



Meeting of the

DEVELOPMENT COMMITTEE

Thursday, 8 March 2012 at 7.00 p.m.

A G E N D A

VENUE

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

Members:	Deputies (if any):
Chair: Councillor Helal Abbas Vice-Chair: Councillor Shiria Khatun	
Councillor Kosru Uddin Councillor Craig Aston Councillor Md. Maium Miah Councillor Helal Uddin Councillor Marc Francis	Councillor Peter Golds, (Designated Deputy representing Councillor Craig Aston) Councillor Tim Archer, (Designated Deputy representing Councillor Craig Aston) Councillor Dr. Emma Jones, (Designated Deputy representing Councillor Craig Aston) Councillor Kabir Ahmed, (Designated Deputy representing Councillors Helal Abbas, Helal Uddin, Kosru Uddin, Shiria Khatun and Marc Francis) Councillor Anwar Khan, (Designated Deputy representing Councillors Helal Abbas, Helal Uddin, Kosru Uddin, Shiria Khatun and Marc Francis) Councillor Ann Jackson, (Designated Deputy representing Councillors Helal Abbas, Helal Uddin, Kosru Uddin, Shiria Khatun and Marc Francis)

[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: Zoe Folley, Democratic Services,
Tel: 020 7364 4877, E-mail: zoe.folley@towerhamlets.gov.uk

LONDON BOROUGH OF TOWER HAMLETS

DEVELOPMENT COMMITTEE

Thursday, 8 March 2012

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 Development Committee held on 8th February 2012.

PAGE NUMBER	WARD(S) AFFECTED
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3 - 14

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 Development Committee. **15 - 16**

The deadline for registering to speak at this meeting is 4pm Tuesday 6th March 2012.

6. DEFERRED ITEMS

Nil items. **17 - 18**

7. PLANNING APPLICATIONS FOR DECISION **19 - 22**

7 .1 64 Tredegar Road, E3 2EP (PA/10/2340) 23 - 60 Bow East

7 .2 Site At North East Junction Of Cable Street And Ratcliffe Cross Street, Cable Street, London, E1(PA/1101818) 61 - 88 Shadwell

7 .3 Site at Bow Wharf Adjoining Regents canal and Old Ford Road, Old Ford London, E3 (PA/11/03371 PA/11/03372) 89 - 130 Bow West

8. OTHER PLANNING MATTERS **131 - 132**

8 .1 Bancroft Local History And Archives Library, 277 Bancroft Road, London, E1 4DQ (PA/11/2213) 133 - 140 Mile End & Globe Town

8 .2 Appeals Report 141 - 148

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 DEVELOPMENT COMMITTEE

HELD AT 7.00 P.M. ON WEDNESDAY, 8 FEBRUARY 2012

**COUNCIL CHAMBER, MULBERRY PLACE, 5 CLOVE CRESCENT, LONDON,
E14 2BG**

Members Present:

Councillor Helal Abbas (Chair)

Councillor Helal Uddin
Councillor Craig Aston
Councillor Shiria Khatun (Vice-Chair)
Councillor Md. Maium Miah
Councillor Marc Francis
Councillor Kosru Uddin

Other Councillors Present:

Councillor Peter Golds
Councillor Gloria Thienel
Councillor Bill Turner
Councillor Tim Archer

Officers Present:

Megan Nugent	– (Legal Services Team Leader, Planning, Chief Executive's)
Jerry Bell	– (Strategic Applications Manager Development and Renewal)
Richard Murrell	– (Deputy Team Leader, Development and Renewal)
Beth Eite	– (Planning Officer Development and Renewal)
Mandip Dhillon	– (Planning Officer, Development and Renewal)
Zoe Folley	– (Committee Officer, Democratic Services Chief Executive's)
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1. APOLOGIES FOR ABSENCE

No apologies for absence.

2. DECLARATIONS OF INTEREST

Councillor	Item(s)	Type of interest	Reason
Craig Aston	7.1, 7.2	Personal	Resident of Manchester Road
	7.4	Personal	Lived in the Ward concerned.
Helal Uddin	7.1, 7.2	Prejudicial	Council Representative on East End Homes Board.
Md. Maium Miah	7.1	Personal	Had attended meetings at Capstan House as a Council representative. Lived in the Ward concerned.
Kosru Uddin	7.9	Personal	Lived in the Ward concerned
Helal Uddin	7.4, 7.5 7.6, 7.7 7.8	Prejudicial	Knew businesses in the area and had commercial interests in the area Ward Councillor

3. UNRESTRICTED MINUTES

The Committee **RESOLVED**

That the unrestricted minutes of the meeting of the Committee held on 10th January 2012 be agreed as a correct record and signed by the Chair.

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

The Committee noted the procedure for hearing objections, together with details of persons who had registered to speak at the meeting.

6. DEFERRED ITEMS

Nil Items.

7. PLANNING APPLICATIONS FOR DECISION

7.1 Island Gardens Estate, site bound by Manchester Road, Glengarnock Avenue and Stebondale Street (PA/10/2578)

Update Report Tabled

Councillor Helal Uddin left the meeting for the consideration of this item (7.1) and for item 7.2.

At the request of the Chair, Jerry Bell, Strategic Applications Manager introduced the report concerning Island Gardens Estate, site bound by Manchester Road, Glengarnock Avenue and Stebondale Street.

The Chair then invited registered speakers to address the meeting.

Ms Margret Higgins addressed the Committee in objection. She would be directly affected by the scheme. She accepted the need for development on the site but the scheme was far too large. Due to its proximity to Galleon House, the residents would experience a loss of window light. Residents of the ground floor were house bound therefore this was very unfair. To overcome this, the height of the scheme should be reduced. It would also place an intolerable strain on parking. Parking spaces should be incorporated in the application. In addition, the emergency assess plans were inadequate

For instance, it would be impossible for emergency vehicles to access Galleon House. It was the same design as the nearby building where people perished.

In response to Members, Ms Higgins confirmed that she was speaking on behalf of local residents. The new building would overhang the trees on the pavement given its close proximity to the pavement. The trees would need to be cut back or could be damaged in construction. Ms Higgins noted the extensive steps taken to engage with residents. A key concern arising from the consultation was the closeness to the existing properties. Whilst this was put to the Applicant, nothing had been changed.

Councillor Tim Archer also spoke in objection. Whilst the residents of the estate welcomed its regeneration and the decent homes plus funding, they had serious concerns. A key concern was the daylight impact on neighbouring houses. Many of which already lacked natural light. A further concern was the impact on parking. Most of the spaces to be lost were in use so this would have a significant impact. The surrounding streets were already fully congested with parked cars (as shown by the photograph on page 42 of the agenda). Therefore the area couldn't accommodate any more on street parking. There would also be a net loss of social housing. In reply to Members, he stressed the need for additional parking places to be provided. Options such as underground parking should be explored.

Mr Steve Inkpen addressed the Committee as the Applicant's representative. He outlined the merits of the proposal based on lengthy consultation. The aim of the plans was to meet the decent homes plus standards with improvements to the surrounding area and work to address anti social behaviour. The scheme would improve security and discourage people congregating there. He outlined the plans to replace the bedsits not fit for purpose with high quality housing. This would include affordable houses with a large percentage of family homes and social rented units. He outlined the extensive consultation exercise. As a result, the scheme had been revised to reduce the size of the main bloc. He also explained the decision to set back the property to mitigate impact. He referred to the plans to replace trees and the availability of parking spaces on the estate. Whilst the alternative bays would not be as close as present bays, there were drop off bays near the scheme. He referred to the expense of underground parking that could make the scheme unviable. The studies showed that the loss of daylight would be minimum affecting very few non habitual rooms. Steps had been taken to enable the community groups based at Capston House to use the accommodation in the short term. It was hoped to identify accommodation for them on a permanent basis.

Mandip Dhillon (Planning Officer) made a detailed presentation of the application as contained in the circulated report and update. She explained the links with the parallel redevelopment application (agenda item 7.2). She explained the site and the surrounds and details of the proposals. She explained the consultation arrangements and outcome. She addressed the key issues raised in consultation and the planning matters.

Ms Dhillon also explained the affordable housing offer, the impact on parking and the landscaping works. There was no significant impact on the trees near the pavement as explained in the Arboriculture Officer comments. Ms Dhillon also explained the outcome of the sunlight/day light assessment.

Overall, it was considered that the scheme was acceptable and complied with policy.

In response to questions about parking, Officers explained that the plans were policy compliant and the scope of the Car Free Agreement. The future occupants would also benefit from the Council's Permit Transfer Scheme, where applicable.

In relation to the contributions, both TFL and the Council's Highway experts had considered the scheme. They did not consider that a highways contribution was necessary in this case and that there would be any significant impacts on buses. There was sufficient off street parking on the estate to accommodate parking from the scheme as shown in the Transport Assessment and in the opinion from Highways. The Islands Garden DLR station was approximately 60 metres away from the site and the area was well serviced by buses. Whilst there would be some loss of light, of the windows assessed, very few fell under minimum requirements. Overall, given the overall benefits of the scheme, it was considered that this small shortfall was acceptable. Furthermore, it did not give rise to overdevelopment. Officers also stressed the adequacy of the emergency access route.

It was intended that the Employment and Enterprise contributions would be put towards improving employment and business opportunities in the Borough.

On a vote of 4 in favour and 2 against the Committee **RESOLVED**

1. That planning permission (PA/10/2578) be **GRANTED** for the Demolition of Capstan House, 19 and 21 Glengarnock Avenue (26 x existing residential units) and ground floor vehicular garages and the development of a residential-led mixed-use scheme comprising 86 new residential units (including 4 x studios, 18 x 1 bed, 42 x 2 bed, 20 x 3 bed, 2 x 4 bed) in 3 new blocks between 4 and 6 storeys in height plus 68 sq.m. of retail space (A1, A2, A3 and B1) and 67 sq.m. of non-residential floorspace for community, education and cultural uses (D1) together with demolition and alterations of existing building structures, new and improved landscaped public open space and public realm, cycle parking, and associated utilities/services subject to.
2. That prior completion of a legal agreement to secure the planning obligations set out in the report.
3. That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above.

4. That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the matters set out in the report.
5. That, if by the 30th March 2012 the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.

7.2 Site adjacent to 52 Stebondale Street (at the junction with Billson Street), London (PA/10/02576) Site adjacent to 76 Stebondale Street (at the junction with Kingfield Street), London (PA/10/02577)

Update Report Tabled

At the request of the Chair, Mr, Jerry Bell, Strategic Applications Manager introduced the report concerning Site adjacent to 52 Stebondale Street) and Site adjacent to 76 Stebondale Street (at the junction with Kingfield Street), London (PA/10/02577).

Mandip Dhillon (Planning Officer) presented the report and the update. In particular she explained the housing mix, the amenity and access arrangements and the plans to prevent any detrimental impact on amenity. She also highlighted the position of Highways as set out in the update expressing confidence that there was a sufficient level of parking in the area to accommodate the scheme. Overall, Officers were satisfied with the proposals and that they would provide a good level of family housing. The application should be approved.

On a unanimous vote the Committee **RESOLVED**

1. That planning permission be **GRANTED** for PA/10/02576: Erection of a three storey family dwelling house (Use Class C3) located on land at the junction of Billson Street and Stebondale Road and PA/10/02577: Erection of a three storey family dwelling house (Use Class C3) located on land at the junction of Kingfield Street and Stebondale Road subject to:
2. The prior completion of a legal agreement to secure the planning obligations set out in the report.
3. To note that in the event the linked substantive Island Gardens planning application (ref PA/10/02578) be refused the proposed dwelling houses would not be secured as affordable housing.
4. That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above.
5. That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the matters set out in the report.

6. That, if by the 30th March 2012 the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.

7.3 102-104 Watney Street, London, E1 2QE (PA/11/03220)

Update Report Tabled

Councillor Helal Uddin rejoined the meeting for the remaining items of business.

At the request of the Chair, Jerry Bell, Strategic Applications Manager introduced the report concerning 102-104 Watney Street, London, E1 2QE (PA/11/03220).

Beth Eite (Planning Officer) presented the detailed report and update assisted by a power point presentation. She described in detail the proposal and the outcome of the statutory consultation. The application sought to extend the extant planning permission PA/08/01732. In terms of the key issues, the scheme continued to comply with policy with no major impacts. It was therefore considered acceptable and was recommended for approval.

On a unanimous vote the Committee **RESOLVED**

That planning permission (PA/11/03220) be **GRANTED** for a new Planning Permission to replace an extant Planning Permission dated 18 November 2008, Ref: PA/08/01732 for the erection of first floor rear extension, additional second floor and mansard roof. Conversion to create 1 x 3 bedroom, 2 x 2 bedroom and 2 x 1 bedroom flats. Alterations to existing elevations including insertion of door in side elevation and enlargement of window in front elevation subject to the conditions set out in the report.

7.4 Unit TG-003, Block T, Trumans Brewery, 91 Brick Lane, London E1 (PA/11/03220)

Application (PA/11/03220) withdrawn by the Applicant.

7.5 Unit FG-021, Block F, 91 Trumans Brewery, London E1 (PA/11/03310)

Application (PA/11/03310) withdrawn by the Applicant.

7.6 Unit FG-012A, Block F, Trumans Brewery, 91 Brick Lane, London E1(PA/11/03311)

Councillor Helal Abbas left the meeting for the consideration of this item (7.6) and items 7.7 and 7.8.

COUNCILLOR SHIRIA KHATUN CHAIR

At the request of the Chair, Jerry Bell, Strategic Applications Manager introduced the report Unit FG-012A, Block F, Trumans Brewery, 91 Brick Lane, London E1(PA/11/03311).

The Chair then invited registered speakers to address the meeting.

Mr Nasir Uddin spoke in opposition to scheme on behalf of the Brick Lane Residents Association. There would be an over intensification of the late night economy in the area if granted. There were already problems with anti social behaviour with incidences of residents being harassed. This would exacerbate these problems. He welcomed the Officers report.

In response to question from Members, he referred to the perceived problems with nuisance behaviour at the brewery site. In his opinion, the units typically attracted social behaviour linked to public nuisance to the detriment of the surrounding area. Staff had been involved in altercations. The neighbouring properties were about 150 yards away. It was questionable whether the scheme would create local jobs and employ local people. Businesses that promoted the day time economy were welcomed.

He considered that the local community were not consulted on the proposal.

Mr Rupert Wheeler also spoke in opposition to the scheme as a representative of the Spitalfields Society. He objected on the grounds of increased noise, public nuisance, rowdiness and cumulative impact of night time economy. He estimated that the combined floor space of the three applications for the site would total at least 6000 square metres. This would allow for 450 covers not 150 as claimed in excess of any other similar establishment in this area. There would be a significant increase in night time use requiring greater policing, waste facilities and public realm improvements. He urged that the Council and the Applicant work together to mitigate these impacts, and until this need was met, the application should be refused.

In response to Members, he considered that there was a long history of complaints to the Police about public nuisance at the brewery site. The proposals would exacerbate such problems.

Mr Zeloof spoke in support of the proposals as the Applicant's representative. He questioned the status of the Council's Managing Development Plan as it was still subject to public consultation. The relevant policy was the Core Strategy and this identified this area as suitable for such a scheme. The entries and exists would be staggered and carefully managed. The surrounding site would be manned by accredited security staff. It would create jobs. There would be no increase in noise as supported by the acoustics report. The 2011 Appeal Scheme granted by the Inspectorate (for a similar scheme near the site) set an important precedent. It would be a pure restaurant with no bar. There was a lack of pure restaurants in the brewery

site. Therefore he disputed that this would be over culmination. The replacement of the workshop with an active frontage in the day would enhance the day time economy. The waste management plans were satisfactory.

In relation to item 7.7, (PA/11/03312) the scheme was located in the middle of site far removed from the surrounding areas. Regarding item 7.8, (PA/11/03313) there was a restaurant on this site two years ago without concern setting an important precedent.

In response to Members, Mr Zeloof stated that each application would create 18 new jobs benefiting the local economy. There would be off site servicing minimising the impact on street. He disputed that there would be an impact on pedestrian traffic as it would increase choice rather than bring new visitors in. The Applicant didn't believe that the plans required consultation due to the perceived non controversial nature of a restaurant use.

Richard Murrell (Planning Officer) presented a detailed presentation of the application for refusal. The application (together with applications Items 7.7 and 7.8) had been brought to the Committee due to the number of representations.

Mr Murrell described the site location, the existing uses, details of the application, the outcome of the consultation. He emphasised the evidence led approach taken to assessing the impact.

He drew attention to the large number of evening and late night establishments in the Brick Lane area and the impact on the amenity of residents. He also referred to the high crime levels in the area linked to the late night economy. He also confirmed the threshold in the Managing Development DPD for A3/A4/A5 uses in the area which was 25%. The percentage of which currently totalled 26%.

It was therefore considered that the proposal would add to this over concentration of such uses in the area and associated amenity impacts. On this basis it was recommended for refusal.

In response to Members, Mr Murrell referred to the treatment of restaurant establishments in planning policy. There was evidence that such uses increased the influx of visitors in the area at night associated with public nuisance.

It is also possible to take into account the threshold in the Managing Development DPD for A3 uses in the area. Exceeding this threshold shows that the proposal would further add to overconcentration of this type of use.

On a vote of 4 in favour and 2 against the Committee **RESOLVED**

That planning permission (PA/11/03311) be **REFUSED** for the reasons set out in Section 2 of the report.

7.7 Part of Unit CG-001, Ground Floor, Block C, Trumans Brewery, 91 Brick Lane, London E1 (PA/11/03312)

At the request of the Chair, Jerry Bell, Strategic Applications Manager introduced the report Part of Unit CG-001, Ground Floor, Block C, Trumans Brewery, 91 Brick Lane, London E1 (PA/11/03312)

Mr Richard Murrell (Planning Officer) presented a detailed presentation of the application for refusal. In particular he described the proposed opening hours, the proposed capacity and the reasons for the recommendation to refuse as set out in the report. In response to Members, Mr Murrell outlined the scope of the licensable activities permitted under a D1 use

On a vote of 4 in favour and 0 against and 2 abstentions the Committee **RESOLVED**

That planning permission (PA/11/03312) be **REFUSED** for the reasons set out in Section 2 of the report.

7.8 Units FG-004 and 5, Block F, Trumans Brewery, 91 Brick Lane, London E1 (PA/11/03313)

At the request of the Chair, Jerry Bell, Strategic Applications Manager introduced the report Units FG-004 and 5, Block F, Trumans Brewery, 91 Brick Lane, London E1 (PA/11/03313)

Mr Richard Murrell (Planning Officer) presented the detailed report regarding the application for refusal.

On a vote of 4 in favour and 0 against and 2 abstentions the Committee **RESOLVED**

That planning permission (PA/11/03313) be **REFUSED** for the reasons set out in Section 2 of the report.

7.9 25 - 28 Dalgleish Street, London (PA/11/03382)

Councillor Helal Abbas rejoined the meeting for the remaining items of business.

Councillor Helal Abbas Chair

At the request of the Chair, Jerry Bell, Strategic Applications Manager introduced the report 25 - 28 Dalgleish Street, London (PA/11/03382)

Beth Eite (Planning Officer) presented the detailed report assisted by a power point presentation. She described in detail the application including the affordable housing mix in compliance with policy, the height, design and appearance, the employment site, the acceptability of these plans and the

home zone. The site had a good public transport links and would be car free. Details of the contributions was also confirmed. She also addressed the main issues raised in consultation.

Generally speaking the scheme would provide a good standard of housing and amenity for future occupants with no major impacts on amenity. As a result it should be granted.

At the request of the Committee, Officers agreed to review the proposed Local Area Partnership (LAP) allocation for the health and wellbeing centre contributions to ensure it was allocated to the relevant LAP area.

On a unanimous vote the Committee **RESOLVED**

1. That planning permission be **GRANTED** for outline application for the construction of a part four storey, part seven storey building to provide 60 flats (22 x 1 bedroom, 19 x 2 bedroom, 8 x 3 bedroom and 11 x 4 bedroom) with refuse and recycling facilities together with laying out of a 'homezone' in Dalgleish Street subject to.
2. The prior completion of a legal agreement to secure the planning obligations set out in the report:
3. That the Corporate Director Development & Renewal is delegated authority to negotiate the legal agreement indicated above.
4. That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the matters set out in the report.
5. That if, within three months of the date of this committee the legal agreement has not been completed, the Corporate Director of Development & Renewal is delegated power to refuse planning permission.

8. OTHER PLANNING MATTER

9. APPEALS REPORT

Jerry Bell, Strategic Applications Manager introduced the report which provided details of appeals, decisions and new appeals lodged against the Authority's Planning decisions.

RESOLVED

That details and outcomes of the appeals as set out in the report be noted.

The meeting ended at 9.40 p.m.

