.868</b>	<b>8.604</b>	<b>232</b>		<b>118.372</b>	<b>355.116</b>
<b>Grand Total</b>				<b>621.5</b>								

Table 8.4 – Playspace requirement

### Wind Micro-Environment

- 8.123 Planning guidance contained within the London Plan 2008 places great importance on the creation and maintenance of a high quality environment for London. Policy 4B.10 of the London Plan 2008 requires that “All large-scale buildings including tall buildings, should be of the highest quality design and in particular: ... be sensitive to their impacts on micro- climates in terms of wind, sun, reflection and over-shadowing”. Wind microclimate is therefore an important factor in achieving the desired planning policy objective. Policy DEV1 of the IPG also identifies microclimate as an important issue stating that:

*“Development is required to protect, and where possible seek to improve, the amenity of surrounding and existing and future residents and building occupants as well as the amenity of the surrounding public realm. To ensure the protection of amenity, development should: ...not adversely affect the surrounding microclimate.”*

- 8.124 The applicant has provided a Wind Microclimate study which details the impact on the pedestrian environment as a result of the proposed tall building development. The report concludes that in none of the scenarios modelled were there any areas with winds that would be perceived as unpleasant by pedestrians.
- 8.125 It is therefore considered that the proposed development would be acceptable in terms of the impact on microclimate wind conditions surrounding the development and would not significantly impact on the pedestrian amenity on the site in accordance with London Plan policy 4B.10 and policy DEV1 of the IPG.

### Landscaping

- 8.126 Landscaping is used to enhance the aesthetics and amenity of the public realm and outdoor spaces within and surrounding developments. In addition, appropriate landscaping can provide enhancements to the biodiversity and natural habitats within the area.

- 8.127 The applicant has submitted a general landscaping strategy for the entire estate, however there is no specific detail on the landscaping improvements proposed. As such, it is recommended that a condition is imposed on the application to ensure that the proposed landscaping is of an acceptable level and quality to ensure the amenity of the estate.
- 8.128 It is therefore considered the proposed development would be in accordance with policy DEV12 of the UDP, policies DEV1, DEV2 and Dev 13 of the IPG and policies 4A.11, 4B.1 and 4B.10 of the London Plan 2008.

#### Views

- 8.129 Policies 4B.10, 4B.16, 4B.17 and 4B.18 of the London Plan 2008, policy DEV8 of the UDP and policies CP50 and CON5 of the IPG protect strategic views of the city and locally important views of the townscape.
- 8.130 The site does fall within a designated Strategic View Consultation Area under the London Plan 2008. The applicant has provided an assessment of the impact showing that the proposed development would be located below the threshold plane and given the surrounding heights of development would have nil impact on the Strategic View.
- 8.131 The proposal is therefore considered in accordance with policies 4B.10, 4B.16, 4B.17 and 4B.18 of the London Plan 2008, policy DEV8 of the UDP and policies CP50 and CON5 of the IPG

#### Access

- 8.132 The scheme will yield much needed accommodation including social rented and intermediate affordable housing. The access statement submitted highlights the developer's commitment to provide all accommodation to lifetime homes standards. Most of the units will have relative ease of access to disabled parking bays. 10% of the units provided will be wheelchair accessible design. Conditions of consent can be included on the application to ensure that the provisions are met adequately for mobility impaired persons.
- 8.133 It is therefore considered that the access for mobility impaired persons is acceptable and would be in accordance with policy ST12 of the Unitary Development Plan 1998, policies CP46 and DEV3 of the Interim Planning Guidance 2007 and policy 4B.5 of the London Plan 2008

#### Waste Storage

- 8.134 The refuse provisions for Denning Point will retain the existing refuse chute, although the location of the bin store will be changed to allow collection from Commercial Street, as well as provide additional bin storage space for recycling and composting waste.
- 8.135 Each of the ground level maisonettes on Old Castle Street is provided with a screened bin storage area in its front yard, containing storage for general refuse, co-mingled dry recyclables and compostable waste.
- 8.136 Common residential cores B, C and F (situated in the courtyard building) are provided with enclosed refuse stores adjacent to the common entrances but accessed from the street. Common residential cores in the Wentworth Street building are provided with underground refuse storage stations located in the public square and on Old Castle Street.
- 8.137 Refuse stores are located so that horizontal travel distances from dwellings are within accepted limits. Refuse stores have been positioned so that they are sufficiently close to the public highway to allow collection by London Borough of Tower Hamlets refuse collectors (or

its sub-contractors).