Chair, Councillor Helal Abbas
Development Committee

Agenda Item 5

DEVELOPMENT COMMITTEE STRATEGIC DEVELOPMENT COMMITTEE

PROCEDURES FOR HEARING OBJECTIONS AT COMMITTEE MEETINGS

- 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 sent a letter that notifies them that the application will be considered by Committee. The letter will explain the provisions regarding public speaking. The letter will be posted by 1st class post at least five clear working days prior to the meeting.
- 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.
- 6.3 All requests from members of the public to address a Committee in support of, or objection to, a particular application must be made to the Committee Clerk by 4:00pm one clear working day prior to the day of the meeting. It is recommended that email or telephone is used for this purpose. This communication must provide the name and contact details of the intended speaker and whether they wish to speak in support of or in objection to the application. Requests to address a Committee will not be accepted prior to the publication of the agenda.
- 6.4 Any Committee or non-Committee Member who wishes to address the Committee on an item on the agenda shall also give notice of their intention to speak in support of or in objection to the application, to the Committee Clerk by no later than 4:00pm one clear working day prior to the day of the meeting.
- 6.5 For objectors, the allocation of slots will be on a first come, first served basis.
- 6.6 For supporters, the allocation of slots will be at the discretion of the applicant.
- 6.7 After 4:00pm one clear working day prior to the day of the meeting the Committee Clerk will advise the applicant of the number of objectors wishing to speak and the length of his/her speaking slot. This slot can be used for supporters or other persons that the applicant wishes to present the application to the Committee.
- 6.8 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 Members registered to speak, then the applicant or their supporter(s) will not be expected to address the Committee.
- 6.9 Where a planning application has been recommended for refusal by officers and the applicant or his/her supporter has requested to speak but there are no objectors or Members registered to speak, then the applicant and his/her supporter(s) can address the Committee for up to three minutes.
- 6.10 The order of public speaking shall be as stated in Rule 5.3.
- 6.11 Public speaking shall comprise verbal presentation only. The distribution of additional material or information to Members of the Committee is not permitted.
- 6.12 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.
- 6.13 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.
- 6.14 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.
- 6.15 Speakers and other members of the public may leave the meeting after the item in which they are interested has been determined.

- 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.
- For each planning application where one or more Members have registered to speak in objection to the application, the applicant or his/her supporter can address the Committee for an additional three minutes.

Agenda Item 6

Committee: Development	Date: 8 th March 2012	Classification: Unrestricted	Agenda Item No: 6. 1
Report of: Corporate Director of Development and Renewal		Title: Deferred items	
Originating Officer: Owen Whalley		Ref No: See reports attached for each item	
		Ward(s): 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.
- 1.2 There are currently no items that have been deferred.

2. RECOMMENDATION

- 2.1 That the Committee note the position relating to deferred items.

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

Brief Description of background papers:
Application, plans, adopted UDP. draft
LDF and London Plan

Tick if copy supplied for register

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

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Agenda Item 7

Committee: Development	Date: 8 th March 2012	Classification: Unrestricted	Agenda Item No: 7.1
Report of: Corporate Director Development and Renewal		Title: Planning Applications for Decision	
Originating Officer: Owen Whalley		Ref No: See reports attached for each item	
		Ward(s): 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 London Plan 2011
 - the Tower Hamlets Core Strategy Development Plan Document 2025 adopted September 2010
- 3.2 Other material policy documents include the Council's Community Plan, "Core Strategy LDF" (Submission Version) Interim Planning Guidance (adopted by Cabinet in October 2007 for Development Control purposes), Managing Development DPD – Proposed Submission Version January 2012, Planning Guidance Notes and government planning policy set out in Planning Policy Guidance & Planning Policy Statements and the draft National Planning Policy Statement.
- 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

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:
Application, plans, adopted UDP, Interim
Planning Guidance and London Plan

Tick if copy supplied for register:

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

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.

- 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 Core Strategy and 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 and Core Strategy but also the emerging Local Development Framework documents and their more up-to-date evidence base, which reflect more closely current Council and London-wide policy and guidance.
- 3.8 Members should note that the Managing Development DPD has reached the same stage in its development as the 2007 Interim Planning Guidance. With the Managing Development DPD being the more recent document and having regard to the London Plan 2011, it could be considered to be more relevant and to carry more weight than the 2007 Interim Planning Guidance documents.
- 3.9 The Equality Act 2010 provides that in exercising its functions (which includes the functions exercised by the Council as Local Planning Authority), that the Council as a public authority shall amongst other duties have due regard to the need to-
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 3.10 The protected characteristics set out in the Equality Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act acknowledges that compliance with the duties set out may involve treating some persons more favourably than others, but that this does not permit conduct that would otherwise be prohibited under the Act.
- 3.11 In accordance with Article 31 of the Development Management Procedure Order 2010, 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.

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Agenda Item 7.1

Committee: Development Committee	Date: 8 March 2012	Classification: Unrestricted	Agenda Item No: 7.1
Report of: Corporate Director of Development and Renewal Case Officer: Shay Bugler		Title: Planning Application for Decision Ref No PA/10/2340 Ward(s): Bow East	

1. APPLICATION DETAILS

- 1 **Location:** 64 Tredegar Road, E3 2EP
- 1.2 **Existing Use:** Light Industrial (B8)
- 1.3 **Proposal:** Demolition of existing warehouse buildings and the erection of 3 residential blocks (part 4, part 5 and part 6 storeys in height) to provide 87 new residential units (comprising 6 studios; 34 x 1 bed; 26 x 2 bed, 19 x 3 bed and 2 x 4 bed); communal & private amenity space; child playspace; 23 car parking spaces & 95 cycle parking spaces.
- 1.4 **Drawing Nos:** PL102; PL103; PL104 rev C; PL 105 rev C; PL 106 rev C; PL 107 rev B; PL 108 rev B; PL109 rev B; PL110 rev B; PL111 rev A; PL112 rev C; PL113; PL114; PL115; PL116 rev B; PL117 rev D; PL118; PL119; PL120; PL 200 rev A; PL 201 rev A; PL 202 rev A; PL203 rev A; PL206; PL207; SK28 rev C
- 1.5 **Supporting documentation**
- Planning Statement dated October 2010 by Telford Homes
 - Design and Access Statement by Telford Homes dated October 2010
 - Design response: post-planning meeting dated August 2010
 - Formal comments- additional information document from Telford Homes dated February 2011
 - Air Quality Assessment- 64 Tredegar Rd by SKM Enviros dated 10 October 2010
 - Sustainability Statement by XCO2 Energy consultants dated 8 October 2010
 - Traffic and Transport Assessment by Paul Mew Associates dated October 2010
 - Phase 1 Contamination Desk Top Study dated June 2010 (report no:9677)
 - Noise Assessment by Sharp Redmore Partnerships dated October 2010
 - Landscape Design by Standerwick landscape design dated Oct 2010
 - Daylight and sunlight assessment by Nathaniel Lichfield & Partners dated 22 February 2012

- Consultation report by Telford Homes dated October 2010
- Archaeology report by Telford Homes dated October 2010
- Heritage Statement by Telford Homes dated October 2010

- 1.6 **Applicant:** Telford Homes
 1.7 **Owner:** Telford Homes
 1.8 **Historic Building:** No
 1.9 **Conservation Area:** No but abuts Medway Conservation Area

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 adopted Core Strategy (2010); Unitary Development Plan (1998), Managing Development DPD (Proposed submission version 2012); the Council's Interim Planning Guidance (2007), associated supplementary planning guidance, the London Plan (2011) and Government Planning Policy Guidance and has found that:

- The proposal is in line with the Mayor and Council's policy, as well as government Planning Policy Statements (PPS) which seek to maximise the development potential of sites. As such, the development complies with PPS1 & PPS3; policy 3.3 of the London Plan (2011); SP02 of the Core Strategy (2010) and policy HSG1 of the Interim Planning Guidance (Oct 2007) which seeks to ensure this.
- The proposal provides an acceptable amount of affordable housing and mix of units overall. As such, the proposal is in line with policies 3.8; 3.10; 3.11, 3.12 & 3.13 of the London Plan (2011); policy SP02 of the Core Strategy (2010); policy HSG7 of the Council's Unitary Development Plan (1998); policy DM3 of the Managing Development DPD (Proposed submission version 2012) and policy HSG2, HSG3 & HSG4 of the Interim Planning Guidance (Oct 2007) which seek to ensure that new developments offer a range of housing choices.
- On balance, the scheme provides acceptable space standards and layout. As such, the scheme is in line with policy SP02 of the Core Strategy (2010); DEV 2 of the Council's UDP (1998); DM4 of the Managing DPD (Proposed submission version 2012) which seek to provide an acceptable standard of accommodation.
- 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 3.4 of the London Plan (2011), SP02 & SP10 of the Core Strategy (2010) & policies DEV1; DEV2 of the Council's Unitary Development Plan (1998) and policies DEV 1, DEV 2 & HSG1 of the Interim Planning Guidance (Oct 2007) which seek to provide an acceptable standard of accommodation.
- The provision of private, communal amenity space and child play space is considered to be acceptable. As such, the amenity space proposed is broadly in line with policies 3.6 of the London Plan (2011); SP02 of the adopted Core Strategy (2010); policies HSG16 and OS9 of the Council's Unitary Development Plan (1998); DM4 of the Managing Development DPD (Proposed submission version 2012), policy HSG7 of the Interim Planning Guidance (October 2007) which seeks to ensure that adequate amenity space is provided.

- The building height, scale, bulk and design is acceptable and in line with policies' 7.2; 7.3; 7.4; 7.6; 7.7 & 7.8 of the London Plan (2011); policies SP02 & SP10 of the adopted Core Strategy (2010); policies DEV1 of the Council's Unitary Development Plan (1998); policy DM24 of the Managing Development DPD (Proposed submission version 2012) & policy DEV 2 of the Interim Planning Guidance (Oct 2007) which seeks 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 6.9 & 6.13 of the London Plan (2011); policy SP09 of the adopted Core Strategy (2010), policies T16, T18 and T19 of the Council's Unitary Development Plan (1998); policies DM20 & DM22 of the Management Development DPD (Proposed submission version 2012) & policy DEV 18 & DEV 19 of the Interim Planning Guidance (Oct 2007) which seek to ensure there are no detrimental highways impacts created by the development.
- The proposal would not give rise to any undue impacts in terms of loss of privacy, sunlight and daylight upon the surrounding properties. As such, the proposal is considered to satisfy policy 7.7 of the London Plan (2011); policy SP10 of the Core Strategy (2010); "saved" policy DEV2 of the Council's Unitary Development Plan (1998); policy DM25 of the Managing Development DPD (Proposed submission version 2012) and DEV 1 of the Interim Planning Guidance (Oct 2007) which seek to protect amenity of surrounding properties.
- Sustainability matters, including energy, are acceptable and in line with policies 5.1, 5.2, 5.3, 5.5, 5.6, 5.7 & 5.8 of the London Plan (2011); policy SP11 of the Core Strategy (2010); policy DM29 of the Management Development DPD (Submission version 2012) and policies DEV 5, DEV 6 & DEV 9 of the Interim Planning Guidance (Oct 2007) which promote sustainable development practices
- Obligations have been secured towards the provision of affordable housing, education, health and community facilities. This is in line with Regulation 122 of the Community Infrastructure Levy Regulations 2010, policy 8.2 of the London Plan (2011); policy SP13 of the adopted Core Strategy (2010); policy DEV4 of the Unitary Development Plan (1998) and policy IMP1 of the Interim Planning Guidance (Oct 2007) which seek to secure planning obligations that are necessary to make development acceptable in planning terms.

3.0 **RECOMMENDATION**

That the Committee resolve to GRANT planning permission subject to:

- 3.1 A. 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
 - £135,000 towards education facilities
 - £86,400 towards Community facilities
 - £7,800 towards employment skills and training
 - £37,800 towards health facilities
 - £3,000 towards Monitoring and implementation of the S106 Agreement

The total amount of financial contributions sought is £270,000

Non financial

2.
 - 20% local procurement of goods and services at construction phase
 - 20% of non technical jobs in the construction phase to be advertised exclusively through skillsmatch for a limited period with reasonable endeavours used to ensure that a target of 20% employment of local residents is achieved.
 - 'Car free' agreement
 - Travel Plan
- 3.2 That the Corporate Director of Development and Renewal is delegated powers to negotiate the legal agreement indicated above.
- 3.3 That the Corporate Director of Development and Renewal is delegated power to impose conditions on the planning permission to secure the following:

Conditions

- 1 Time Limit
- 2 Development constructed in accordance with approved plans
- 3 Sample of all external facing materials / sample board for new development
- 4 Landscaping details including child playspace details
- 5 Secure by design/CCTV
- 6 Contaminated Land Survey
- 7 Construction Management Plan
- 8 Service & Delivery Management Plan
- 9 Life times Homes
- 10 10% wheelchair accessible
- 11 Installation of a heat network system
12. A minimum of 98m² of photovoltaic panels to be installed
- 13 Sustainable Homes assessment where the development achieves a minimum of a 'Code for Sustainable Homes Assessment' Level 4
- 14 No redevelopment shall take place until the applicant has secured the implementation of a programme of archaeological works
- 15 No works shall take place until the applicant has secured the implementation of a programme of recording and historic analysis
- 16 20% vehicle charging points
- 17 Development should not commence until; a scheme for protecting the proposed residents from railway vibration has been submitted to and approved in writing by the LPA
18. Development shall not commence until a sound insulation scheme for protecting the proposed development from rail noise has been submitted to and approved in writing by the Local Planning Authority.
19. The lift motor room should be located at roof level with sound insulation that would meet NB25 of the floor directly below.
20. Details and location of the plant room shall be submitted and approved in writing by the LPA. Noise emission levels for this plant and equipment must be 10Db than lowest recorded background noise levels.

Compliance

- 21 Implementation of an energy efficiency and decentralised energy technologies
- 22 Renewable energy technologies to be implemented in accordance with the proposals made in the 'Energy Statement'
- 23 Hours of construction (8am-6pm Monday to Friday, 9am-1pm on Saturdays and not at

- all on Sunday or Bank Holidays)
- 24 Power/ Hammer piling/breaking (10am-4pm Monday- Friday)
 - 25 Highway improvement works
 - 26 Any other condition(s) considered necessary by the Head of Development Decisions

3.4 Informative

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
8. Metropolitan Police Advice

Any other informative(s) considered necessary by the Head of Development Decisions.

- 3.5 That, if by 30 March 2012 the legal agreement has not been completed to the satisfaction of the Chief Legal Officer, the Head of Planning and Building Control is delegated power to refuse planning permission.

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 The proposal involves the demolition of a part two and part three storey building currently used as a cash and carry and the erection of 87 residential units (comprising 6 x studios; 34 x 1 bed; 26 x 2 bed; 19 x 3 bed & 1 x 4 bed) contained with three blocks (referred to as blocks A, B & C) and a three storey building to provide a 4 bedroom house.
- 4.2 Block A comprises a four storey residential building within the north eastern element of the site and fronts onto Tredgar Rd. The proposed development also includes the construction of two connected residential blocks (buildings B & C) of between five and six storeys in height. Block B is located to the south east of the site (close to the boundary of the Royal Mail sorting office. This block comprises of a 6 storey building (5 storeys with an additional storey setback). Block C is located to the south west of the site is a 5 storey building (4 storeys with a fifth storey setback). Blocks B & C are constructed around a courtyard /communal amenity space (see fig 1).



Fig 1: sketch of the proposed development

- 4.3 A detached three storey dwelling house is proposed within the west section of the site fronting Balmer Road (see fig 2).



Fig 2: Sketch of the proposed detached dwelling fronting Balmer Road.

- 4.4 The proposal involves 23 car parking spaces located at lower ground floor level; 95 cycle spaces and the provision of private/communal and child playspace onsite.

Site and Surroundings

- 4.5 The application site is irregular in shape, approximately 0.28 ha in size and is currently

occupied by a cash and carry business in a series of single, two and three storey buildings accessed from Tredegar road and Balmer road.

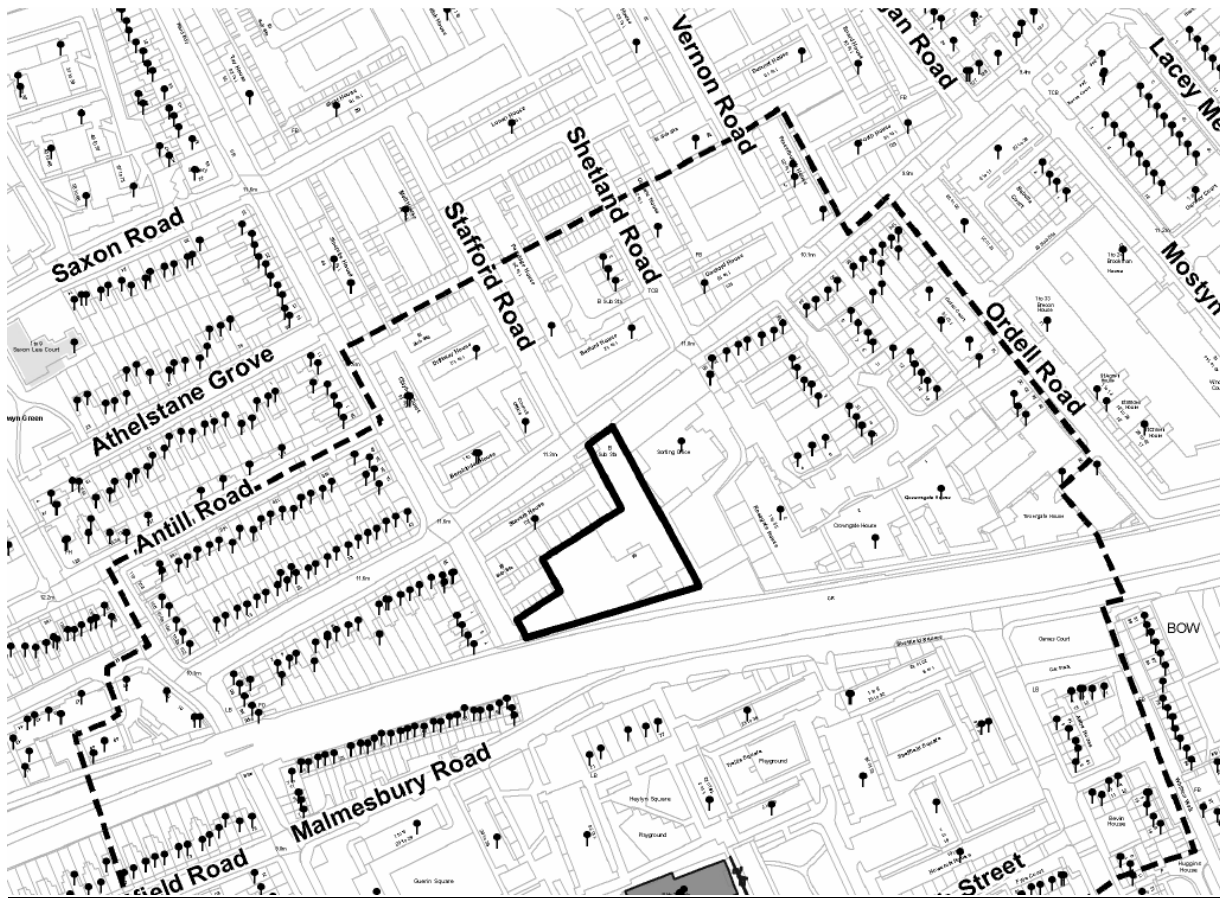


Fig 3: Location Plan of development site



Fig 4: Picture of existing building on site.

- 4.7 The surrounding area is predominantly characterised by residential development ranging from 3 to 7 storeys in height. The properties along Tredegar Rd are 1960s/70s three storey maisonettes and flats. Immediately to the north of the site, Stavers House comprises a three storey residential building with small rear gardens which fronts the southern side of Tredegar Road. To the west, no. 36 Tredegar Road, forms a three storey end of terrace property, plus basement, while numbers 1-7 Balmers Road comprise a terrace of two storey properties which front directly onto the street. Immediately to the east is the Royal Mail sorting office. To the south is the railway line (main line to Liverpool Street). To the north east, Barford House is a three storey residential block situated opposite the existing entrance to the site.

- 4.8 The site has a Public Transport Accessibility Level (PTAL) of 5 which means it is highly accessible by public transport. Local bus services include no 339, 488, 8, N8 and 276. With reference to London Underground services, Mile End is located approximately 840m and Bow Station is located close approximately 490m from the site. Both stations provide access to District, Hammersmith & City and Central Line services. Dockland's Light Railway (DLR) services are available from Bow Church station which is located approximately 930m from the site.
- 4.9 The site is located in an Area of Archaeological Importance and is not located within a Conservation Area although it abuts Medway Conservation Area to the west of the site.

Relevant Planning History

- 4.10 No relevant planning history on site

5.0 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 The London Plan (2011)

- 2.1 London in its global, European and United Kingdom context
- 3.1 Ensuring equal life chances for all
- 3.2 Improving health and addressing health inequalities
- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 3.6 Children and young people's play and informal recreation facilities
- 3.7 Large residential developments
- 3.8 Housing choice
- 3.9 Mixed and balanced communities
- 3.10 Definition of affordable housing
- 3.11 Affordable housing targets
- 3.12 Negotiating affordable housing on individual private residential and mixed use schemes
- 3.13 Affordable housing thresholds
- 3.14 Existing housing
- 3.16 Protection and enhancement of social infrastructure
- 3.17 Health and social care facilities
- 3.18 Education facilities
- 4.4 Managing industrial land and premises
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.5 Decentralised energy networks
- 5.6 Decentralised energy networks in development proposals
- 5.7 Renewable energy
- 5.8 Innovative energy technologies
- 5.9 Overheating and cooling
- 5.10 Urban greening
- 5.11 Green roofs and development site environs
- 5.12 Flood Risk Management

5.13	Sustainable drainage
5.14	Water quality and wastewater infrastructure
5.16	Waste self sufficiency
5.17	Waste capacity
5.21	Contaminated land
6.1	Strategic approach
6.2	Providing public transport capacity and safeguarding land for transport
6.4	Enhancing London's transport connectivity
6.9	Cycling
6.10	Walking
6.13	Parking
7.1	Building London's neighbourhoods and communities
7.2	An Inclusive environment
7.3	Designing out crime
7.4	Local character
7.5	Public realm
7.6	Architecture
7.7	Location and design of tall and large buildings
7.8	Heritage assets and archaeology
7.14	Improving air quality
7.15	Reducing noise and enhancing soundscapes
7.18	Protecting local open space and addressing local deficiency
8.2	Planning Obligations
8.3	Community Infrastructure Levy

5.3 Core Strategy (adopted 2010)

SP1	Refocusing on our town centres
SP02	Urban living for everyone
SP03	Address the impact of noise pollution
SP05	Provide appropriate refuse and recycling facilities
SP06	Delivering a range and mix of employment uses, sites and types in the most appropriate location for that particular uses.
SP07	Support the growth and expansion of further and higher education facilities
SP08	Making connected places
SP10	Protect and enhance heritage assets and their settings; protect amenity and ensure high quality design in general
SP11	Energy and Sustainability
SP12	Delivering Placemaking
SP13	Planning Obligations

5.4 Unitary Development Plan (1998)

Proposals:	Proposal	Opportunity Site (Mixed uses, including predominately residential).
Policy	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV4	Planning Obligations
	DEV50	Noise
	DEV51	Contaminated Land
	DEV55	Development and Waste Disposal
	HSG7	Dwelling Mix
	HSG15	Residential Amenity

HSG16	Amenity Space
T16	Impact of Traffic
T18	Pedestrian Safety and Convenience
T21	Existing Pedestrians Routes
OS7	Loss of Open Space
OS9	Child Play Space
S7	Special Uses
ST37	Enhancing Open Space

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

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
	DEV 16	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
	DEV24	Accessible Amenities and Services
	DEV25	Social Impact Assessment
	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
	OSN2	Open Space
	EE2	Redevelopment/change of use of employment sites

5.6 Managing Development - Development Plan Document (DPD) Draft Proposed Submission Version Jan 2012

Policies:	DM3	Delivering Homes
	DM4	Housing Standards and amenity space
	DM8	Community Infrastructure
	DM9	Improving Air Quality
	DM10	Delivering Open space
	DM11	Living Buildings and Biodiversity
	DM13	Sustainable Drainage
	DM14	Managing Waste
	DM15	Local Job Creation and Investment
	DM17	Local Industrial Locations
	DM20	Supporting a Sustainable Transport Network
	DM21	Sustainable Transport of Freight

DM22	Parking
DM23	Streets and Public Realm
DM24	Place Sensitive Design
DM25	Amenity
DM26	Building Heights
DM27	Heritage and Historic Environment
DM28	Tall buildings
DM29	Achieving a Zero-Carbon borough and addressing Climate Change
DM30	Contaminated Land & Hazardous Installations

5.7 Government Planning Policy Guidance/Statements

Draft National Planning Policy Framework

PPS1	Delivering Sustainable Development
PPS3	Housing
PPS5	Planning and Historic Environment
PPG13	Transport
PPS1	Delivering Sustainable Development
PPS22	Renewable Energy
PPSG24	Planning & Noise

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

A better place for excellent public services
A better place for creating and sharing prosperity
A better place for living and safety
A better place for living well.

5.9 Supplementary Planning Guidance/Documents

Planning Obligations Supplementary Planning Document (January 2012)
Designing Out Crime
Residential Space
Landscape Requirements

6. CONSULTATION RESPONSE

6.1 The views of officers within the Directorate of Development & Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

EXTERNAL CONSULTEES

English Heritage (archaeology)

6.2 English Heritage note that the proposed development site is situated in an area where archaeological remains may be anticipated, and is within a designated Area of Archaeological Importance. As such, English Heritage recommend the following conditions to be attached to the planning consent:

- No redevelopment shall take place until the applicant has secured the implementation of a programme of archaeological works, in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the LPA.

- No works shall take place until the applicant has secured the implementation of a programme of recording and historic analysis, which considers building structure, architectural details and archaeological evidence.

(Officers comment: The above recommendations would be secured by way of condition as English Heritage wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development).

Environment Agency

- 6.3 Environment Agency has confirmed that they do not wish to make any formal comments.

Transport for London (TfL)

- 6.4 TfL have confirmed they do not object to the proposal. It is recommended that a Construction Logistics Plan is secured by condition on the site to ensure that the construction phase is carried out as safely and efficiently as possible.

(Officers comment: The applicant would be required to submit a Construction Management Plan. This would be secured by way of condition).

INTERNAL CONSULTEES

LBTH Environmental Health microclimate (wind)

- 6.5 The height/massing of the proposed development is not likely to cause an adverse impact of microclimate (wind) related issues.

LBTH Environmental Health (noise)

- 6.6 The following conditions should be applied to ensure that noise and vibration is not an issue for future residents:
- Development should not begin until a scheme for protecting the proposed residents from railway vibration and noise has been submitted to and approved in writing by the Local Planning Authority.
 - The lift motor room should be located at roof level with sound insulation that would meet acceptable noise standards
 - Details and location of the plant room shall be submitted and approved in writing by the LPA. Noise emission levels for this plant and equipment should be 10Db lower than lowest recorded background noise levels.

(Officers comment: The above would be secured by way of condition).

- The lift shaft in certain parts of the development is party walled with bedrooms which is not supported and living rooms above bedrooms is not supported as there may be concerns relating to noise level which would effect the amenity of future residents.

(Officers comment: Officers do not consider that the bedrooms located beside a lift shaft would cause undue nuisance to future residents as this matter would be dealt with under building control regulations).

LBTH Environment Health (contamination)

- 6.7 The applicant should be required to undertake a site investigation to identify potential

contamination on site and adopt appropriate remediation measures if required.

(Officers comment: The applicant would be required to submit a contamination assessment to be approved by the LPA prior to the commencement of works on site. This would be secured by way of condition).

LBTH Crime Prevention Officer

- 6.8 A Secure by Design Statement shall be submitted to the Local Planning Authority prior to the commencement of works on site.

(Officers comment: The applicant would be required to submit a Secure by Design Statement to be approved in writing prior to the commencement of works on site. This would be secured by way of condition).

LBTH Energy and Sustainability

- 6.9 LBTH Energy and Sustainability team do not object to the proposal subject to the following conditions:

- A heat network supplying all spaces within the development shall be installed and sized to the space heating and domestic hot water requirements of the Development
- Energy efficiency and decentralised energy technologies shall be implemented in accordance with the proposals made in the Energy Statement dated 8 October 2010
- A minimum of 98m² photovoltaic panels shall be installed with a minimum peak power of 14.7 kWp.
- Prior to occupation of the development the applicant shall submit the details to be approved in writing by the Local Planning Authority of a Code for Sustainable Homes assessment where the development achieves a minimum of a Code Level 4 rating which shall be certified by the awarding body.

(Officers comment: The above conditions would be secured in the decision notice to ensure the development minimises CO₂ emissions and mitigates against climate change).

LBTH Highways

Car parking

- 6.10
- The site has a PTAL rating of 5 which means the site is highly accessible by public transport. The applicant has not provided a suitable justification for 23 car parking spaces. As such, LBTH Highways do not support the provision of car parking spaces on site.

(Officers comment: Adopted policy on car parking provision is set out in the London Plan (2011). The standards are 1.5-2 spaces for 4 flats; 1-1.5 spaces for 3 bed flats and less than 1 space for 1-2 bed flats. Given the site is highly accessible by public transport, officers have taken the lower recommended space standards which amounts to 22 spaces, although the policy does allow for more car parking spaces onsite. As such, the proposed 23 spaces are considered acceptable).

- 6.11
- The applicant should consider providing an independently run/managed car club scheme for the development

(Officers comment: The applicant advises that car club operators have been consulted, however, the car club operators consider that the development is not of sufficient scale to

render it a viable option. Officers accept this position).

Car free Agreement

- 6.12 The applicant should enter into a “car free” agreement to prevent residents from applying for car parking permits on the estate.

(Officers comment: The applicant would be required to enter into a “car free” agreement. This would be secured in the S106 Agreement).

Servicing Arrangements

- 6.13 A Servicing and Delivery Management Plan (SDMP) should be submitted and approved in writing prior to the commencement of works on site.

(Officers comment: The applicant would be required to submit a Service and Delivery Management Plan to be approved by the Local Planning Authority to ensure that the resulting servicing arrangements are satisfactory in terms of their impact on the free flow of traffic and highway safety).

Construction Management Plan

- 6.14 The applicant should be required to submit a Construction Management Plan to the Local Planning Authority for approval prior to the commencement of works on site.

(Officers comment: This would be secured by way of condition to safeguard the amenity of adjoining properties and the area generally by preventing noise, vibration and dust nuisance and to ensure adjacent strategic roads operate safely).

Highway improvement works

- 6.15 A scheme of highway improvements necessary to serve the development should be submitted to and approved by the Local Planning Authority prior to commencement of works on site.

(Officers comment: The applicant would be required to submit details of highway and traffic improvement measures to serve the development and nearby surrounding area. This would be secured by way of condition).

Section 106 contributions

- 6.16
- Should the Council be minded to grant planning permission, contributions should be sought for the following:
 - £21,606 towards street lighting replacement/improvement works along Antil Rd
 - £50,611 towards street lighting replacement/improvement works along Grove Road between A11 and Antill Rd
 - £6,017 towards public realm improvement works.

(Officers comment: It is considered that securing the above contributions would compromise the viability of the scheme. On a finely balanced assessment of S106 matters, it was considered that securing financial contributions towards affordable housing, education, community and health facilities are of priority in accordance with the Councils adopted Supplementary Planning Document on Planning Obligations).

LBTH Department of Communities, Localities and Culture (CLC)

6.17 CLC seek to secure a total financial contribution of £242,181 towards community facilities to mitigate against the development. The breakdown would be as follows:

- £139,621 towards open space
- £18,096 towards library facilities
- £84,464 towards leisure facilities

(Officers comment: CLC did provide a substantial justification for the financial contributions they sought to secure. The justification for the contributions towards open space, leisure and library facilities was carefully considered against the evidence base for the Core Strategy. However, in this instance, it is considered that the viability of the scheme would be compromised by securing the full contributions sought by CLC.

On a finely balanced assessment of S106 matters; it is considered that securing financial contributions towards affordable housing, education, health and community facilities are also of importance. One of the key issues to consider is the overall deliverability of the scheme in this current economic climate. In light of this, it is considered that a contribution of £86,400 towards Community facilities is acceptable to satisfactory mitigate against the development whilst continuing to render the scheme viable).

LBTH Enterprise and Employment

6.18 The developer should exercise best endeavours to ensure that 20% of the construction phase workforce would be local residents of Tower Hamlets. The council would support the developer in achieving this target through providing suitable candidates through the Skillsmatch Construction Services.

6.19 To ensure local businesses benefit from this development it is expected that 20% goods/services procured during the construction phase should be achieved by businesses in Tower Hamlets. LBTH Enterprise and Employment support the developer to achieve their target through ensuring they work closely with the Council to access businesses on the approved list (Construction Line), and the East London Business Place

6.20 (Officers comment: As identified in paragraph 3.1 of the report, 20% of local procurement at construction phase and 20% local labour in construction phase would be secured in the S106 Agreement).

6.21 A financial contribution of £18, 277 should be secured to support and/or provide the training and skills needs of local residents in accessing the job opportunities created through the construction phase of all new development.

(Officers comment: It is considered that securing the full contribution would compromise the viability of the scheme. On a finely balanced assessment of S106 matters, it was considered that securing the financial contribution of £7,800 should sufficiently mitigate against the development).

LBTH Education

6.22 Based on the Council's adopted Planning Obligations Supplementary Planning Document (SPD), the proposal would result in the need for 14 additional primary places at £14,830 per place, and 8 additional secondary school places at £22,347 per place. Accordingly, the total education financial contribution sought is £386,396.

(Officers comment: It is considered that securing the full amount would compromise the viability of the scheme. Officers consider that a contribution of £135,000 would sufficiently mitigate against the development and continue to make the scheme viable).

Primary Care Trust (PCT)

- 6.23 PCT seek a capital contribution of £107,000 to mitigate against the additional demands on health care facilities in the area.

(Officers comment: It is considered that securing the full contribution would compromise the viability of the scheme. On a finely balanced assessment of S106 matters, it was considered that securing the financial contribution of £37,800 should sufficiently mitigate against the development).

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 applicants also held a public consultation

No. of individual responses:	9	Objecting:	9	Supporting:	0
No of petitions	0			Supporting:	0

- 7.2 The following issue was raised in the individual representation that are material to the determination of the application:

Design

- 7.3
- The overall design and appearance of the development does not fit into the prevailing character of the area.

(Officers comment: It is considered that the proposed design would enhance the character and appearance of the site and surrounding area in general. Design matters are discussed further in paragraphs 8.51-8.65 of the report).

Density

- 7.4
- The proposal would result in overdevelopment of the site.

(Officers comment: It is considered that the proposal does not present any symptoms associated with overdevelopment as the proposal does not result in:

- *Unacceptable loss of sunlight and daylight to surrounding properties;*
- *Unacceptable loss of privacy and outlook to surrounding properties;*
- *Small unit sizes;*
- *Lack of open space and amenity space;*
- *Increased sense of enclosure;*
- *Adverse Impacts on social and physical infrastructure*

The proposed density of the scheme and associated material considerations are discussed further in paragraphs 8.17-8.25 of this report).

Highways

- 7.5
- The proposal would result in an increase in traffic congestion in the area.

(Officers comment: It is not considered that an additional 23 car parking spaces would unduly contribute to further congestion in the area).

- 7.6
- The proposal would result in an increase in traffic congestion in the area and would increase the pressure on the existing transport network.

(Officers comment: It is not considered that an additional 23 car parking spaces would unduly contribute to further congestion in the area. Moreover, it is considered that the existing public transport network would be sufficiently acquitted to cater for an additional 87 units as the site is highly accessible by public transport. Local bus services include no's 339, 488, 8, N8 and 276. In the case of London underground services, Mile End and Bow Rd are located close to the site. Both stations provide access to District, Hammersmith & City and Central Line services with Mile End station being the closest to the site. Dockland's Light Railway (DLR) services are available from Bow Church Station which is located within a walking distance of approximately 930mm from the site. DLR services operate from Bow Church station to Lewisham and Stratford).

Amenity

- 7.7
- The proposal would result in the loss of daylight to surrounding properties.

(Officers comment: The proposal would not result in an unacceptable loss of daylight to surrounding properties. This is discussed further to paragraphs 8.66- 8.82 of the report).

- 7.8
- The proposed construction works would result in unnecessary noise disturbance to local residents during the construction period.

(Officers comment: Hours of construction works would be restricted to 8am-6pm Monday to Friday; 9am-1pm on Saturday and not at all on Sundays or Bank holidays. In addition, power, hammer, piling, breaking works would be restricted from 10am-4pm Monday to Friday. This would be secured by way of condition to ensure that the amenity of the surrounding residents would be sufficiently protected against undue noise disturbance.

Water

- 7.9
- The proposal would have an adverse impact on water pressure on surrounding residents.

(Officers comment: Officers consider that the proposed additional 87 residential units should not result in the loss of water pressure to surrounding residents. Thames Water should be the responsible authority in ensuring that the water pressure to surrounding and future residents is acceptable).

- 7.10 All representations received are available to view at the committee meeting upon request.

8. MATERIAL PLANNING CONSIDERATIONS

- 8.1 The main planning issues raised by the application are as follows:

1. Land Use
2. Density
2. Design and Layout

3. Housing
4. Amenity
- 5: Highways and Transport
6. Sustainability and Renewable Energy
7. S106 Obligations

Land Use

- 8.2 The main land use issues to consider are as follows:
- The loss of employment floorspace
 - The acceptability of residential use on site

Loss of employment

- 8.3 Policy 4.4 of the London Plan (2011) stipulates that the Mayor would adopt a rigorous approach to industrial land management to ensure a sufficient stock of land and premises to meet the future needs of different types of industrial and related uses in different parts of London. Policies SP06 of the adopted Core Strategy (2010); policies EMP1 and EMP8 of the adopted UDP (1998) seek employment growth and the development of small businesses. Policy EE2 of the IPG (2007) seek to protect sites in employment use. The policies require that there should be no net loss of employment floorspace, unless it is demonstrated that the continued use of the land is no longer suitable for the site.
- 8.4 Policy DM15 of the Managing Development DPD (Proposed submission version 2012) stipulates that development should not result in the loss of active and viable employment uses, unless it can be shown, through a marketing exercise that the site is unsuitable for continued employment use due to its location, accessibility, size and general condition.
- 8.5 The existing cash and carry business is classified as B8 (industrial use) under the Town and Country Use Class Order (2010). The cash and carry currently employs 12 full time staff and 1 part time member of staff. The primary matter to consider is whether the loss of 2500 sqm of employment floorspace is acceptable for the site.
- 8.6 The applicant has submitted commercial advice from surveyors who were commissioned to consider the existing market conditions and the commerciality of retaining employment space in the new development. The report concluded that:
- It is unlikely significant investment for employment uses would be considered economically viable or would generate significant interest.
 - Access to the site could be problematic. The width of the access point off Tredegar Rd is approximately 25ft so an articulated 40 ft lorry would not be able to service the unit. Both Tredegar road and Balmer road are predominantly residential in nature and regular servicing of commercial building here may cause conflict with residential use or have adverse amenity implications.
 - In terms of location, although the premises are well located in terms of links to major roads, public transport and commercial facilities the frontage is extremely restricted. The only two points of access are from Balmer road and Tredegar road. In commercial terms the access and frontage to Balmer road is of negligible worth. Tredegar Road has more significant frontage but it would prove difficult to provide any high profile commercial presence fronting Tredegar road.
- 8.7 Officer's have carefully reviewed the commercial evidence and supports its findings and overall conclusions. It is considered that the loss of employment floorspace onsite is acceptable as the site is unsuitable for continued employment use due to its location,

accessibility and general condition.

General decline in light industrial floorspace

- 8.8 The Managing Development DPD (Proposed submission version 2012) identifies sites within the borough suitable for industrial development. The site is not located within a Local Industrial Location as identified in policy DM17 of the Managing Development DPD (Proposed submission version 2012)
- 8.9 There is a general decline in the demand for industrial floorspace in the area. The Sub Regional Development Framework for East London advises that there is more provision for economic activity than is necessary to meet future demand. The site is considered unsuitable for continued general and light industrial employment use due to its location, accessibility & size.
- 8.10 Given the general decline in demand for employment floorspace in the area and the poor quality of the accommodation being lost, there is no identifiable over riding demand to justify the re-provision of the employment floorspace. On site, the loss of employment floor space is therefore acceptable in terms of saved policies SP06 of the Core Strategy (2010); policy EMP1 and EMP8 of the UDP (1998); policy DM17 of the Managing Development DPD (Proposed submission version 2012) and EE2 of the IPG (Oct 2007) as it can be demonstrated that the employment use on site is no longer suitable for this site.

Proposed residential use on site

- 8.11 Policy 3.4 of the London Plan (2011) seeks to make the most efficient use of land and to maximise the development potential of sites which doesn't result in overdevelopment of the site. The policy seeks to achieve the highest possible intensity of use compatible with local context, design principles and public transport capacity. The policy is to secure sustainable patterns of development and regeneration through the efficient re-use of previously developed urban land, concentrating development at accessible locations and transport nodes.
- 8.12 Policy SP02 of the Core Strategy (2010) seeks to deliver 2,855 homes per year with new development focussed in identified parts of the borough, including Poplar.
- 8.13 The application site does not fall within any designation in the adopted Unitary Development Plan (1998) or the Interim Planning Guidance (Oct 2007). In the adopted Core Strategy (2010), the Vision for Bow is in part to:

"help to create a place for families which reflects the quieter, more community based side of living.....Bow should be promoted as a place suitable for families with terrace housing that offers private gardens".
- 8.14 The proposal makes provision for 21 units suitable for family accommodation. In addition, the three bedroom fronting Balmer Road is suitable for family based living and is highly accessible by public transport.
- 8.15 It is considered that the residential use would reinforce the predominantly residential character of the surrounding area. Moreover, the subject proposal would make the most efficient use of the land and bring forward sustainable development which responds to its context and doesn't result in overdevelopment of the site. The proposal would also help address the great requirement for affordable housing which is a priority focus for the borough. Housing matters are discussed further in paragraph 8.25-8.54 of the report.

Conclusion on land use matters

- 8.16 The proposal would deliver sustainable regeneration of the area and make the most efficient use of this land.