- 8.138 No specific provisions have been made for the storage or collection of non-residential uses. The applicant has stated assumed that, since this will depend to a large extent on the precise nature of these uses that such provision will be made within the space allocated for these uses and that details will be submitted for approval in due course, when the nature of these uses becomes known.
- 8.139 It recommended that a condition be included on the consent to require the submission and approval of all bin stores, including for the commercial units, to ensure that the appropriate area and set out is proposed to cater for both waste and recycling. It is considered with such a condition the proposed storage arrangements would be acceptable and would not impact on the amenity of the surrounding area or the appearance of the development.

### **Sustainability**

- 8.140 The London Plan 2008 has a number of policies aimed at tackling the increasingly threatening issue of climate change. London is particularly vulnerable to matters of climate change due to its location, population, former development patterns and access to resources. Policies within the UDP and IPG also seek to reduce the impact of development on the environment, promoting sustainable development objectives.

### Energy

- 8.141 The applicant has provided an Energy Strategy with the application, detailing the estimated energy usage, energy efficiency and what renewable energy provisions have been provided within the development.
- 8.142 PPS22 seeks to require the inclusion of renewable technology and energy efficiency within developments, as do policies 4A.1, 4A.2, 4A.4, 4A.6 and 4A.7 of the London Plan 2008 and policies CP38 and DEV6 of the IPG, unless it can be demonstrated that the provision is not feasible.
- 8.143 The Holland Estate Regeneration consists of refurbishing 374 of the current 417 apartments on the estate to improve the welfare and standard of living to the current residents. In order to fund these improvements it is proposed to integrate 209 new build homes into the scheme. These extra units will be generated by the demolition of 43 existing units and better usage of the area around Denning point.
- 8.144 The Energy Strategy shows that large carbon savings can be made during the Estate regeneration. Due to the nature of the scheme the largest and most cost effective carbon savings are to be made by increased energy efficiency in the existing buildings.
- 8.145 The report shows energy demands for the existing stock, refurbished stock and new build elements. The existing housing is circa 1930's to 1960's with very poor insulation levels, inefficient boilers, no ventilation and poor air permeability.
- 8.146 It is proposed that blown fibre insulation be introduced to the cavity walls, boilers and controls be updated and ventilation be added. Windows are also to be replaced or refurbished.
- 8.147 In terms of the new build elements, these will have high efficiency condensing boilers, low insulation values (Walls – 0.25 W/m<sup>2</sup>k, roof 0.16 W/m<sup>2</sup>k, Floor 0.25 W/m<sup>2</sup>k, window 1.8 W/m<sup>2</sup>k), heat recovery ventilation and low energy lighting. It is also proposed that the new build element of the works included a district heating scheme. A total of 400m<sup>2</sup> (circa 51kW) of Photovoltaic panels will also be included on the scheme.

8.148 The carbon saving results of the proposed energy efficiency and renewable energy measures are shown in Table 8.5 below.

	Annual Carbon Emissions (kg CO <sub>2</sub> )		
	Residential	Common Areas and Commercial	Total
Existing Stock	1,754,605	123,324	1,877,929
Existing Stock Refurbished	1,076,575	23,593	1,100,168
Existing Stock Change	<b>678,030</b>	<b>99,731</b>	<b>777,761</b>
New Build (Part L)	483,835	421,518	905,353
New Build (After Lean, clean and Green)	373,104	238,602	611,706
New build Change	<b>110,731</b>	<b>182,916</b>	<b>293,647</b>
Total (Existing + New Build)	2,238,440	544,842	2,783,282
Total (Refurb + New build)	1,449,679	262,195	1,711,874
Total Change	<b>788,761</b>	<b>282,647</b>	<b>1,071,408</b>

Table 8.5 – Proposed Carbon Emission Savings

8.149 Policy 4A.7 of the London Plan 2008 requires that developments achieve a 20% reduction in carbon emissions through the use of onsite renewable energy, unless it can be demonstrated that such provision is not feasible. This is supported by policy CP38 of the IPG which seeks to ensure developments maximise the opportunities for the production of energy from renewable sources and policy DEV6 of the IPG which requires a minimum of 10% of the predicted energy production to be from renewable energy production.

- 8.150 As part of the proposed carbon emission savings it is proposed to integrate a Photovoltaic array into the scheme. The usable roof area for this is approximately 400m<sup>2</sup>. Using the highly efficient Shuco Panels a 51 kW array could be installed. According to the applicant this would cost in the region of £285,000 and provide carbon emission reductions of 24,623 kg CO<sub>2</sub> per annum. This would only equate to 3.9% of the new build carbon emissions.
- 8.151 In terms of carbon savings, it is more cost effective to invest in energy efficiency within the refurbishing works, rather than costly renewable technologies. There are larger carbon savings per pound for the energy efficiency refurbishment works than there are for the renewable elements. The cost of the energy efficiency refurbishment works is approximately £4,056,321 for carbon savings of 777,761 kg CO<sub>2</sub>. This equates to 5.22 £/kg. The cost of renewable technologies to give similar savings would be approximately £4,792,540 (6.16 £/kg) for Wind turbines, £8,866,475 (11.4 £/kg) for PV and £6,167,644 (7.93 £/kg) for Solar thermal.
- 8.152 It is therefore considered that the proposed energy strategy represents a larger carbon emissions saving than would be feasible if onsite energy production was to be included to a higher level. As such the proposed development is considered to accord to policies 4A.1, 4A.2, 4A.4, 4A.6 and 4A.7 of the London Plan 2008 and policy CP38 of the IPG.