Density

- 8.17 National Planning policies PPS1 & PPS3 seek to maximise the reuse of previously developed land and promotes the most efficient use of land through higher densities.
- 8.18 Density ranges in the London Plan (2011) are outlined in policy 3.4 which seek to intensify housing provision through developing at higher densities, particularly where there is good access to public transport.
- 8.19 Policy SP02 of the Core Strategy (2010) seeks to ensure new housing developments optimise the use of land by corresponding the distribution and density levels of housing to public transport accessibility levels and the wider accessibility of that location.
- 8.20 Policy HSG1 of the Council's IPG (2007) specifies that the highest development densities, consistent with other Plan policies, would 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 the standard of accommodation for prospective occupiers, microclimate, impact on neighbours and associated amenity standards.
- 8.21 As noted in paragraph 4.8 of this report, the site has a public transport accessibility level (PTAL) rating of 5 which demonstrates that a good level of public transport service is available within the immediate vicinity of the site.
- 8.22 Table 3.2 of the London Plan (2011) suggests a density of 200-700 habitable rooms per hectare (hrph) for sites with a PTAL range of 5. The scheme is proposing 87 units or 238 habitable rooms. The proposed residential accommodation would result in a density of approximately 850 hrph and would therefore exceed the GLA guidance for sites with a PTAL rating of 5. However, the density matrix within the London Plan and Council's Core Strategy & IPG is a guide to development and is part of the intent to maximise the potential of sites, taking into account the local context, design principles, as well as public transport provision. Moreover, it should be remembered that density only serves an indication of the likely impact of development.
- 8.23 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 appropriate amenity space;
 - Increased sense of enclosure;
 - Increased traffic generation; and
 - Impacts on social and physical infrastructure
- 8.24 On review of the above issues later in this report, the proposal does not present any of the symptoms associated with overdevelopment. The density is considered acceptable primarily 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 adverse symptoms of overdevelopment that cannot be mitigated against through financial obligations.
- The provision of the required housing mix, including dwelling size and type and provision of affordable housing is acceptable.
- A number of obligations for affordable housing, health, community facilities, education, have been agreed to mitigate any potential impacts on local services and infrastructure within the constraints of the viability of the scheme.
- Ways to improve the use of sustainable forms of transport would be provided through a travel plan. This would be secured in the S106 Agreement.

Conclusion

- 8.25 Officers consider that scheme does not demonstrate many of the problems that a typically associated with overdevelopment.

Housing

Affordable housing

- 8.26 The draft National Planning Policy Framework notes that : *“where affordable housing is required, (local authorities should) set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities”*.
- 8.27 Policy 3.11 of the London Plan (2011) seeks the maximum reasonable amount of affordable housing, and to ensure that 60% is social housing and 40% is intermediate housing. Policy 3.9 seeks to promote mixed and balanced communities, with a mixed balance of tenures.
- 8.28 Policy 3.12 London Plan (2011) seeks to ensure the maximum provision of affordable housing is secured but does not set out a strategic target for affordable housing and notes that “ boroughs should take into account economic viability and the most effective use”.
- 8.29 Policy SP02 of the Core Strategy (2010) stipulates 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.
- 8.30 The proposal makes provision for 35% affordable housing by habitable rooms and therefore complies with Council policy.

Tenure type of affordable housing provision

- 8.31 The definition of affordable homes has been amended following alterations to national planning policy guidance contained in PPS3, issued in June 2011. The definition now includes an additional tenure known as “Affordable Rent” in addition to Social Rent and Intermediate Affordable housing.
- 8.32 The proposal makes provision for 14 affordable rent units and 12 intermediate units. The proposal does not make provision for any social rented housing.
- 8.33 The definition of Affordable Rent is such that it can be up to 80% of local market rent levels, which are considered unaffordable to LB Tower Hamlets residents.

- 8.34 Tower Hamlets has commissioned a housing consultancy called the Pod Partnership to research market rent levels in different areas of the borough and to carry out affordability analyses.
- 8.35 The POD research established what Affordable Rents at 80% of market value would be for the E3 area which is set out in table 3 below. The affordability analyses for all areas of the boroughs led to the conclusion that rents would only be affordable to local people if they were kept at or below 65% of market rent for one beds, 55% for two beds and 50% for three beds and larger properties.
- 8.36 The proposed rents for this scheme are to be kept within the Adjusted Affordable Rents as shown in table 1.

	80 % Market Rent	Adjusted Affordable Rent levels (market rent %)
1 bed	£185	£149 (65%)
2 bed	£248	£170 (55%)
3 bed	£306	£191 (50%)
4 bed	£379	£237 (50%)

Table 1: POD research for E3 area comparing 80% rent level against what is affordable

- 8.37 The following Table 2 summaries the affordable rented / intermediate split proposed against the London Plan and IPG.

Tenure	The Proposal	IPG 2007	CS 2010	London Plan
Affordable-Rent	60	80%	70%	60%
Intermediate	40	20%	30%	40%
Total	100%	100%	100%	100%

Table 2: Tenure split

- 8.38 As it can be seen from the table above, there has been a change in the policy position in relation to tenure split over time. The table illustrates that the scheme would provide 60% affordable rent and 40% intermediate units in accordance with London Plan policy. Whilst it is acknowledged that it is not in accordance with the Council's target, the applicant has provided detailed financial viability assessments that show that scheme viability requires a larger number of intermediate shared ownership units.

The continued deliverability of new housing schemes during the economic downturn

- 8.39 In assessing the subject proposal, one of the key issues to consider is the overall deliverability of the scheme during the economic downturn, and therefore the deliverability of much needed affordable housing on this site.
- 8.40 PPS3 (para 11) identifies overall objectives which require that housing polices account for market conditions. The deliverability of affordable housing, particularly in the current economic climate is a priority for the Council.
- 8.41 In summary, the composition of affordable housing has to be assessed in terms of what is appropriate and deliverable on this site, within the context of the local planning guidance,

local housing priorities and available funding. It is within this specific context that this proposal is considered acceptable and therefore recommended for approval. In addition, officers consider that the applicant's proposal to provide 35% affordable housing by habitable rooms would ensure that affordable housing would be delivered in line with housing needs of the borough.

Housing Mix

- 8.42 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”.
- 8.43 Pursuant to policy 3.8 of the London Plan (2011), 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.
- 8.44 Policy SP02 of the Core Strategy (2010) and the draft Managing Development DPD (2011) seek to create mixed use communities. A mix of tenures and unit sizes assists in achieving these aims. It requires an overall target of 30% of all new housing to be suitable for families (3bed plus), including 45% of new affordable rented homes to be for families.
- 8.45 Policy DM3 (part 7) of the draft Managing Development DPD (2011) requires a balance of housing types including family homes and details the mix of units required in all tenures. This guidance is based on the Council's most up to date Strategic Housing Market Assessment (2009).
- 8.46 The scheme is proposing a total of 87 residential units. The dwelling and tenure mix is set out below:

Affordable Housing										Private Housing		
Unit size	Total Unit	Affordable Rent		Social Rent			Intermediate			Market Sale		
		Unit	%	Unit	%	LBTH target	Unit	%	LBTH target	Unit	%	LBTH Target %
Studio	6	0	0	0	0	0	0			6	10	
1bed	34	2	14	0	0	30%	5	42	25%	27	44	50%
2bed	26	4	29	0	0	25%	5	42	50%	17	28	30%
3bed	19	6	43	0	0	30%	2	17	25%	11	18	20%
4bed	2	2	14	0	0	15%	0	0		0		
Total	87	14	100	0	0	100	12	100	100	61		

Table 3: Proposed dwelling and tenure mix

- 8.47 As the table illustrates above, the proposed new residential mix would comprise 61 private units, 14 affordable rent units and 12 intermediate units. Overall the scheme offers an acceptable range of unit sizes. 8 of the affordable rent units would be suitable for family accommodation, which equates to 57%. 2 intermediate units and 11 units for sale are family sized, providing 17% and 18% respectively. Overall, the scheme makes provision for 24%

family housing (21 of 87 units). The lower numbers of family units in the intermediate and sale tenures are balanced by the provision of family accommodation for affordable rent, which answers the council's priority need for family housing.

Wheelchair housing and lifetime homes

- 8.48 Policy HSG9 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. The application incorporates these principles. Within the affordable rent provision in blocks B & C, 9 units can be adapted to be fully accessible. The scheme therefore meets the requirement for the provision of 10% wheelchair homes together with 100% lifetime homes.
- 8.49 Should planning permission be approved, appropriate conditions should be attached to secure the delivery of accessible residential units and parking spaces.

Conclusion on housing matters

- 8.50 The proposal provides an acceptable amount of affordable housing and mix of units overall. As such, the proposal offers a suitable range of housing choices.

Design

- 8.51 The main design issues to be considered are as follows:
- The proposed height, scale, bulk and massing of the development
 - The impact the proposal has on the adjacent Medway Conservation Area
 - The assessment of the existing building on site in light of National Planning Policy Statement 5 ('Planning for the Historic Environment')

Height, scale, bulk and massing

- 8.52 Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.4 specifically seeks high quality urban design having regard to the pattern and grain of the existing spaces on streets. Policy 7.6 seeks highest architectural quality, enhanced public realm, materials that compliment the local character, quality adoptable space, optimising the potential of the site.
- 8.53 Saved policies DEV 1, DEV 2 and DEV 3 of the Unitary Development Plan (1998) and policy DEV 2 of the Council's Interim Planning Guidance (2007) seeks to ensure that all new developments are sensitive to the character of their surroundings in terms of design, bulk, scale and use of materials. Core Strategy (2010) policy SP10 and policy DM23 & DM24 of the Managing Development DPD (Proposed submission version 2012) seek to ensure that buildings, spaces and places are high-quality, sustainable, accessible, attractive, durable and well integrated with their surrounds.
- 8.54 There is no single style of architecture which characterises the immediate or surrounding area. The general street scene provides for a variety of design, form and massing. The height of the taller element of the proposed development is not considered out of character given the exiting and emerging context and heights in the area.
- 8.55 As noted in paragraph 4.2, blocks A & C are comprised of a 5 storey building (4 storeys with a fifth storey setback); block B comprises of a 6 storey building (5 storeys plus sixth storey setback).The surrounding area is characterised by residential developments of

varying heights. For example, the neighbouring property at Stavers House is a 3 storey residential development; a 4 storey resident block on the opposite side of Tredegar Road (Berebinder House), a 20 storey residential tower at Saxon Road, a 5/6 storey development at Ordell Road to the east of the Post Office and a 6/7 storey development directly across the railway at Malmesbury Road. As such, the height of the development responds appropriately to its surrounding context.

- 8.56 The proposed set back storeys to each block are constructed with lightweight material (glazing) which reduces the massing of the development and adds to its overall visual interest. It is considered that the proposed contemporary design responds positively to its context and would enhance the appearance of the site and general streetscene.

Impact on the setting of Medway Conservation Area

- 8.57 PPS5; policy 7.8 of the London Plan (2011) SP10 of the Core Strategy (2010) & policy DEV 2 of the Interim Planning Guidance (2007) seek to protect the character and appearance of Conservation Areas and areas of historic interest. .
- 8.58 The Councils adopted Medway Conservation Area Appraisal notes that it is "*characterised by the homogenous layout of small scale streets, containing row of terraces, presenting the horizontal emphasis of the terrace typology*".
- 8.59 In land use terms, the land use character of the Medway Conservation Area is predominantly residential, with the largest part of the Conservation Area made up of terraced houses from the 1970s. Other land uses include retail premises on the ground floor along the Roman Road frontage, with residential flats above.
- 8.60 The terrace house proposed on Balmer Road part of the site would complement the scale and character of the opposite two storey Victorian properties and contribute positively towards the setting of the conservation area, and picks up on the fenestration and detailing of the existing Balmer Road. This building also provides a transition in scale between 6 storey building at the centre of the site and the 2 storey properties on Balmer Road.
- 8.61 Whilst contemporary in design, the proposal is respectful of its context. In terms of materials, the buildings have been designed in brick to respond to the character of the surrounding buildings. The applicant notes that bricks would be reused from the original warehouse building for the new detached house which would help to integrate these buildings into their setting in accordance with PPS5; policies 7.8 of the London Plan (2011) SP10 of the Core Strategy (2010) & policy DEV 2 of the Interim Planning Guidance (2007) seeks to protect the setting of Conservation Areas and areas of historic interest.

Consideration of the existing building as a 'heritage asset'.

- 8.62 National Planning Policy Statement 5 'Planning for the historic environment' sets out planning policies on the conservation of historic environment and stipulates that Local Planning Authorities should seek to identify and assess the particular significance of any element of the historic environment that may be affected by the relevant proposal.
- 8.63 Although the existing building on site is of merit, officers consider it to be in poor condition and have limited visual impact given that it is set deep within the site. The building is neither statutory nor locally listed and its demolition would not have an adverse impact on the local historic environment.

Safety and Security

- 8.64 Policy 7.3 of the London Plan (2011); policy SP10 of the Core Strategy (2010); DEV 1 of the UDP (1998); policy DEV 4 of the IPG (2007) requires all development to consider the safety and security of development, without compromising the achievement of good design and inclusive environments. The applicant would be required to submit a Secure by Design Statement. This would be secured by way of condition.

Conclusion on design matters

- 8.65 The building height, scale, bulk and design is acceptable as proposal would create a sustainable, accessible, attractive development which is well integrated into its surroundings.

Amenity

- 8.66 Policy SP10 of the Core Strategy (2010) seeks to protect amenity, and promote well-being including preventing loss of privacy and access to daylight and sunlight. Saved policies DEV1 and DEV2 of the UDP (1998) and policies DEV 1 of the IPG (2007) and DM25 of the Managing Development DPD (Proposed submission version 2012) requires that developments should not result in a material deterioration of sunlight and daylight conditions.
- 8.67 The applicant has provided a Daylight and Sunlight assessment in support of their application outlining the daylight and sunlight received by the most affected buildings adjacent to the development site and the development itself. The Daylight and Sunlight report has assessed the impact on the daylight and sunlight levels against the guidance provided in the 'Site Layout Planning for Daylight and Sunlight A guide to good practice...second edition' (2011) providing the results of the effect on daylight in terms of the tests use in the BRE guidelines.
- 8.68 Daylight is normally calculated by three methods - the vertical sky component (VSC), Daylight Distribution (NSL) and the average daylight factor (ADF). BRE guidance requires an assessment of the amount of visible sky which is achieved by calculating the VSC at the centre of the window. The assessment examined VSC & ADF tests. The VSC should exceed 27%, or not exhibit a reduction of 20% on the former value, to ensure sufficient light is still reaching windows. In the event that these figures are not achieved, consideration should be given to other factors including the NSL and ADF. The ADF calculation takes account of the size and reflectance of a rooms surfaces, the size and transmittance of its window(s) and the level of VSC received by the window(s). This is typically used to assess the quality of accommodation of new residential units, as opposed to neighbouring units.
- 8.69 The assessment was carried out to the surrounding properties which would be most affected by the development. These include Stavers House which comprises of a three storey residential building with small rear gardens; no. 36 Tredegar Road which forms a three storey end of terrace property to the west of the site; nos 1-7 Balmer Road which comprise a terrace of two storey properties which front directly onto the street and Barford House is a three storey residential block situated opposite the existing entrance to the north east of the site. Overall, 21 worst case scenario windows were assessed and achieved 100% compliance with BRE guidance.
- 8.70 The report also demonstrates that the proposal would not have an unduly adverse impact on the development itself. The daylight was undertaken at lower ground to first floor levels as these were the most affected properties. Overall 68% of the rooms assessed comply with BRE/BS guide levels. The levels of compliance for the floors above first floor level would be higher. Given the urban context of the site, officers consider that the degree of non compliance is not significant and a reason for refusal could not be sustainable on this

ground as the benefits of the scheme are considered to outweigh any minor impact on daylight levels.

Sunlighting

- 8.71 Sunlight is assessed through the calculation of the annual probable sunlight hours (APSH). This method of assessment considers the amount of sun available in the summer and winter, for windows within 90 degrees of due south. The results of the sunlight analysis demonstrate that all of the windows assessed serving neighbouring residential properties would comply fully with the BRE annual and winter sunlight guide levels with the development in place.
- 8.72 With reference to the development itself, 68% of the windows assessed would comply with the BRE annual sunlight guidance and 96% of windows assessed would comply with winter sunlight guidance. The degree of non compliance is not significant as to warrant a reason for refusal onsite. Whilst there are failures, on balance, and in the context of the whole development and the dense urban environment, the overall impact on sunlight is considered acceptable.
- 8.73 It is considered that the proposed development is generally in keeping with the BRE guidance, Policy 4B.10 of the London Plan (2008), saved Policies DEV1 and DEV2 of the UDP (1998), Policies DEV1 and DEV27 of the IPG (2007), policies DM25 of the Managing Development DPD (Proposed submission version 2012) & policy SP10 of Core Strategy (2010) with regards to sunlight and daylight, and accordingly the proposals are not likely to cause any adverse impacts to the surrounding residential properties.

Overshadowing

- 8.74 The submitted Daylight and Sunlight Assessment includes an overshadowing assessment. It demonstrates the extent of permanent overshadowing that would arise from the proposed development. The proposal would not result in any material detrimental impact on existing neighbouring amenity or result in unacceptable levels of overshadowing on the proposed communal and child playspace.
- 8.75 Unlike, sunlight and daylight assessments, 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.
- 8.76 The levels of sunlight experienced within gardens neighbouring the site and the proposed areas of amenity space within the development have been assessed. The overshadowing assessment is based on transient overshadowing plots which provide an illustration of shadow impacts throughout the day, and permanent overshadowing levels in the context of the BRE overshadowing test.
- 8.77 The BRE report advises that for spaces to appear adequately sunlit throughout the year at least half of gardens or amenity areas should receive at least two hours of sunlight on the 21st of March. If this is not achieved, the result should not be more than 80% of it's former value.
- 8.78 The proposed development would cause the gardens serving the units within Stavers House to experience some shadow during the morning on this date; however, the development would not have any effect on the gardens at midday and throughout the afternoon. The proposed central courtyard and the amenity space between block C and the detached house would experience some overshadowing during the early morning and afternoon, but would receive good levels of direct sunlight during the late morning, at

midday and in early afternoon.

- 8.79 With reference to the development itself, the area of amenity space within the development in permanent shadow would remain below 20% of its total area on this date. The development is therefore in compliance with the BRE guidance in terms of overshadowing.

Overlooking and Privacy

- 8.80 Policies SP10 of the Core Strategy (2010); DEV2 of the UDP (1998) and DM26 of the draft Managing Development DPD (2012) seek to protect residential amenity by ensuring neighbouring residents are not adversely affected by a loss of privacy or a material deterioration in their daylighting and sunlighting conditions. New developments will also be assessed in terms of their impact upon residents visual amenities and the sense of enclosure it can create. More specifically, DEV 2 of the UDP (1998) seeks a minimum distance of 18m between facing habitable rooms and this is well in excess of this.
- 8.81 The distance between the habitable on the northern elevation at block C and Stavers House is approximately 20 metres. The distance between windows directly facing each at blocks B & C fronting the courtyard is 18 metres. As such, the proposal would not result in the undue loss of privacy to local and future residents.

Conclusion on amenity matters

- 8.82 Officers consider that the proposal would give rise to any adverse impacts in terms of privacy, overlooking, sense of enclosure, loss of sunlight and daylight upon the surrounding properties.

Noise

- 8.83 PPG24 is the principal guidance adopted within England for assessing the impact of noise on proposed developments. The guidance uses noise categories ranging from NEC A where noise doesn't normally need to be considered, through to NEC D where planning permission should normally be refused on noise grounds.
- 8.84 Policy 7.15 of the London Plan (2011) sets out guidance in relation to noise for new developments and in terms of local policies, saved policies DEV2 and DEV50 of the UDP (1998), policies DEV1, DEV10, DEV12, DEV27 and HSG15 of the IPG (2007), and policies SP03 and SP10 of the Core Strategy (2010) and DM25 of the Managing Development DPD (Proposed submission version 2012) seek to minimise the adverse effects of noise.
- 8.85 Within the submitted Noise and Vibration assessment, noise attenuation measures have been recommended to all rooms with a view of partial view of the railway. Such measures would also adequately control any potential noise from the adjacent Royal Mail Sorting Office. Acoustic double glazing has been recommended to all rooms and acoustic air bricks or ventilators are recommended where 'acoustic' glazing is to be installed.
- 8.86 Subject to appropriate conditions as set out in paragraph 6.5 of this report, it is considered that the proposal is in keeping with Planning Policy Guidance Note 24, policies SP03 and SP10 of the Core Strategy (2010); Saved policies DEV2 and DEV50 of Tower Hamlets UDP (1998), policies DEV1, DEV10, DEV12 and DEV27 of Tower Hamlets IPG (2007) and DM25 of the Managing Development DPD (Proposed submission version 2012) which seek to protect the amenity of local properties.

Amenity Space Provision

Communal and Private amenity space

- 8.87 "Saved" policy HSG16 of Tower Hamlets UDP (1998), Policy HSG7 of Tower Hamlets IPG (2007) and policy DM4 of the draft Managing Development DPD (2012) require all new housing to include an adequate provision of amenity space, designed in a manner which is fully integrated into a development, in a safe, accessible and usable way, without detracting from the appearance of a building.

Private amenity space

- 8.88 Specific amenity space standards are guided by Policy DM4 of the Council's draft Managing Development DPD (2012) would follows the Mayor's Housing Design Guide standards and specifies a minimum of 5sqm of private outdoor amenity space for 1-2 person homes and an extra 1sqm for each additional occupant. It also requires balconies and other private external spaces to be a minimum width of 1.5m.
- 8.89 As outlined in the table below, the development would be required to provide a minimum provision of 554 sqm of private amenity space.

Private Amenity Space			
No of units	Required Amount (Draft MD DPD 2011)	Required Amount (sqm)	Proposed
6 Studios	6 x 5sqm	30	30
34 x 1 Beds	34 x 5sqm	170	194
26 x 2 Beds	26 x 7sqm	182	130
19 x 3 beds	19 x 8sqm	152	265
2 x 4 beds	2 x 10sqm	20	59
Total:		554 sqm	678sqm

Table 4: Private amenity space provision

- 8.90 The table above identifies that the policy requirement for private amenity space is 554 sqm. The proposal makes provision for 678 sqm of private amenity space and therefore exceeds policy requirement and supported by officers. Whilst many of the family units have access to their own private gardens, the vast majority of private amenity space is provided by balconies.

Communal amenity space

- 8.91 In terms of communal amenity space, policy DM4 requires 50sqm for the first 10 units, plus 1sqm for every additional unit thereafter. As such, the proposal would be required to provide 127 sqm of communal amenity space. The proposal makes provision for 550sqm and therefore exceeds policy requirement.

Child playspace

- 8.92 Planning Policy Statement 3 sets out the importance of integrating play and informal recreation in planning for mixed communities.
- 8.93 Policy 3.6 of the London Plan (2011), policy SP02 of the Core Strategy (2010) and policy DM4 of the Managing Development DPD (Proposed submission version 2012) requires the provision of new appropriate play space within new residential development. Policy DM4 specifically advises that applicants apply LBTH child yields and the guidance set out in the

Mayor's SPG on 'Providing for children and young people's play and informal recreation' (which sets a benchmark of 10sqm of useable child play space per child).

- 8.94 The Council's IPG (2007) suggests that proposals should provide 3sqm of play space per child. The Mayor's SPG 'Providing for Children and Young People's Play and Informal Recreation' sets a benchmark of 10 sqm of useable child play space per child, with under 5 child play space provided on site. Accordingly, the policy requirement for child playspace onsite is 290sqm. The proposal makes provision for 333sqm amount of child playspace which exceeds the policy requirement and supported by officers. The child playspace would be located in a safe and secure area within the site. The applicant would be required to submit further details of the child playspace onsite. This would be secured by way of condition.

Conclusion on amenity space matters

- 8.95 The provision of private, communal and child playspace is acceptable in accordance with relevant policy.

Highways and Transport

Accessibility/connectivity & transport

- 8.96 PPG13 and policy 6.1 of the London Plan (2011) seek to promote sustainable modes of transport and reduce the need to travel by car. Policy 6.3 also requires transport demand generated by new development to be within capacity.
- 8.97 Saved UDP policies T16, T18, T19 7& T21, Core Strategy policy SP08 & SP09 and policy DM20 of the draft Managing Development DPD (2012) seek to deliver accessible, efficient and sustainable transport network, ensuring new development has no adverse impact on the safety and road network capacity, requires the assessment of traffic generation impacts and also seeks to prioritise and encourage improvements to the pedestrian environment.
- 8.98 As noted in paragraph 4.8 of this report, the site has a PTAL rating of 5 which means it is highly accessible to public transport. Local bus services include no 339, 488, 8, N8 and 276. In the case of London Underground services, Mile End and Bow Road are located close to the site. Both stations provide access to District, Hammersmith & City and Central Line services with Mile End station being the closest to the site. Dockland's Light Railway (DLR) services are available from Bow Church station which is located within a walking distance of 930m from the site.

Car Parking

- 8.99 There are parking policies to be found in the London Plan, the Interim Planning Guidance and the Managing Development DPD (Proposed submission version 2012), these are as follows:
- London Plan 2011 the standards are 1.5- 2 spaces per 4 bed units, 1-1.5 spaces per 3 bed flats and less than one space per 1-2 bed flats
 - Interim Planning Guidance standards are up to 0.5 spaces per unit
 - The Managing Development DPD (Proposed submission version 2012) has a requirement of zero parking provision for 0-2 bedroom units and 0.1 for three bedroom units or more.
- 8.100 At the current time, the London Plan is the only adopted policy document from those listed

above and is therefore considered to be most relevant. A supplementary planning document is being produced by the GLA which will be more specific about the level of car parking to be provided which would be dependant on the PTAL of the site. This is however only in draft form and has not been adopted. According to the London Plan standards the provision of 23 parking spaces would be acceptable.

- 8.101 19 of the car parking spaces would be located at lower ground floor level 4 at ground floor level to be accessed from Tredegar road. Out of the 23 parking spaces, 8 spaces would be designated for occupants of the family units within the affordable rent tenure, which is supported by officers.

Permit/car free agreement

- 8.102 The application proposes a 'car free' agreement which would prevent residents from applying for car parking spaces onsite. However, should the future occupants be relocated from existing social housing within the borough into a three bed or larger unit, they would benefit from the Council's Permit Transfer Scheme which allows the transfer of existing parking permits to new housing within the borough boundary.

Cycle Parking

- 8.103 Policy 6.9 and table 6.3 of the London Plan (2011) stipulates that for residential development, 1 cycle space should be provided per 1 or 2 bed units and 2 cycle spaces should be provided for 3 or more bed units. As such, 108 spaces should be provided for the residents and 9 for visitors. Therefore, 117 spaces in total are required to accord with this policy.
- 8.104 The proposal makes provision for 117 cycle spaces which would be stored in covered Sheffield stands which comply with policy.

Refuse and recycling

- 8.105 Policies SP05 of the Core Strategy (2010); DEV 55 of the Unitary Development Plan (1998); policy DM14 of the draft Managing Development DPD (2012) & DEV 15 of the Interim Planning Guidance (Oct 2007) seeks to ensure that developments make adequate provision for refuse and recycling facilities in appropriate locations.
- 8.106 The proposal makes provision for 23 refuse and recycling bins (15 refuse bins & 8 recycling bins) located at lower ground floor. The application proposes onsite servicing arrangements for refuse and recycling facilities for blocks A & B. Vehicles would access from Tredegar road and would take the form of a ramp leading down to the lower ground level to collect the waste for blocks A & B. Refuse and recycling bins for blocks C and the detached dwelling would be located at ground floor level and serviced off Balmer Road, outside the site, similar to other servicing arrangements of other properties along Balmer Road.

Servicing

- 8.107 The application proposes on site servicing and vehicle access to the site would be maintained at the same location as the existing vehicle access point on Tredegar Road.
- 8.108 As above, the vehicle access from Tredegar Road would take the form of a ramp leading down to the lower ground level where the main on site parking area is to be located. Refuse vehicle would drive into the site and collect refuse from the refuse store close to Tredegar Road.

- 8.109 The applicant would be required to submit a Servicing and Delivery Management Plan. This would be secured by way of condition to ensure that servicing arrangements would not compromise pedestrian or vehicular safety.

Conclusion on transport/highway matters

- 8.110 Subject to conditions and appropriate S106 contributions, transport matters, including vehicular and cycle parking, vehicular and pedestrian access are acceptable and the proposal should not have a detrimental impact on the public highway.

Energy & Sustainability

- 8.111 At a national level, PPS22 and PPS1 encourage developments to incorporate renewable energy and to promote energy efficiency. At a strategic level, the climate change policies as set out in Chapter 5 of the London Plan 2011 and policies SO24 and SP11 of the Core Strategy (2010) seek to mitigate climate change and reduce carbon dioxide emissions.
- 8.112 The London Plan (2011) sets out the Mayor of London's energy hierarchy which is to:
- Use Less Energy (Be Lean);
 - Supply Energy Efficiently (Be Clean); and
 - Use Renewable Energy (Be Green).
- 8.113 Policy 5.2 of the London Plan 2011 includes the target to achieve a minimum 25% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy.
- 8.114 Policy SO3 of the Core Strategy (2010) seeks to incorporate the principle of sustainable development, including limiting carbon emissions from development, delivering decentralised energy and renewable energy technologies and minimising the use of natural resources. Policy SP11 of the Core Strategy (2010) requires all new developments to provide a 20% reduction of carbon dioxide emissions through on-site renewable energy generation.
- 8.115 Policy DM29 of the Managing Development DPD (Proposed submission version 2012) requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. At present the current interpretation of this policy is to require all residential developments to achieve a Code for Sustainable Homes Level 4 rating and all non-residential schemes to achieve a BREEAM Excellent rating.
- 8.116 The energy strategy follows the Mayor's of London's energy hierarchy as detailed above. The development would make use of energy efficiency and passive measures to reduce energy demand (Be Lean). The integration of a communal heating scheme incorporating a Combined Heat and Power (CHP) engine to supply the space heating and hot water requirements in accordance with policy 5.6 of the London Plan would reduce energy demand and associated CO2 emissions (Be Clean).
- 8.117 Photovoltaic cells are proposed to provide a source of on site renewable energy (Be Green). The technologies employed would result in a 4.5% carbon savings over the baseline. Through the maximisation of the CHP system to deliver space heating and hot water it is acknowledged that achieving a 20% reduction in CO2 emissions through renewable energy technologies is not feasible. The applicant has demonstrated that the proposed CO2 emission reduction through PV's (98m2 array with peak output of 14.7kWp) is the maximum that can be achieved from renewable energy technologies for the site.

- 8.118 Whilst the proposed development is not strictly in accordance with policy SP11 of the Core Strategy (2010), Officers support the application as the development is in compliance with policy 5.2 of the London Plan (2011) through achieving a cumulative 44.4% reduction above Building Regulation 2006 requirements (This is equivalent to a 25% reduction against Building Regulations 2010).
- 8.119 The anticipated reduction in carbon emissions through energy efficiency measures, a CHP power system and renewable energy technologies is considered to be acceptable and in accordance with the above mentioned development plan policies. It is recommended that the strategy is secured by condition and delivered in accordance with the submitted Energy Strategy.
- 8.120 In terms of sustainability, London Borough of Tower Hamlets requires all new residential development to achieve a Code for Sustainable Homes Level 4 rating. This is to ensure the highest levels of sustainable design and construction in accordance with policy 5.3 of the London Plan 2011 and policy DM29 of the draft Managing Development DPD (2012).
- 8.121 The submitted Sustainability Statement details how the development will achieve a Code for Sustainable Homes Level 4 rating. It is recommended that the achievement of a Code Level 4 is secured by way of condition.

Summary on energy and sustainability matters

- 8.122 Subject to the recommended conditions as identified in paragraph 3.3 of this report, it is considered that energy and sustainability matters, including energy, are acceptable and in line with policies PPS22, PPS2, S03& SP11 of the Core Strategy (2010) and DM29 of the Development Management DPD (Proposed submission version 2012) which seek to promote sustainable development practices.

Section 106 Agreement

- 8.123 As set out in Circular 05/2005, planning obligations should only be sought where they meet the 5 key tests. The obligations should be:
- (i) Relevant to planning;
 - (ii) Necessary to make the proposed development acceptable in planning terms;
 - (iii) Directly related to the proposed development;
 - (iv) Fairly and reasonably related in scale and kind to the proposed development;
- and
- (v) Reasonable in all other respects.
- 8.124 More recently, regulation 122 of the Community Infrastructure Levy Regulations 2010 brings into law policy tests for planning obligations which can only constitute a reason for granting planning permission where they are:
- (a) Necessary to make the development acceptable in planning terms;
 - (b) Directly related to the development; and
 - (c) Are fairly and reasonably related in scale and kind to the development.

- 8.125 Policies 8.2 of the London Plan (2011), Saved policy DEV4 of the UDP (1998), policy IMP1 of the IPG (2007) and policy SP13 in the Core Strategy (2010) seek to negotiate planning obligations through their deliverance in kind or through financial contributions.

- 8.126 The Council's draft Supplementary Planning Document on Planning Obligations was

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

- Affordable Housing
- Employment, skills, training and enterprise
- Community facilities
- Education

The borough's other priorities include:

- Health
- Sustainable Transport
- Public Realm
- Environmental Sustainability

8.126 In light of this, LBTH Officers have identified the following contributions to mitigate against the impacts of the proposed development, which the applicant has agreed. As such, it is recommended that a S106 legal agreement secure the following Heads of Terms:

financial contributions

- 8.127 Affordable housing provision of 35% of the proposed habitable rooms with a 60% (target rent)/ 40% (intermediate)
- £135,000 - towards education facilities.
 - £86,400 towards community facilities
 - £7,800 towards employment skills and training
 - £37,800 towards health care facilities
 - £3,000 towards Section 106 monitoring

Total financial contribution sought = £270,000

non financial contributions

- 8.128
- Endeavours to achieve 20% local procurement at construction phase
 - 20% of non technical jobs in the construction phase to be advertised exclusively through skillsmatch for a limited period with reasonable endeavours used to ensure that a target of 20% employment of local residents is achieved
 - Travel Plan
 - 'Car free' Agreement

Education

8.129 Increased residential development impacts on the demand for school places within the borough. Where there is a child yield output from a development, the Council would seek contributions towards additional primary and secondary school places across the borough. Financial contributions towards Education would be pooled in line with Circular 06/2005. The contribution of £135,000 would allow expenditure on Education to be planned on a Borough wide basis to meet the Education need for its residents.

Community facilities

8.130 Community facilities provide the space for community groups within the Borough to meet and carry out activities and include, but not limited to, community centres, Idea Stores,

libraries and leisure centres. Community facilities provide the space for community groups within the Borough to meet and carry out community activities. The Borough has a range of facilities but their condition means they are not always able to cope with the demand upon these groups and potentially new community groups emerging in Tower Hamlets. This new residential development would bring additional people and there would be an increased demand on existing community facilities. Officers consider that the proposed financial contribution of £86,400 towards community facilities would sufficiently mitigate against the development and continue to make the scheme viable.

Health

- 8.131 Where the residential population in the Borough is increased through new development, there is further pressure upon existing health facilities and a subsequent demand for new ones. The Council would mitigate that impact by securing contributions from new residential developments towards health facilities in the Borough.
- 8.132 Due to the Borough wide impact, financial contributions towards health facilities would be pooled in line with Circular 05/2005. The contribution of £37,800 would allow expenditure on health to be planned on a Borough wide basis to meet the need for its residents.

Employment & training

- 8.133 The Council will seek to secure a financial contribution of £7,900 to support and/or provide the training and skills needs of local residents in accessing the job opportunities created through the construction phase of all new development. This contribution will be used by the Council to provide and procure the support necessary for local people who have been out of employment and/or do not have the skills set required for the jobs created.

Monitoring Section 106 Agreement

- 8.134 The requirement on the Council to monitor all aspects of s106 Agreements carries a financial cost that constitutes an impact of new development. Accordingly, the Council would include a monitoring fee as a financial contribution for each s106 agreement. All planning obligations, whether financial or in-kind, require monitoring to ensure the obligations is fully complied with and in line with the trigger date as well as the relevant legal requirements. The Council will require a contribution equivalent to two percent (2%) of the total financial contribution secured against each s106 agreement. As such, it is considered that £3,000 towards the monitoring of the Section 106 Agreement is appropriate.
- 8.135 In terms of non-financial obligations, the applicant has also been asked to use reasonable endeavours to ensure:
- 8.136
- 20% of the construction phase workforce would be local residents of Tower Hamlets

The Council would support the developer in achieving this target through providing suitable candidates through the Skillsmatch Construction Services. The Skillsmatch Service would also assist in local procurement through advertising upcoming contracts in the East London Business Place and facilitating an integrated consultation event with a number of developers to enable them to meet with prospective local suppliers.

- 8.137
- 20% Local procurement at construction phase
 - This requirement would be captured in the S106 requiring the developer to include a 'local procurement clause' for their subcontracting supply chains. The developer

would provide LBTH with a list detailing a package of works/trades, so that LBTH can match these requirements with appropriate suppliers within the Borough.

- *Car Free*

8.138 The applicant would be required to enter into a "car free" agreement which would restrict residents from applying for on-street car parking permits.

8.139 The applicant has submitted a toolkit to justify the proposed level of affordable housing and financial contributions whilst continuing to make the scheme viable. The viability assessment has been externally reviewed and it was concluded that the Section 106 offer of 35% affordable housing and financial contributions of £270,000 would sufficiently mitigate against the development and continue to make the scheme deliverable.

- *Travel Plan*

8.140 Travel Plans are a key tool to ensuring developments minimise adverse environmental impacts of the travel demand that it generates. Development of the nature and scale proposed would generate different travel demands when compared to the existing use.

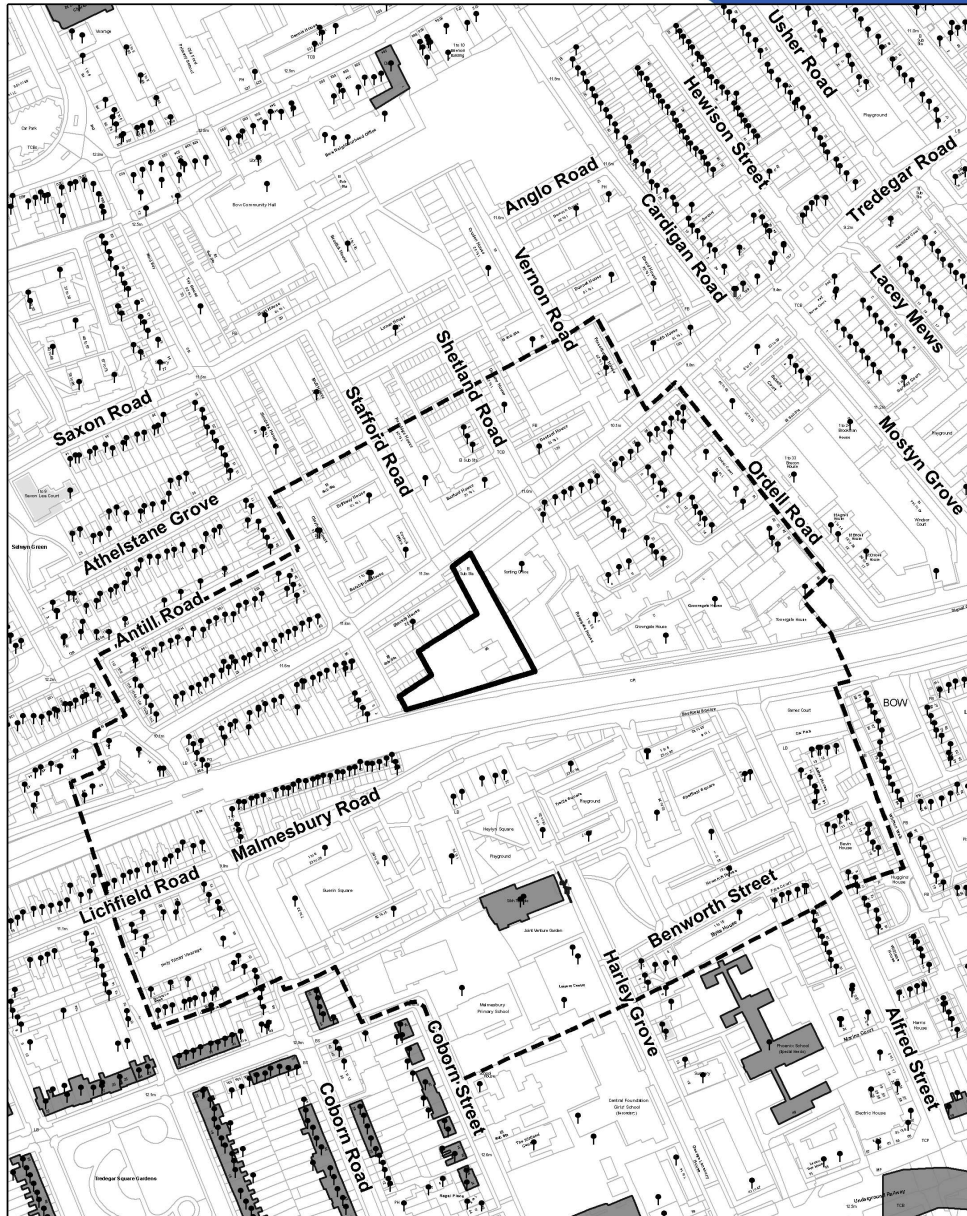
Conclusion on S106 matters

8.141 Officers consider that the proposed Section 106 offer would not compromise the viability of the scheme and ensures that the proposal would mitigate the impacts of the development.