#### Biodiversity

- 8.153 Policy 3D.14 of the London Plan 2008, policies DEV57 and DEV61 of the UDP and policies CP31 and CP33 of the IPG seek to protect and enhance biodiversity and natural habitats.
- 8.154 The site is not designated as a Site of Nature Conservation or Importance. In overall terms, the provision of additional landscaped open space is likely to improve the range of habitats available and promote biodiversity in accordance with policy.
- 8.155 Conditions of consent are recommended to require an acceptable landscape plan to be produced for the landscaping works within the estate. Assessment and approval of the landscaping would ensure that biodiversity enhancements and natural habitats are maximised within the landscaping proposals.
- 8.156 It is therefore considered that the proposed development would provide important biodiversity enhancements to this inner city location and that the proposed development would be consistent with policy DEV61 of the UDP policy CP31 of the IPG and Policy 3D.14 of the London Plan 2008.

#### Water

##### *Flood Risk, Water run-off and Waste Water*

- 8.157 The Holland Estate is located in Flood Risk Zone 1 and thus is not at risk from flooding from fluvial or tidal influenced sources within a return period of 1 in 1000 years. However, as the site exceeds one hectare a Flood Risk Assessment has been provided.
- 8.158 The report made two recommendations pertaining to the management of surface water and foul water from the Denning Point site, including the new build areas. The first that it be demonstrated that the surrounding sewer capacity is sufficient to take the increased foul water discharge from the site. The utilities statement does not detail whether there is sufficient capacity and therefore it is recommended a condition of consent is included to require confirmation of sufficient sewer capacity.
- 8.159 Secondly, that tanked storage is provided to mitigate against the runoff from the impermeable areas. A condition is recommended regarding the provision of this, which is in accordance with the Environment Agencies request for a condition relating to surface water

storage.

- 8.160 Subject to imposing the recommended conditions it is considered that the proposed development would adequately mitigate against flood risk, water run-off and waste water generation.

#### *Water use*

- 8.161 The applicant has not provided details of the proposed water usage or mitigation provisions. It is therefore considered that conditions be included that low flow water use devices be used and that a Sustainable Homes Assessment be required, in order to ensure the minimisation of water usage.
- 8.162 Subject to the recommended conditions the proposed development is considered in accordance with policies, DEV69, U3 of the Unitary Development Plan 1998, policies CP37, DEV7, DEV 8 and DEV21 of the IPG and policies 4A.12, 4A.13, 4A.14 and 4A.16 of the London Plan 2008.

#### Construction Waste and Recycling

- 8.163 Policy 4A.28 of the London Plan 2008 and policy CP39 of the IPG require developments to follow the principles of the waste hierarchy and that reuse and recycling of waste reduces the unnecessary landfilling of waste.
- 8.164 The applicant has provided an initial Site Waste Management Plan for the development detailing that they will follow the principles of the waste hierarchy and reduce, reuse and recycle.
- 8.165 Conditions of consent should require an updated Site Waste Management Plan to be submitted detailing the particulars in relation to the development to ensure that the development is implemented in accordance with the principles of the waste hierarchy and that reuse and recycling of waste reduces the unnecessary landfilling of waste. If development is undertaken in accordance with an appropriate Site Waste Management Plan the development would be considered to be in accordance with policy CP39 (Sustainable Waste Management) of the IPG and policy 4A.28 (Construction, excavation and demolition waste) of the London Plan 2008.

#### **Planning Obligations**

- 8.166 Policy DEV 4 of the UDP and policy IMP1 of the IPG state that the Council will seek planning obligations to secure onsite or offsite provisions or financial contributions in order to mitigate the impacts of a development.
- 8.167 The applicant has agreed to the following being included in a Section 106 to ensure mitigation of the proposed development:
- Provide a contribution of **£225,596** towards the provision of future health and social care facilities.
  - Provide a contribution of **£283,866** towards the provision of primary school places.
  - Affordable Housing (38.6%)
  - Car Free Development for all new units
  - Employment Initiatives to use reasonable endeavours to employ local people during the construction and end user phases of the development.
  - Green Travel Plan to encourage sustainable travel to and from the development by residents.
  - Clause requiring £10,285,000 (residual value after Stamp Duty Land Tax – SDLT) to

be spent on the upgrade of the Holland Estate to bring existing units up to Decent Homes Standard.

- Provision of a car club and min 2 car club spaces provided within the development for the use of residents
- Provision and operation of a Community Centre
- Provision of public access to the public open space

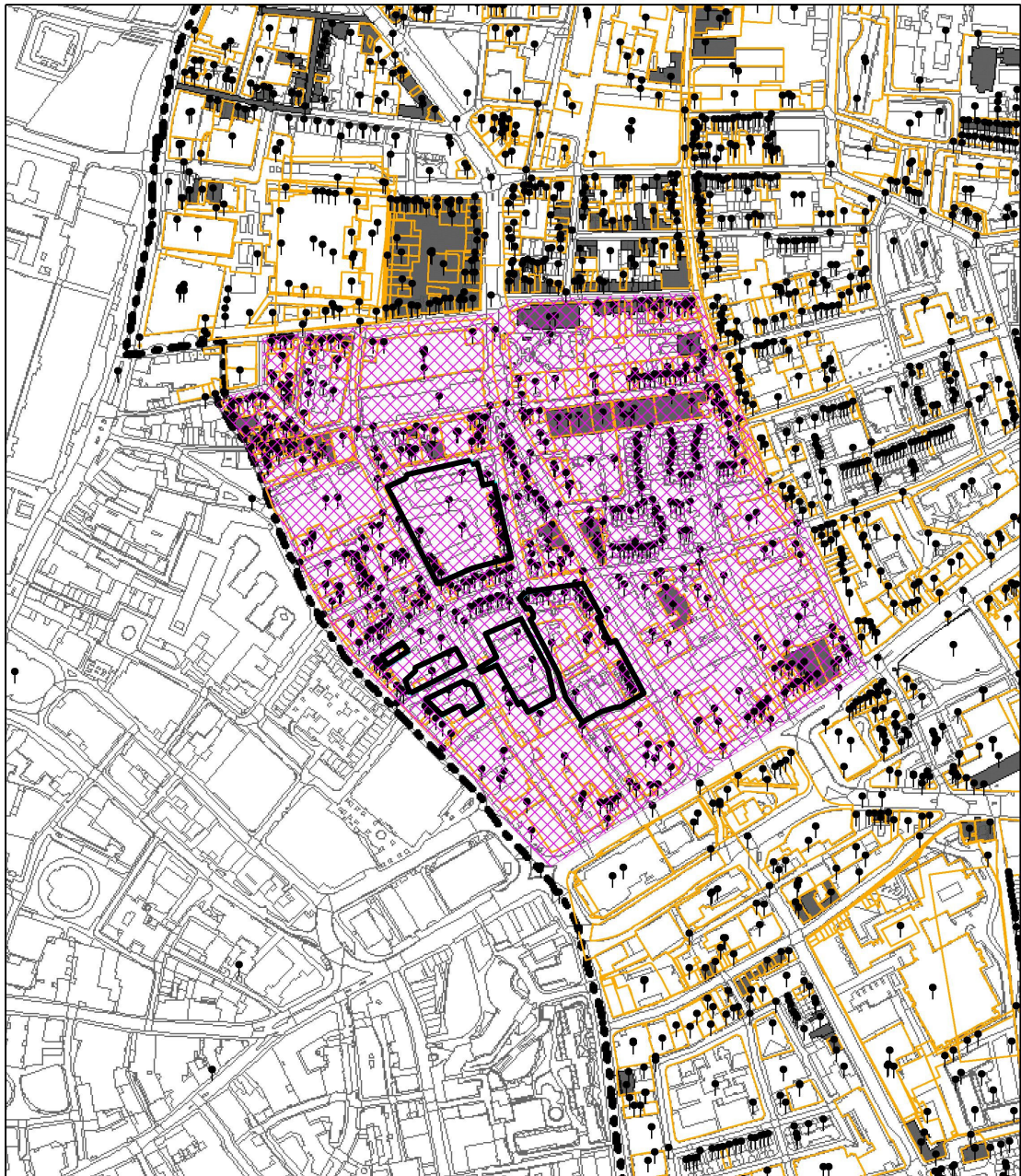
8.168 In accordance with policy DEV 4 of the UDP and policy IMP1 of the IPG it is considered that the inclusion of these matters in a Section 106 Legal Agreement, together with the recommended conditions would adequately mitigate against the impacts of the development.

### **Conclusions**

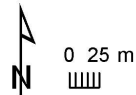
8.169 All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.



# Planning Application Site Map



-  Planning Application Site Boundary
-  Other Planning Applications
-  Consultation Area
-  Land Parcel Address Point



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

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