9 Conclusions

9.1 All other relevant policies and considerations have been taken into account. Planning permission should not 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	Locally Listed Buildings	Land Parcel Address	
Consultation Area	Statutory Listed Buildings	0 30 m 	

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.
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Agenda Item 7.2

Committee: Development Committee	Date: 8 th March 2012	Classification: Unrestricted	Agenda Item Number: 7.2
Report of: Director of Development and Renewal Case Officer: Beth Eite		Title: Town Planning Application Ref: PA/1101818 Location: Site At North East Junction Of Cable Street And Ratcliffe Cross Street, Cable Street, London, E1 Ward: Shadwell (February 2002 onwards)	

1 Application Details

<u>Location</u>	Site At North East Junction Of Cable Street And Ratcliffe Cross Street, Cable Street, London, E1
<u>Reference:</u>	PA/11/1818
<u>Existing Use:</u>	Vacant
<u>Proposal:</u>	Mixed use development containing 57 apartments and 970sqm of commercial space for A1, B1 and D1 use as a part 7, part 8 storey development.
<u>Drawing no's</u>	E100 rev E, P100 rev N, P101 rev N, P102 rev N, P103 rev Q, P104 rev R, P105 R, P106 rev N, P107 rev R, P108 rev N, P109 rev N, P110 rev N, P111 rev N, P112 rev N, P113 rev N, P114 rev N, P115 rev N, P116 rev N, P117 rev N, P118 rev N and P119 rev N.
<u>Documents</u>	Revised Daylight and Sunlight Assessment ref 06887/03/IR/BK, Transport Statement dated July 2011, Ground Investigation Report by DC Planning dated July 2011, Environmental Noise assessment by Loven acoustics dated 11th July 2011, Air quality assessment by Accon UK dated 8/9/2011 and Sustainability & Energy Statement dated 2nd September 2011.
<u>Applicant:</u>	Magri Developments
<u>Ownership:</u>	As above
<u>Historic Building:</u>	N/A
<u>Conservation Area:</u>	York Square

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

The local planning authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the Core Strategy 2010, the London Borough of Tower Hamlets Unitary Development Plan, the Council's Managing

Development DPD (Proposed submission version 2012), the London Plan 2011 and Government Planning Policy Guidance and has found that:

- 2.1 The proposal is considered acceptable in land use terms as it would retain the employment use by re-providing it elsewhere on the site in accordance with policies EMP1 of the Unitary Development Plan 1998 and DM15 of the Managing Development DPD (Proposed submission version 2012), and would provide additional housing for the borough in accordance with PPS3: Housing, policy 3.3 of the London Plan and policy SP02 of the Core Strategy 2010.
- 2.2 The building height, scale, bulk and design is acceptable and enhances the character and appearance of the existing streetscene and York Square Conservation Area, in accordance with Policies: DEV1 and DEV2 of the Council's Development Plan 1998; DM26 and DM27 of the Development Management DPD (Proposed submission version 2012),); and SP10 and SP12 of Core Strategy 2010 which seek to ensure buildings and places are of a high quality design and suitably located.
- 2.3 The proposal provides an acceptable amount of affordable housing and mix of units. As such, the proposal is in line with policies 3.8, 3.10, 3.11, 3.12, 3.13 of the London Plan 2011, saved policy HSG7 of the Council's Unitary Development Plan 1998, policy DM3 of Development Management DPD (Proposed submission version 2012), and policy SP02 of the Core Strategy Development Plan Document 2010 which seek to ensure that new developments offer a range of housing choices.
- 2.4 The scheme provides acceptable space standards and layout. As such, the scheme is in line with policies DEV1 and DEV2 of the Council's Unitary Development Plan 1998, DM4 of the Development Management DPD (Proposed submission version 2012), and policy SP02 of the Core Strategy Development Plan Document 2010 and policy 3.5 of the London Plan 2011 which seek to provide an acceptable standard of accommodation.
- 2.5 The proposed amount of amenity space is acceptable and in line with saved policy HSG16 of the Council's Unitary Development Plan 1998, policy DM4 of the Development Management DPD (Proposed submission version 2012), and policy SP02 of the Core Strategy Development Plan Document 2010, which seek to improve amenity and liveability for residents.
- 2.6 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. Also, the scheme proposes appropriate mitigation measures to ensure satisfactory level of residential amenity for the future occupiers. As such, the proposal is considered to satisfy the relevant criteria of saved policy DEV2 of the Council's Unitary Development Plan (1998), policy DM25 of the Development Management DPD (Proposed submission version 2012), and policy SP10 of the of the Core Strategy Development Plan Document 2010 which seek to protect residential amenity.
- 2.7 Transport matters, including parking, access and servicing, are acceptable and in line with policies T16 and T19 of the Council's Unitary Development Plan 1998, policy DM20 and DM22 of the Development Management DPD (Proposed submission version 2012), and policy SP08 and SP09 of the Core Strategy Development Plan Document 2010 which seek to ensure developments minimise parking and promote sustainable transport options.

- 2.8 The development, through a series of methods including a CHP plans communal gas fired boiler and ground source heat pumps or air source heat pumps would result in a satisfactory reduction in carbon emissions and also seeks to secure the code for sustainable homes level 4 which is in accordance with policy SP11 of the Core Strategy and the energy hierarchy within the London Plan (Policies 5.2 and 5.7) 2011, and policies DM29 of the managing Development 'Development Plan Document (Proposed submission version 2012), which seeks to reduce carbon emissions from developments by using sustainable construction techniques and renewable energy measures.
- 2.9 Contributions have been secured towards the provision of affordable housing; education improvements; public realm improvements; community facilities; health care provision and access to employment for local people in line with Regulation 122 of Community Infrastructure Levy 2010; Government Circular 05/05; saved policy DEV4 of the Council's Unitary Development Plan 1998; and policy SP02 and SP13 of the Core Strategy Development Plan Document 2010, which seek to secure contributions toward infrastructure and services required to facilitate proposed development.

3. RECOMMENDATION

- 3.1 That the Committee resolve to **GRANT** planning permission subject to:
- 3.2 The prior completion of a **legal agreement** to secure the following planning obligations:

Financial contributions

- a) £18,274 towards employment initiatives for the construction phase.
- b) £11,203 contribution towards employment initiatives for the end user phase
- b) £51,357 towards Leisure and/or Community Facilities.
- c) £14,560 towards Idea stores and Library facilities
- d) £260,861 towards the provision of education.
- e) £74,127 towards the provision of health and wellbeing centres within the Local Area Partnership 3 and 4.
- f) £1,530 towards sustainable transport
- g) £92,279 towards public open space.
- h) £20,295 towards public realm improvements
- i) £10,890 for 2% monitoring fee.

Non-financial contributions

- j) Minimum of 35% affordable housing, measured in habitable rooms (comprised of 12 social rented units and 5 intermediate units).
- k) Car free development.
- l) Improvements to Ratcliffe Cross Street including adoption of strip of road by LBTH highways to west of the development site.
- m) Access to employment initiatives for construction through 20% of non-technical total construction jobs to be advertised through the Council's job brokerage service.
- n) an expectation that 20% of total value of contracts which procure goods and services are to be to be achieved using firms located within the borough.
- o) resurfacing of Ratcliffe Cross Street up to the railway viaduct.

p) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal.

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

3.4 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 outline permission.
2. Outline permission - reserved matters
 - a. Landscaping (to also include roof terraces and green walls)
3. Samples of external materials to be submitted for approval
4. Contaminated land – details to be submitted for approval.
5. Submission of a noise and vibration strategy in relation to the adjacent railway.
6. A scheme of noise insulation between the ground floor commercial units and the first floor residential to be submitted.
7. Details to be submitted showing separate kitchens and living rooms within the family sized social rented units.
8. Submission of a detailed energy strategy
9. Detail of measures to meet Code for Sustainable Homes Level 4.
10. Details of cycle parking including provision of staff parking.
11. Details of shopfronts for ground floor units
12. Details of service management strategy
13. Construction Hours (8am – 6pm Monday to Friday, 8am – 1pm Saturday only).
14. Scheme of highways works.
15. Development to comply with lifetime homes standards.
16. Details of 10% wheelchair housing to be submitted.
17. Provision of refuse facilities in accordance with drawing no. 'P102 rev N'
18. External glazing shall have transmittance figure no lower than 0.68.
19. Construction management plan.
20. The development shall comply with the requirement of 'Secured by Design'.
21. Any other conditions(s) considered necessary by the Corporate Director Development & Renewal.

3.5 Informatives

1. This development is to be read in conjunction with the s106 agreement
2. Developer to enter into a s278 agreement for works to the public highway including the resurfacing of Ratcliffe Cross Street up to the railway viaduct.
3. Developer to contact Council's Building Control service.
4. Developer to contact Network Rail prior to commencement of development.
5. Any other informatives(s) considered necessary by the Corporate Director Development & Renewal.

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

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 The application seeks outline consent for a mixed use, residential led scheme. Three commercial units are proposed on the ground floor with storage in the basement for the two units which front Cable Street. A basement for parking is proposed and from first to seventh floor residential units are proposed. Landscaping is to be a reserved matter.
- 4.2 The ground floor would almost fill the plot, apart from an area to the north of the site adjacent to the railway viaduct and the inset area on the eastern edge which would be the servicing area. The development would be split into two blocks, a northern and southern block, both of which would be set on a podium level. The northern part of the development would contain the majority of the affordable housing and would be seven storeys in height (including ground floor). The southern part of the site would be part six, part eight storeys (including ground floor).
- 4.3 The development seeks to provide 57 residential units. The proposed mix of units would be 8 x studios, 17 x 1 beds, 17 x 2 beds and 15 x 3 beds. Of these 12 would be social rented units and five would be shared ownership.

Site and Surroundings

- 4.4 The site is currently vacant though it is understood that there was previously an employment use on this site. To the east is a Council owned site which accommodates a three storey property currently in use as a taxi office and associated car parking. To the west is Reservoir Studios which is a 'live/work' development. To the south is Cable Street studios and to the north is the railway viaduct which serves the Docklands Light Railway and C2C trains.
- 4.5 A cycle superhighway runs immediately to the south of the application site, along Cable Street. Butcher's Row which runs adjacent to the Council owned site and is to the west of the development is part of the Transport for London Road Network. The site has a public transport accessibility level of 5 which is 'very good' and is in close proximity to Limehouse DLR station and several bus routes along Commercial Road.
- 4.6 The site is located partly in the York Square conservation area, there is a Grade II* listed building beyond Butcher Row and to the south east of the site (The Royal Foundation of St Katherine's) and no. 566 Cable Street (Cable Street Studios) is deemed to be a building of merit within the conservation area, though is not locally listed.
- 4.7 Ratcliffe Cross Street is a through road between Cable Street and Commercial Road to the north, however there is limited head height and a difficult turn under the viaduct which makes access difficult for any large vehicles.

Planning History

- 4.8 The following planning decisions are relevant to the application:

PA/00/175 Erection of a part five storey and part eight storey building comprising 3652

- sq metres of B1 floorspace and 14 residential units with basement car parking and landscaping. Granted 23/7/2003
- PA/04/1471 (a) Erection of three interconnected buildings between six and ten storeys high for mixed use purposes including landscaping and parking spaces.
(b) Provision of 839m² of commercial floor space (to include 277m² for a Nursery (D1) and 562m² for retail/office use);
(c) Provision of seventy one self contained flats.
Planning application not determined.
- PA/08/747 Submission of details pursuant to conditions 2a (material samples), 2b (doors/windows), 2c (sound insulation), 2d (treatment of open land), 2e (walls, fences and railings), 2f (storage and disposal of rubbish and 2g (cycle parking) of planning permission dated 27th July 2003. Withdrawn
- PA/08/2345 Outline application for construction of a part five storey and part eight storey building to create 1184sqm of commercial (B1) space, 43 residential units comprising 15 x one bed, 20 x two-bed and 8 x three bed units plus 27 basement parking spaces. Refused 22/9/2009

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:

Core Strategy Development Plan Document 2025 (adopted September 2010)

Policies	SP02 – Urban living for everyone
	SP03 – Creating healthy and liveable neighbourhoods
	SP04 – Creating a green and blue grid
	SP06 – Delivering successful employment hubs
	SP05 – Dealing with waste
	SP10 – Creating distinct and durable places
	SP11 – Working towards a zero-carbon borough
	SP12 – Delivering placemaking

Unitary Development Plan 1998 (as saved September 2007)

Policies	DEV1	Design requirements
	DEV2	Environmental Requirements
	DEV4	Planning Obligations
	DEV50	Noise
	DEV51	Soil tests
	DEV56	Waste recycling
	HSG7	Dwelling mix and type
	HGS16	Housing amenity space
	EMP3	Surplus office floorspace
	T16	Traffic priorities for new development.

Managing development DPD (Draft Proposed Submission Version Jan 2012)

Policies	DM3	Delivering Homes
	DM4	Housing standards and amenity space
	DM11	Living buildings and biodiversity
	DM15	Local job creation and investment
	DM20	Supporting a sustainable transport network
	DM22	Parking
	DM23	Streets and public realm
	DM24	Place-sensitive design
	DM25	Amenity
	DM29	Achieving a zero carbon borough and addressing climate change

Interim Planning Guidance for the purposes of Development Control

Policies	DEV1	Amenity
	DEV2	Character and design
	DEV3	Accessible and inclusive design
	DEV4	Safety and security
	DEV5	Sustainable design
	DEV6	Energy efficiency and renewable energy
	DEV10	Disturbance from noise pollution
	DEV11	Air pollution and air quality
	DEV15	Waste and recyclables storage
	DEV16	Walking and cycling routes and facilities
	DEV19	Parking for motor vehicles
	HSG3	Affordable housing provision in individual private residential and mixed use schemes
	HSG10	Calculating the provision of affordable housing.

London Plan 2011 (Spatial Development Strategy for Greater London)

	3.3	Increasing housing supply
	3.5	Quality and design of housing design
	3.6	Children and young people's play and informal recreation facilities
	3.8	Housing choice
	3.10	Definition of affordable housing
	3.11	Affordable housing targets
	3.12	Negotiating affordable housing on individual private residential and mixed use schemes
	3.13	Affordable housing thresholds
	3.16	Protection and enhancement of social infrastructure
	4.1	Developing London's economy
	4.3	Mixed use development and offices
	5.1	Climate change mitigation
	5.2	Minimising carbon dioxide emissions
	5.3	Sustainable design and construction
	5.5	Decentralised energy networks

5.6	Decentralised energy in development proposals
5.7	Renewable energy
5.11	Green roofs and development site environs
5.13	Sustainable drainage
5.17	Waste capacity
5.21	Contaminated land
6.9	Cycling
6.11	Walking
6.13	Parking
7.1	Building London's neighbourhoods and communities
7.2	An inclusive environment
7.4	Local character
7.5	Public realm
7.15	Reducing noise and enhancing soundscapes
8.2	Planning obligations

Planning Obligations Supplementary Planning Document (Adopted Jan 2012)

Government Planning Policy Guidance/Statements

PPS 1	Sustainable development and climate change
PPS 3	Housing (amended June 2011)

Draft National Planning Policy Framework

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

6. CONSULTATION RESPONSE

6.1 The views of the Directorate of Development & Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

6.2 The following were consulted regarding the application:

Access officer

6.3 Wheelchair units require access to two lifts and a designated car parking space per unit.

(Officer response: Access to two lifts is possible via the podium level amenity area. Details of car parking allocation would be requested via a condition.)

Biodiversity

- 6.4 The application site does not appear to be of significant biodiversity value, so there will be no adverse impacts on biodiversity.
- 6.5 The proposals include a roof terrace and green walls, which will provide some wildlife habitat and hence ensure an overall benefit for biodiversity. These should be secured by condition.

(Officer response: Noted.)

Housing

- 6.6 This revised scheme now provides 72%-28% split by habitable rooms. The Councils policy requires a tenure split policy target of 70%-30%. This split fit closely to this policy requirement.
- 6.7 The scheme provides a breakdown of 35% affordable housing by habitable rooms which meets with our minimum requirement of affordable housing. The one bed social rented units provide 25% against our retained HSG2 target of 30%. The two bed social rented units provide 25% against our target of 25%. Within the three beds, social rented units the scheme provides 50% against our policy target of 45%.
- 6.8 Within the intermediate units the one bed units provide a target of 20% against our policy target of 25%. The two bed intermediate unit provides a target of 60% against our target of 50%. The three bed units provide 20% against our target of 25%. Overall we feel this mix provides a better balance of units.
- 6.9 The scheme will be delivered as social rented units at target rent levels.
- 6.10 We require further details on what acoustic measures will be put in place to ensure that the private individual amenity spaces that face directly onto the railway tracks will be useable spaces.
- 6.11 We would ask the applicant where possible to provide a separate kitchen within the larger social rented family units.
- 6.12 We require that the applicant provide 10% wheelchair units across all three tenures of the scheme. The ground floor podium level allows for both lifts to be used should these units to allocated for the wheelchair units.

(Officer response: This has been provided as shown on plan no. P103 rev Q)

Highways

- 6.13 Highways have no objection, subject to a car-and-permit free agreement, s278/s106 agreement to improve the public realm, legal agreement to adopt the strip of land provided by the setting back of the building line as public highway, and conditions to retain and maintain the cycle and car parking for users/residents of the site only. Conditions on a CMP

and servicing management are also sought.

Transport for London

- 6.14 The current proposal consistent of a parking ratio of 0.45 spaces per unit, based on 57 residential units proposed. TfL considers that the ratio should be significantly lower (i.e. 0.25 space / unit or lower) in order to control traffic congestion in Inner London area; and TfL maintains its view that 'car free' development is suitable for this site.

(Officer response: The parking level has been reduced to a ratio of 0.26 which is significantly closer to the policy maximum of 0.25. Seven of the 16 parking spaces would be disabled spaces – one for the commercial use and six for the six wheelchair accessible units. Each space would have an electric vehicle charging point to help with a reduction in carbon emissions. Whilst the car parking is slightly over the maximum provision it is not considered that this is a reason to reject the application.)

- 6.15 While it is now understood that the proposed nursery would generate limited no. of car trips; the exact use of the commercial space is still unknown; therefore TfL recommends that appropriate conditions / restrictions should be imposed if the local authority consider that certain types of use (i.e. A1 food retail) may disrupt the local highway network.

(Officer response: The nursery element of the proposal has been removed and flexible uses are applied for, for all three units. The proposal now includes an area where off-street servicing can occur which will reduce the impact upon the highway network. Having said this, it is still considered necessary to impose a condition requesting details of servicing strategy.)

Energy

- 6.16 The Council requires all non-residential areas to achieve BREEAM Excellent as a minimum.
- 6.17 In support of any subsequent reserved matters planning application the developments should seek to achieve a Code for Sustainable Homes / BREEAM rating appropriate to the planning policies at the time of submission.
- 6.18 A commitment to achieving a BREEAM Excellent rating for all non-residential elements of the proposed development should be provided by the applicant to ensure the highest standards of sustainable design and construction are delivered on site.

Proposed Conditions

- 6.19 As the proposals are for an outline application, if a recommendation for approval is to be given then a condition should be applied to ensure a revised energy strategy and sustainability strategy are submitted to demonstrate the design is in accordance with the policies at the time of any subsequent application.

(Officer response: A condition would be included on any permission to ensure that the applicant can demonstrate that the above requirements are achievable.)

Secured by design

- 6.20 Generally the design is sound
- 6.21 The Nursery wall/recess is however a concern, and the entrance to the car park, which appears to be secured at the bottom rather than the top.
(Officer response: This has been amended and the above concerns addressed.)

Environmental Health

- 6.22 The design of the building to limit noise and vibration issues is very poor in terms of, building location, window and balcony design.
- 6.23 Any facade which has a direct view of the railway requires acoustic mechanical ventilation (not trickle vents) and adequate acoustic glazing. Any balcony areas or external areas in close proximity to the railway will be unusable.
- 6.24 The acoustic report is overly simplistic in its selection criteria for noise insulation on different elevations and facades, the development falls into category "c" of PPG24, any facade exposed to a LAmax at night time above LAmax,s 82 dB will require noise insulation to meet the requirements of BS8233 "good" standard.
- 6.25 We also need to have more information on the proposed foundations and likely vibration impact to residents, a BS6742 assessment is required in terms of Vibration Dose (not estimated) and Peak Particle Velocity.

(Officer response: It is considered that a noise and vibration report could be requested via condition prior to any commencement of works to ensure that the building is constructed so as to ensure adequate levels of amenity to the occupants of the flats.)

Waste team

- 6.26 Waste storage arrangements are adequate, however collection of refuse needs consideration.

(Officer response: The plans have been amended and now show a turning area on Ratcliffe Cross Street. Refuse vehicles would now be able to access the site, turn and re-enter Cable Street in a forward gear.)

Network Rail

- 6.27 No objection but informative suggested which asks the developer to contact network rail.
(Officer response: Noted)

7. LOCAL REPRESENTATION

- 7.1 A total of 75 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. No representations were received.

8. MATERIAL PLANNING CONSIDERATIONS

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

1. Principle of the Land Use
2. Design and appearance
3. Impact upon the neighbouring occupants
4. Dwelling mix and affordable housing
5. Quality of accommodation provided
6. Highways
7. Energy and sustainability
9. Planning obligations

Background

8.2 There have been two previous applications which are relevant to this one. In 2003 an application for a part five, part eight storey building containing 3652sqm of commercial floorspace and 14 residential units was approved. This permission has never been implemented and the associated conditions have not been discharged.

8.3 In 2009 an outline application for construction of a part five storey and part eight storey building to create 1184 sqm of commercial (B1) space, 43 residential units comprising 15 x one bed, 20 x two-bed and 8 x three bed units plus 27 basement parking spaces was refused. The reasons for refusal were as follows:

1) Failure to provide 35% affordable housing

2) Unsuitable housing mix due to a failure to provide large family units.

3) Insufficient information has been provided to illustrate that the habitable rooms on north west elevation of the development at first, second and third floor levels will receive satisfactory levels of daylight and sunlight.

4) The design and layout of the proposal (in particular blocks 2 and 3) will result in habitable rooms orientated in close proximity to the adjacent railway line to north. Insufficient information has been provided to demonstrate that the proposed impact of railway noise and vibration on future occupiers can be satisfactorily mitigated.

5) The proposed internal layout and design of block 3 fails to take any account of the southern orientation resulting in unacceptable and substandard accommodation for future occupiers. Furthermore, insufficient information has been provided in respect of the external appearance of this elevation.

6) The design, layout and footprint of the proposed building would compromise the redevelopment of the adjoining site to the east. In addition, it would result in an unacceptable level of privacy and outlook for the future residential occupants given both the proximity of the building to this eastern boundary and between the three residential blocks. Furthermore, the proposal fails to provide adequate and usable private open space for all residential units and it provides a poorly considered ground floor internal and external

layout to the building in terms of both accessibility and secured by design principles.

7) Excessive provision of car parking spaces.

8.4 In 2010 a subsequent application was made in outline for another part five, part eight storey building containing 1000sqm of commercial floorspace and 44 self contained residential units (15 x 1 bed, 6 x 2 bed and 13 x 3 bed). This was also refused for the following reasons:

1) The design, layout and footprint of the proposed building is of poor quality as it fails to take account of local context, street frontages and adjacent sites. In addition, it would result in an unacceptable level of privacy and outlook for the future residential occupants given both the proximity of the building to the eastern boundary and between the three blocks. Furthermore, the proposal fails to provide adequate and usable private open space for all residential units and it provides a poorly considered ground floor internal and external layout to the building in terms of both good design principles, accessibility and secured by design principles

2) Insufficient information has been provided to illustrate that all the habitable rooms in the development will receive satisfactory levels of daylight and sunlight.

3) The development fails to provide sufficient amount of useable communal amenity space and child play space for future residents. This is compounded by the fact that the proposal includes 30% family accommodation. Furthermore, the quality of the communal amenity space given wind impacts is not considered acceptable.

4) The scheme provides insufficient cycle parking for residents and commercial occupiers on the site.

5) No planning obligations have been secured to ensure the delivery of affordable housing and to mitigate against the impact of the development on local social and highway infrastructure

8.5 This application seeks to overcome the concerns raised as part of the previous two proposals by changing the footprint of the building, changing the orientation of the upper floors, reducing the car parking and providing additional details regarding the mix of units, number of affordable housing and details of the level of light to the north facing units.

Principle of the use

8.6 Commercial

The application initially came forward with provision for two commercial units at the front of the site with a nursery to the rear. Due to issues around servicing and access the ground floor layout has been amended and the nursery removed due to lack of ability to provide external space.

8.7 In total 775sqm of commercial space is provided, plus 400sqm of storage space in the basement for the two units which front Cable Street. The applicant seeks a flexible use for these premises as either A1, B1 or D1. There is no objection to the provision of commercial

units being provided on this site. Throughout the previous applications there has been no refusal on the basis of the provision of commercial uses on the site.

- 8.8 Policy SP06 of the Core Strategy seeks to ensure support for the provision of a range and mix of employment use and spaces in the borough. Specifically within the policy the provision of units suitable for small and medium enterprises are encouraged. These are approximately 250sqm or less in size. This is supported by policy DM15 of the Managing Development DPD which requires development of new employment floorspace to provide a range of flexible units. The three units proposed here are considered to meet the objectives of these policies.
- 8.9 Policy 4.1 of the London Plan also supports developments which promote and enable the continued development of a strong, sustainable and increasingly diverse economy, ensuring the availability of sufficient and suitable workspaces in terms of type, size and cost.

Residential

- 8.10 Delivering housing is a key priority both nationally and locally and this is acknowledged within Planning Policy Statement 3, Strategic Objectives 7, 8 and 9 of the Core Strategy, policy SP02 of the Core Strategy and policy 3.1 of the London Plan which gives Boroughs targets for increasing the number of housing units. It is considered that this development would be an acceptable use of previously developed land and would be accordance with planning policy.

Design and Appearance

- 8.11 The application is made in outline, however only landscaping is a reserved matter. Design, appearance and scale are therefore a consideration of this application. Policy SP10 of the Core Strategy seeks to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surroundings. Development should respect their local context and townscape, including the character, bulk and scale of the surrounding area. These requirements are echoed within policy DM24 of the Managing Development DPD.

Scale

- 8.12 The development which was approved on the site in 2003 was a building of five storeys at the northern portion of the site and eight storeys along Cable Street. Aside from the 2004 application all of the previous proposals have include a part five, part eight storey building. Whilst objections have been raised regarding the design of the previous scheme this related more to the way the development failed to utilise the southern facing aspect of the site, failed to take account of the possible future development of the site to the east and resulted in a development which lead to a poor quality environment to the future occupants of the site.
- 8.13 This development seeks permission for a development which would be a similar height to the previous proposals but is designed to form two distinct blocks set on a podium level. The block to the north would be seven storeys in height, with the block to the south being

eight storeys at its highest point. A gap of 20m separates the two blocks. Introducing this space significantly reduces the bulk and scale of the development and would allow the scheme to integrate well into the surrounding streetscene.

- 8.14 The bulk of the front elevation of the building would also be broken up by the varying heights and use of materials. The western part of the southern block would be six storeys which helps to create a transition between the lower Reservoir Studios. The height of the six storey element would be 18m, stepping up from the 15m tall Reservoir Studios. The eastern part of the southern block which is closest to Cable Street would be seven storeys in height (21m), the eight storey would be set back 4m from the front elevation.
- 8.15 The site, along with the adjacent one to the east form an important corner at the junction of Cable Street and Butchers Row. It is usual to see development of a larger scale on corner plots, as in the case of the Cable Street Studios to the south. In this context it is considered that the height of the building is acceptable and would accord with the objectives of policy SP10 of the Core Strategy.

Impact upon heritage and listed building

- 8.16 As set out above, the southern part of the site is located within the York Square conservation area. There is a grade II* listed building located to the south east of the site, across Butchers Row and Cable Street studios which is immediately to the south and considered to be a building of importance within the conservation area.
- 8.17 The proposed development would be taller than the tallest element of the studio building, however this would only be at eighth floor level. As explained above, the eighth floor is set back from the front elevation and would therefore appear as a subordinate feature. It is considered that the proposed development would not dominate local views and the studio building would remain an important feature which would continue to contribute to the local context.
- 8.18 The site is currently vacant and has been surrounded by hoarding for a number of years. It is considered that this development is in keeping with the scale of the surrounding area and would improve the character and appearance of the York Square conservation area. It is not considered that there would be any significant impact upon the grade II listed Foundation of St Katherine to the south east.

Design and appearance

- 8.19 A number of materials are proposed for the external façade of the building to give it visual interest. The southern and northern blocks would be constructed from a mix of cream / white banded bricks, copper effect panelling and green walls. The use of green walls provides both visual interest and improves biodiversity.
- 8.20 The use of these varied materials would create a distinctive building within the streetscene which contributes positively to the locality. The colours would be relatively neutral in comparison to those used for the Reservoir Studios and Cable Street studios which would reduce the dominance of the scheme within the locality.
- 8.21 At ground level commercial units are proposed to have glazed frontages, a glass canopy

also appears to be proposed over the entrance at the front of the building. Further details of the design of the ground floor elevations would be requested via condition to ensure that the development would have an acceptable relationship with the street.

- 8.22 The use of different materials for the ground floor in comparison to the upper floors creates a distinction between the residential and the commercial and creates a development which can be viewed at a human scale when passing along Cable Street / Ratcliffe Cross Street.

Plot coverage.

- 8.23 The development proposes to set the building line back from the current extent of the site which is within the developers ownership. This allows the creation of a wider footpath along Ratcliffe Cross Street and along Cable Street. These are welcome additions that the developer is providing and would enhance the public realm within the vicinity of the site.

Impact upon the neighbouring occupants

- 8.24 Policies DEV2 of the UDP and DM25 of the Development Management DPD seek to protect residential amenity by ensuring neighbouring residents are not adversely affected by a loss of privacy or a material deterioration in their daylighting and sunlighting conditions. New developments will also be assessed in terms of their impact upon residents visual amenities and the sense of enclosure it can create.

Privacy

- 8.25 The windows within the development predominantly face north and south, either out over the railway viaduct or towards Cable Street studios. Within the development the windows face towards each other from the south block facing north and from the north block facing south.
- 8.26 It is not considered that any loss of privacy or overlooking would occur as a result of the north or south facing windows as there are no residential properties which would be affected by this. Within the development there is a distance of 20m between the habitable facing windows which is in excess of the minimum privacy distance outlined within policy DEV2 of the UPD and DM25 of the Managing Development DPD.
- 8.27 Within the north block there are some windows and balconies which have a western aspect. These face out over a single storey warehouse building and not across to Reservoir Studios. It is not considered that there would be any loss of privacy caused by these windows.

Daylight/sunlight

- 8.28 A technical study of the impacts upon daylight and sunlight has been submitted with the application which looks at the impact of the development on the neighbouring property to the west, Reservoir Studios. This development was granted planning permission as a live/work development. The approved plans for this development identify bedrooms and living rooms at the front of the building but to the rear each unit is designated as live/work and it is not clear what the windows on the eastern elevation serve though it appears that the units on the first to third floor are open plan with separate areas for the kitchens.

- 8.29 BRE guidance states that sunlight should be tested if the windows face within 90 degrees of due south. In this case the windows on the eastern elevation do not face within 90 degrees of due south so have not been tested.

Daylight

- 8.30 Daylight is normally calculated by two methods - the Vertical Sky Component (VSC) and No Sky Line (NSL). BRE guidance in relation to VSC requires an assessment of the amount of daylight striking the face of a window. The VSC should be at least 27%, or should not be less than 20% of the former value, to ensure sufficient light is still reaching windows. These figures should be read in conjunction with other factors including NSL. NSL calculation takes into account the distribution of daylight within the room, and again, figures should not exhibit a reduction beyond 20% of the former value, or there will be a discernable loss of daylight.
- 8.31 The daylight and sunlight report which has been submitted with the application only considers the VSC. For the windows which face east towards the application site all of them suffer reduction greater than 20% to their daylight as a result of this proposal. This is when the effect of the balconies is removed. This is allowed under the new BRE guidance as balconies can skew results, leading to darker rooms than would generally occur. However, even with the development assessed as though there are no balconies there are still significant failings demonstrated to the neighbouring property.
- 8.32 The report goes on to assess the (ADF) Average Daylight Factor for each of the rooms. Living rooms should have a value of 1.5, bedrooms 1.0 and kitchens 2.0. Across the first to third floor of Reservoir Studios six out of the 21 rooms fail to meet this standard. Testing is not however advised for existing properties as no changes can be made to the layout of the room, type of decoration or the window sizes.
- 8.33 Given that a lesser proportion fail the ADF test than the VSC it is considered necessary for the applicant to undertake the NSL test to better understand how significant the failures are and whether the impact will be significantly detrimental to the amenities of the neighbouring occupants. This is being carried out and the results will be detailed in the update report.

Visual amenity / sense of enclosure

- 8.34 The properties which are most likely to be affected in terms of a sense of enclosure and loss of visual amenity would be the live/work units to the west of the site. The application site is currently vacant and therefore any development would lead to a loss of outlook. It could not be expected that the development site remain vacant and therefore some loss of outlook would be anticipated by the residents of the scheme.
- 8.35 The design of the building with the two blocks and gap between creates an element of space which reduces the overbearing nature of the scheme. Outlook would still be possible through the development to the east and it is considered that the impact of this development would be less than that of the previously approved scheme which although was lower in height, did extend the full depth of the plot.
- 8.36 In conclusion, it is considered that there would be no significant detrimental impact upon the amenities of the surrounding occupants and the density and proximity of the building is

appropriate for the character of an urban area such as this.

Dwelling mix and affordable housing

Affordable housing

- 8.37 The application proposes 57 residential units with the total number of habitable rooms being 153. Of these 12 flats would be social rented (3 x 1 bed, 3 x 2 bed and 6 x 3 bed) and 5 flats would be for shared ownership (1 x 1 bed, 3 x 2 bed and 1 x 3 bed). By habitable room the scheme provides a total of 35% affordable accommodation comprising 78% social rent and 22% intermediate. This is explained in the table below:

	Market Sale		Intermediate Housing		Social Rent		Totals	
	Units	Hab Rooms	Units	Hab Rooms	Units	Hab Rooms	Units	Hab Rooms
Studio	8	8					8	8
1 Bed	13	26	1	2	3	6	17	34
2 Bed	11	33	3	9	3	9	17	51
3 Bed	8	32	1	4	6	24	15	60
Totals	40	99	5	15	12	39	57	154

- 8.38 Policy SP02 requires developments to provide 35% affordable housing (subject to viability), and a split of 70:30 between the tenures. This application provides 35% affordable housing in total with a split of 71:28 in favour of social rented. This has been reviewed by the Council's housing section and is found to be acceptable.

Dwelling mix

- 8.39 In total 15 family sized units are provided, by habitable room this an equivalent of 26%. Policy SP02 requires only 30% of development to be 3 bedroom units or larger but within the social rented sector 45% should be for families. In this case 50% of the units within the rented tenure would be family sized. It is considered that there is suitable mix of units within the scheme and it would provide for a wide range of occupants, therefore promoting a mixed and balanced community.
- 8.40 The housing team have requested that, where possible, the kitchens and living rooms be separated to create two separate rooms. Whilst the plans show open plan areas within the majority of the flats it is considered that in the majority of the family sized units within the affordable sector of the development it would be possible to divide the rooms into two. As such a condition is recommended to request floor plans to show this prior to the commencement of any development.

Wheelchair housing

- 8.41 The London Plan requires that 10% of all housing developments are suitable for wheelchair users. In this case four units within the market housing sector should be wheelchair accessible, one within the intermediate sector and one in the social rented sector. The development complies with this requirement. All of the wheelchair units are located on the first floor of the development and have access to two lifts by crossing the podium level.

Quality of accommodation.

Internal space

- 8.42 Policy 3.5 of the London Plan sets out minimum internal space standards which are recommended for all residential developments. The Mayor's design guide also gives advice on the quality of the internal space. For examples storage areas should be provided, separate living rooms and kitchens are encouraged as are dual aspect flats.
- 8.43 Each of the flats meets the minimum standards within the London Plan. The majority of flats (31 of 57) are dual aspect which is encouraged within the Major's housing design guide. 15 flats are single aspect north facing units, two of these are within the social rented portion of the development, the other 13 are within the market housing. Due to the constraints of the site it is difficult to achieve dual aspect flats in all circumstances.

Lighting

- 8.44 Previous applications on this site have raised concerns about the proposed layouts and the ability to provide sufficient light into all of the units. A daylight and sunlight study has been produced which assess what light levels will be received within each of the units.
- 8.45 The report tests the vertical sky component (VSC) for the proposed dwellings and then goes on to test the Average Daylight Factor (ADF) for each of the flats. Where a window receives an VSC figure of 27% or above, it is considered that good natural light will be received within the room. The report demonstrates that 118 of the 239 windows would achieve a figure of 27% or above.
- 8.46 Of the 121 which fail to meet the 27%, 26 are between 15-27%, 75 are between 5-15% and 20 are between 0-5%. Of the lowest section 10 are secondary windows, the remaining 10 suffer from low levels of light due to balconies which overhang from the floors above. In order to understand these failings in more detail the ADF test is applied.
- 8.47 The results for the ADF show that 29 rooms out of a total of 153 (19%) fail to meet the BRE requirements. The failures in most cases are not significant and in some cases fall short by less than 0.05.
- 8.48 It should be noted that a figure of 2.0 has been applied to the minimum requirement for kitchens, all of the kitchens are open plan kitchen / living rooms and the minimum requirement for a living room is 1.5. Only two of the rooms in the table above fail to meet this criteria.
- 8.49 The report has been reviewed by an independent consultant who has determined that the failures mainly occur due to the provision of overhanging balconies in some cases and having deep open-plan living rooms and kitchens. If the layout is changed as part of condition 6 it is likely that the ADF figures would improve. It should also be noted that only one room per flat suffers from a failure in ADF.
- 8.50 The above figures require a glass transmittance value of 0.68. The British Standard is 0.65, this extra level of light to be transmitted is important in terms of the quality of accommodation for the future occupants of the site and therefore this would be required via

a condition

- 8.51 On balance, subject to the above condition, it is considered that there would be sufficient light levels reaching the proposed dwellings and the proposal is acceptable.

Privacy

- 8.52 The development is considered to afford sufficient privacy to the occupants of the proposed units. A distance of 20m is proposed between the two blocks. This is in accordance with the 18m minimum distance required for facing habitable rooms. For the units which are located on the first floor podium level, balconies are proposed between the communal amenity space and the windows of these units. This allows a buffer space to prevent direct overlooking. Details of the landscaping measures which would further improve the level of privacy would be dealt with at the reserved matters stage.
- 8.53 For the majority of the units, an acceptable level of outlook is provided, whether that is within the development, looking out onto the other block, to the north across the railway line or to the south across to Cable Street studios. Within the northern block the flats at the northern end of the first and second floor would be below the height of the railway viaduct. Flats 41, 42, 44 and 45 are affected by this but they are all dual aspect in order to alleviate this issue. The amenity space for these flats does not face towards the viaduct, facing either south or west over Ratcliffe Cross Street. As a result of this arrangement, it is considered that a suitable outlook would be provided to the occupants of these properties.

Outdoor space - private

- 8.54 Outdoor amenity space is provided in a number of forms within the development. An area of communal amenity space is provided on the first floor podium level and on the roof of the north and south blocks. 54 of the 57 units have private amenity space, the three which do not have any space are 2x studio units and 1x 1 bed unit within the market housing sector.
- 8.55 Private amenity space is expected to be provided at a rate of 5sqm for 1 bedroom flats with an additional 1sqm for each additional occupant. This is set out in the Mayor's housing design guide and within policy DM4.
- 8.56 Aside from the three units referred to above each of the flats has between 3sqm and 43sqm. The flats on the sixth and seventh floor of the south block have the most generous amenity spaces. The majority of the units have approximately 8sqm. When viewed in combination with the amount of communal space, it is considered that there would be sufficient private amenity space for the occupants of the proposed development.

Outdoor space – communal.

- 8.57 For all developments of 10 units or more, 50sqm of communal amenity space (plus an extra 5sqm for every additional 5 units) should be provided. For a scheme of 57 units the minimum communal amenity space required would be 100sqm. The total amenity space proposed across the first floor, and the roofs of the two blocks is 830sqm. This is significantly above the minimum requirements in policy terms.
- 8.58 Details of the landscaping for all of the proposed amenity areas is a reserved matter and

would be finalised at the detailed design stage, it is however expected that all sections would have an mixture of hard and soft landscaping to ensure it is usable by the residents of the block.

- 8.59 All of these areas are considered to provide a good quality of open space for the occupants of the units. The roof top amenity spaces would receive good levels of sunlight. There would be overshadowing of the first floor amenity space by the south block however the tests show that it meets the BRE criteria. The BRE test requires that at least half of an amenity area should receive more than two hours of sunlight on 21st March. In this case 53% of the proposed amenity space would receive more than two hours of sunlight at the March equinox.

Child play space

- 8.60 In addition to general amenity space, for developments which create more than 10 child bed spaces 10sqm of child play space should be provided. In this case a total of 70sqm should be available for children's play space.
- 8.61 Whilst there is no area specified on the plans for this space there is an over provision of general amenity space by 730sqm. It is considered possible to use some of this space for the provision of child play space and this would be dealt with at the reserved matters stage.

Highways

Ratcliffe Cross Street.

- 8.62 The boundary of the site has been moved east as part of this proposal. This allows a pavement to be introduced along the eastern side of Ratcliffe Cross Street. This pavement would be 2m wide which is in accordance with the manual for streets. The applicant has also agreed to resurface Ratcliffe Cross Street up to the viaduct as part of the general public realm improvements. It is considered that these changes would result in an enhanced local environment which would improve the connectivity between Cable Street and Commercial Road to the north.
- 8.63 Details of the materials to be used for Ratcliffe Cross Street are to be agreed with the highways team via a s278 agreement at the applicants expense. The road would be remain adopted and would be maintained by the highways authority. A s72 agreement would also need to be entered into with the highways authority so the adoption of the proposed pavement could taken place, Highways have confirmed that they raise no objection to this element of the proposal.

Parking

- 8.64 A basement car park is proposed which would be accessed from Ratcliffe Cross Street. A recessed area into the building's western edge is proposed. This would allow a reservoir space to be accommodated for vehicles waiting to enter the basement.
- 8.65 The site has a Public Transport Accessibility Level (PTAL) of 5 which is 'very good'. Both the highways team and Transport for London have commented that the level of car parking proposed was too high, a maximum of 0.25 should be provided. Within areas of high PTAL

it is expected that car free developments would be promoted, in accordance with policy 6.13 of the London Plan and SP09 of the Core Strategy.

- 8.66 Initially, the application was submitted with 29 car parking spaces, through negotiation, the applicant has reduced the level to 16 spaces in total (one would be for use by the commercial units) which results in a level of 0.26. Seven of these spaces would be disabled spaces and all of them would be supplied with electric vehicle charging points. The disabled spaces would include six for the six wheelchair accessible units and one for the commercial element of the scheme.
- 8.67 There are parking policies to be found in the London Plan, the Interim Planning Guidance and the Managing Development DPD, these are as follows:
- London Plan 2011 the standards are 1 – 1.5 spaces per 3 bed flats and less than one space per 1-2 bed flats.
 - Interim Planning Guidance standards are up to 0.5 spaces per unit.
 - The Managing Development DPD has a requirement of zero parking provision for 0-2 bedroom units and 0.1 for three bedroom units or more.
- 8.68 At the current time, the London Plan is the only adopted policy document from those listed above and is therefore considered to be most relevant. A supplementary planning document is being produced by the GLA which will be more specific about the level of car parking to be provided which would be dependant on the PTAL of the site. This is however only in draft form and has not been adopted. 15 of the proposed flats are to be three bedroom flats, according to the London Plan standards the provision of 15 parking spaces would be acceptable. Transport for London have requested a maximum level of 0.25, at 0.26 it is considered that the Council could not substantiate a reason for refusal on this basis.
- 8.69 Within the legal agreement a clause is included to ensure that no occupants are able to apply for on-street parking spaces, therefore not adding to the parking pressure in the locality.

Cycle parking

- 8.70 A total of 74 cycle parking spaces are proposed within the basement in two separate areas. These are split between the affordable and the private tenures. This is in excess of the requirement of one space per unit.
- 8.71 No cycle parking is provided for staff within the commercial units and it is considered that there would be the possibility to accommodate this within the basement as access can be gained either via the vehicular ramp or via the entrance to the site on Cable Street which includes a lift.
- 8.72 Visitor cycle parking is provided on the ground floor within the recessed area along Ratcliffe Cross Street. This is considered to be acceptable. Details of the type of cycle stands would be requested by condition for all of the locations

Servicing

- 8.73 The recessed area along Ratcliffe Cross Street allows for a servicing area for the

commercial units and a space for refuse vehicles to turn into following collection of waste from the northern block.

- 8.74 There is considered to be sufficient turning space to allow vehicles to enter and exit Cable Street in a forward gear. The retractable bollards would prevent parking on-site but would allow a turning head for service vehicles, refuse trucks and fire appliances.

Waste storage and collection

- 8.75 Four separate storage areas are proposed for refuse and recycling. Two would be at the northern end of the site and would serve the north residential block and the commercial unit at this end. The third store is located adjacent to the entrance to the car park and would serve the south block of residential units. These three refuse stores would be collected from Ratcliffe Cross Street. The collection vehicle would use the service bay to collect off-street and would exit via Cable Street in a forward gear.

- 8.76 The fourth refuse store is located at the southern end of the site and provide a space for the two commercial units which from Cable Street to store their waste. A dropped curb is proposed in front of this store to allow for ease of collection from Cable Street.

- 8.77 The waste management team have reviewed this proposal and are satisfied with the level of storage provided and with the location of the storage areas.

Energy and Sustainability

- 8.78 The application proposes a number of energy saving measures including energy efficient lighting. The energy strategy proposes to use a CHP plant to provide 40% of total electrical demand and 60% of heat demand.
- 8.79 The applicant also proposed to use either ground source heat pumps or air source heat pumps in order to produce renewable energy. Further details of this would be requested at detailed design stage. The total carbon emission savings for this development would be 25% on the baseline figures. This is considered acceptable and is in accordance with policy SP11 of the Core Strategy and the energy hierarchy outlined in the London Plan 2011 which seeks to ensure developments are 'Lean, clean and green'.
- 8.80 The applicant has also confirmed that they are working towards securing code for sustainable homes level 4 and BREEAM level excellent for the non-residential element of the scheme.
- 8.81 As the proposals are for an outline application, a condition is recommended which requests a revised energy strategy and sustainability strategy to be submitted to demonstrate the design is in accordance with the policies at the time of any subsequent application.

Environmental Health

Contaminated Land

- 8.82 The site has been subject to former industrial uses and as such there is the potential that the land may contain contaminants and remediation work may be required before

development can commence on the site. A condition has been recommended by environmental health to deal with this issue.

Noise and vibration

- 8.83 A noise and vibration assessment has been submitted with the application to understand the impact the railway would have on the proposed development. PPG24 provides different categories for different noise levels ranging from A (least noisy) to D (most noisy). This site is designated as suffering from category C noise levels. The noise survey which has been submitted was carried out in 2009. The environmental health team have requested that a more up-to-date report be submitted to fully assess the impact of the noise levels.
- 8.84 As the application is only in outline it is not considered necessary to request an updated report at this stage. There are many examples of developments which have been recently approved and constructed along this railway route and it is therefore considered possible to mitigate against the effects of the noise and vibration caused by the railway, as such this would be requested via a condition. This report would also deal with the noise associated with road traffic, Butchers Row is to the east of this site and heavily trafficked, account therefore also needs to be taken of this when considering how best to insulate the development.

Air Quality.

- 8.85 An air quality assessment has been submitted with the application which demonstrates that the Air Quality Standards will not be exceeded at the development site as the figures are approximately half of that which is hazardous to human health. As such no measures to protect occupants of the units from the effects of air pollution are proposed.

Planning Obligations

- 8.86 Regulation 122 of the Community Infrastructure Levy Regulations 2010, brings into law policy tests for planning obligations which can only constitute a reason for granting planning permission where they meet the following tests:
- (a) The obligation is necessary to make the development acceptable in planning terms;
 - (b) The obligation is directly related to the development; and
 - (c) The obligation is fairly and reasonably related in scale and kind to the development.
- 8.87 Circular 05/2005 explains (paragraph B3) that planning obligations (s106 agreements or unilateral undertakings) are *"intended to make acceptable development which would otherwise be unacceptable in planning terms."* Obligations may be used to prescribe the nature of the development, or to secure a contribution from a developer to compensate for loss or damage caused by a development or to mitigate a development's impact. The outcome of these uses of planning obligations should be that the proposal is made to accord with published local, regional, or national planning policies.
- 8.88 A planning obligation must be:
- (i) Relevant to planning;

- (ii) Necessary to make the proposed development acceptable in planning terms;
- (iii) Directly related to the proposed development
- (iv) Fairly and reasonably related in scale and kind to the proposed development; and
- (v) Reasonable in all other respects.

8.89 The Council's Saved Policy DEV4 of the adopted UDP and Policy SP13 of the adopted Core Strategy say that the Council will seek to enter into planning obligations with developers where appropriate and where necessary for a development to proceed.

The amounts have been negotiated in line with the planning obligations SPD and heads of terms are as follows:

Employment and skills training.

8.90 A financial contribution of **£29,477** has been secured towards improving access for Tower Hamlets residents to employment through enhancement of skills and training and enterprise. This figure includes a total for the construction and the end user phase of the development.

Libraries and Ideas Stores

8.91 A contribution of **£14,560** has been secured towards improvements to Idea Stores and Libraries. The proposed development will increase demand on these services and there is a need to development these facilities further to align with population growth.

Leisure and community facilities

8.92 A contribution of **£51,357** has been secured towards Leisure and/or Community Facilities. The proposed development will increase demand on leisure and community facilities and our emerging leisure centre strategy identifies the need to develop further leisure opportunities to align with population growth.

Education

8.93 The Council's Education department have requested contribution towards education within the Borough. A contribution of **£260,861** towards education school places has been secured

Health

8.94 Financial contribution of **£74,127** has been identified which would contribute towards the development of health and wellbeing centres within the Local Area Partnership 3 and 4. This has been secured.

Sustainable Transport

8.95 A financial contribution of **£1,530** towards the provision of a sustainable transport network within the Borough has been secured.

Public Open Space

- 8.96 A financial contribution of **£92,279** towards the provision of improvements to public open space in the Borough has been secured.

Public Realm Improvements

- 8.97 A financial contribution of **£20,295** towards public realm improvements along Cable Street has been secured.

Monitoring fee.

- 8.98 A monitoring fee of **£10,890** which is 2% of the total figure as been secured.

Affordable Housing

- 8.99 A 36% provision of affordable housing should be secured which consists of a mix of intermediate and social rented units.

Car Free

- 8.100 The development would also be secured as car free, with the exception of the three disabled car parking spaces.

Employment and Enterprise

- 8.101 In respect of the development 20 percent of the non-technical jobs created through the construction and end user phase should be advertised exclusively to local residents through the job brokerage service and the Developer should seek to award 20% of the total value of contracts procured for goods and services during the construction phase to firms located within the borough.

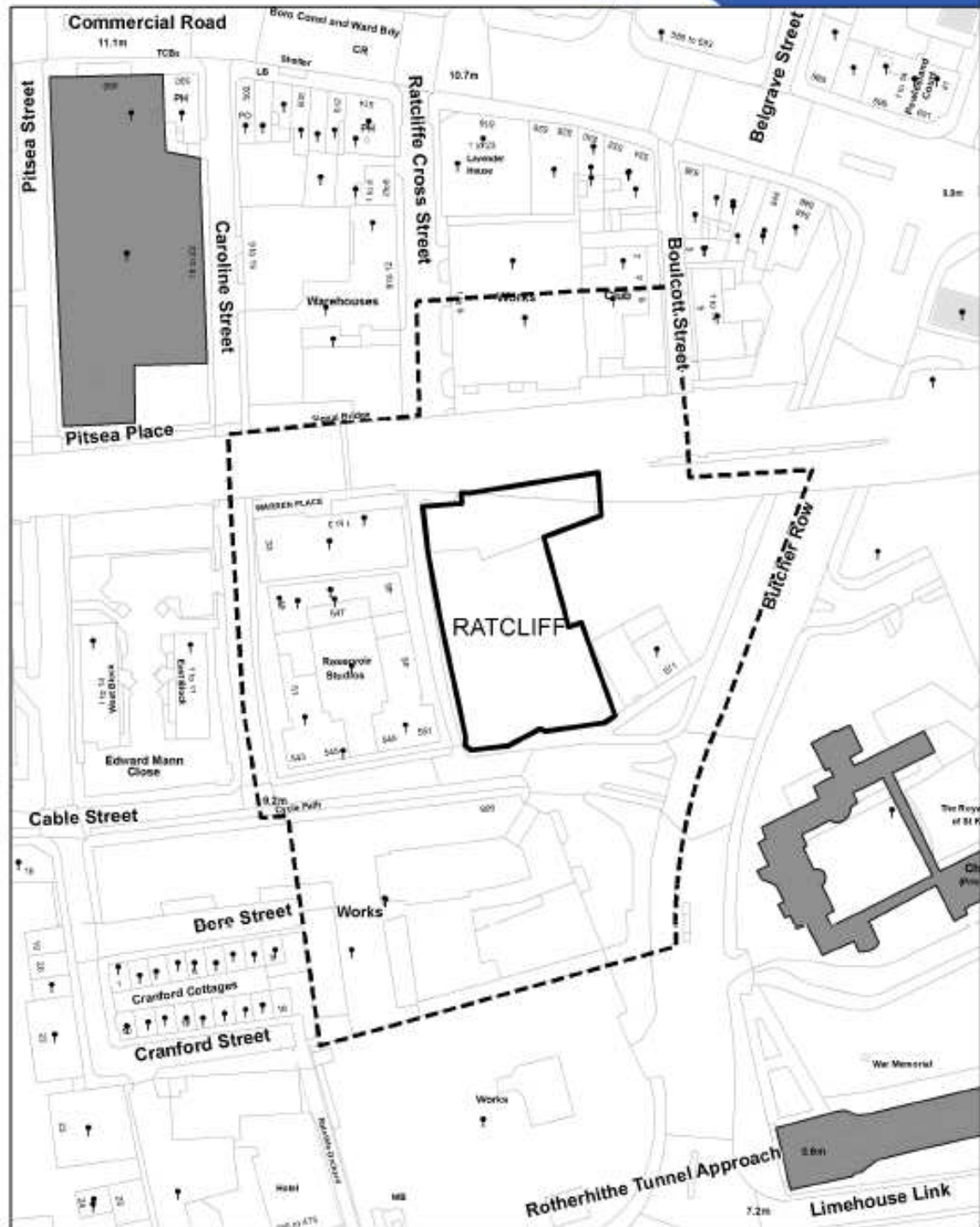
Other Planning Issues

- 8.102 None

9.0 Conclusions

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

Planning Application Site Map



Planning Application Site Boundary	Locally Listed Buildings	Land Parcel Address
Consultation Area	Statutory Listed Buildings	1:1,250

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.
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Agenda Item 7.3

Committee: Development	Date: 8 th March 2012	Classification: Unrestricted	Agenda Item No: 7.3
Report of: Corporate Director of Development and Renewal		Title: Town Planning Application and Conservation Area Consent for Decision	
Case Officer: David Thompson		Ref No's: PA/11/03371 PA/11/03372	
		Ward(s): Bow West	

1. APPLICATION DETAILS

Location: Site at Bow Wharf Adjoining Regents canal and Old Ford Road, Old Ford London, E3

Existing Use: Commercial and Car Parking

Proposal: **PA/11/03371 – application for Full Planning Permission**

Demolition of existing buildings to facilitate the redevelopment of the site to provide three buildings ranging in height from 4 - 6 storeys including Block A (part 4 part 5 storeys to the north of the Hertford Union Canal), Block B (6 Storeys to the south of the Hertford Union Canal) and Block C (4 storeys to the south of the Hertford Union Canal) to provide 34 residential units comprising 10 x 1 bedroom, 15 x 2 bedroom, 4 x 3 bedroom and 5 x 4 bedroom houses, 64 square metres of commercial floor space to be used as either Use Class A1, A2, A4 B1 or D1, including provision of one accessible parking space, cycle parking, public and private amenity space and associated works.

PA/11/03372 – application for Conservation Area Consent

Demolition of existing buildings prior to redevelopment.

Drawing No's: Site Context Plan A1 1:500 A1-01 01
Site Ground Floor Plan A1 1:200 A1-10 01
Site First Floor Plan A1 1:200 A1-11 01
Site Second Floor Plan A1 1:200 A1-12 01
Site Third Floor Plan A1 1:200 A1-13 01
Site Fourth Floor Plan A1 1:200 A1-14 01
Site Fifth Floor Plan A1 1:200 A1-15 01

Supporting docs: Block 'A' Floor Plans A1 1:100 A 1-20 01
Block 'B' Floor Plans A1 1:100 A1-21 01

Block 'C' Floor Plans A1 1:100 A1-22 01
Site Sections A1 1:200 A 1-81 01
Site Elevations A1 1:200 A 1-82 01
Building 'A' Elevations A1 1:100 A1-91 01
Building 'B' Elevations A1 1:100 A1-92 01
Building 'C' Elevations A1 1:100 A 1-93 01
Existing Site Plan A1 1:200 A2-05 01
Demolition Site Plan A1 1:200 A2-10 01
Existing Site Sections A1 1 :200 A2-81 01
Existing Site Elevations A1 1:200 A2-82 01
Detail Sections & Elevations A1 1:50 A4-0 1 01
Detail Sections & Elevations A1 1:50 A4-02 01
General Arrangement Plan A1 1:200 L100 A
Materials and Furniture Plan Block A A1 1 :100 L201 A
Zone
Paving and Furniture A1 1 :100 201 A
Materials and Furniture Plan Block B A1 1:100 L202 A
and C Zone
Planting Plan A1 1:100 L700 A

Planning Statement by Dalton Warner Davis
Affordable Housing Assessment by Drivers Jonas
Deloitte
Air Quality Assessment by SKM Environ
Design and Access Statement, by Lewis and Hickey
Architects
Design and Access Statement prepared by Lewis &
Hickey Architects;
Extended Phase 1 Habitat Survey and Daytime Bat
Assessment (Biodiversity Survey and Report) prepared
by Ecosulis Ltd;
Daylight and Sunlight Assessment prepared by GVA
Schatunowski Brooks;
Heritage Statement prepared by Dalton Warner Davis
(DWD1 of Planning Statement);
Geotechnical and Geoenvironmental Report (Land
Contamination Assessment) prepared by STATS
Limited;
Landscape Statement prepared by Outerspace;
Lighting Assessment (within Design and Access
Statement);
Open Space Assessment (see paras 6.18-6.19 of
Planning & Impact Statement);
Photographs and Photomontages (see Design and
Access Statement);
Community Involvement Statement prepared by Quatro;
Transport Assessment prepared by TIP Consulting;
Arboricultural Report prepared by DPA;
Ventilation/Extraction Statement (see para 6.10 of
Planning & Impact Statement);
Amenity/Playspace Assessment (see para 6.18-6.19 of

Planning & Impact Statement);
Employment Statement See Commercial Agent's Letter
(DWD 2 of Planning Statement);
Lifetime Homes and Wheelchair Accessibility Statement
(within Design and Access Statement);
Regeneration Statement prepared by Dalton Warner
Davis (DWD 3 of Planning Statement);
Refuse Disposal Details (within Design and Access
Statement);
Secure by Design Statement (within Design and Access
Statement);
Energy Report prepared by EcoConsulting & the Code
for Sustainable Homes – Strategic Report prepared by
EcoConsulting dealing with sustainability;
Asbestos Survey Report prepared by Chemtest onsite;
Accommodation Schedule (DWD5 of Planning
Statement);
Fire Strategy (within Design and Access Statement).

Applicant: H2O Urban (No 2) LPP
Owner: British Waterways Board
Historic Building: Stop Lock Bridge Grade II Listed
Conservation Area: Regents Park (formerly Victoria Park)

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 The design, appearance, height, scale, bulk and layout of the proposal of the proposal are considered to be acceptable. The reduction in the overall number of units, the reduction in the height and scale of the buildings from 4-8 storeys to 4-6 storeys, and the reduction in the overall mass of the development by providing a layout of three rather than two distinct blocks, is more in keeping with the scale and the character and appearance of development in the surrounding area, in accordance with policies 3.5, 7.4, 7.5, and 7.6 of the London Plan (2011), SP10 of the adopted Core Strategy (2010), policy DEV1 of the adopted Unitary Development Plan (1998), policies DEV2 and HSG7 of the Interim Planning Guidance (2007) and policy DM24 of the Managing Development DPD (Proposed Submission Version 2012,
- 2.2 The proposal in relation to its bulk, height, mass and design is not considered to have a harmful effect on the character and appearance of the Regent's Canal Conservation Area, and in particular on the open nature of the Regents Canal towpaths in accordance with PPS5: Planning and the Historic Environment, Strategic Policy SP10 of the adopted Core Strategy (2010), saved policies: DEV1, DEV2 and DEV37 of the adopted Unitary Development Plan (1998), policies CON1, CON2, CON3, CON5, DEV1, DEV2 and DEV3 of the Interim Planning Guidance (2007), policies SP10 and SP12 of the Core Strategy (2010) and policies DM24 and DM27 of the Managing Development Plan Document, which seek to ensure buildings and places are of high quality design and suitably located, whilst also respecting the special architectural and historic interest of Listed Buildings, and ensuring new development preserves and enhances the character and appearance of

conservation areas

- 2.3 The proposal provides an acceptable amount of affordable housing and mix of units, in the light of the viability of the scheme. As such, the proposal is in line with Planning Policy Statement 3, policies 3.8, 8.10, 3.11, 3.12, 3.13 of the London Plan (2011), saved policy HSG7 of the Council's Unitary Development Plan (1998), policies HSG2 and HSG3 of the Council's Interim Planning Guidance (2007), policy SP02 of the Core Strategy Development Plan Document (2010) and policy DM3 of Managing Development DPD (Proposed Submission Version 2012, which seek to ensure that new developments offer a range of housing choices.
- 2.4 On balance the scheme provides acceptable space standards and layout. As such, the scheme is in line with saved policy DEV2 of the Council's Unitary Development Plan (1998), policy DEV1 of Council's Interim Planning Guidance (2007), policy SP02 of the Core Strategy Development Plan Document (2010) and policy DM25 of the Managing Development DPD (Proposed Submission Version 2012), which seek to provide an acceptable standard of accommodation in all residential development.
- 2.5 On balance it is considered that the proposal would not give rise to 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), policy DEV1 of the Interim Planning Guidance (2007), policy SP10 of the of the Core Strategy Development Plan Document (2010) and policy DM25 of the Managing Development DPD (Proposed Submission Version 2012) which seek to protect residential amenity.
- 2.6 Transport matters, including parking, access and servicing, are acceptable and accord with policy 3C.23 of the London Plan 2011), policy SP09 of the adopted Core Strategy (2010), saved policies T16 and T18 of the Council's Unitary Development Plan (1998), policies DEV18 and DEV19 of the Council's Interim Planning Guidance (2007) and policy DM22 of the Managing Development Development Plan Document, which seek to ensure developments minimise parking and promote sustainable transport options.
- 2.7 Contributions have been secured towards the provision of affordable housing; education improvements; public realm improvements; community facilities; transportation; health care provision and access to employment for local people in line with Regulation 122 of Community Infrastructure Levy 2010, Government Circular 05/05, saved policy DEV4 of the Council's Unitary Development Plan (1998), policy IMP1 of the Council's Interim Planning Guidance (2007), and policies SP02 and SP13 of the Core Strategy Development Plan Document (2010), which seek to secure contributions toward infrastructure and services required to facilitate proposed development.

3. RECOMMENDATION

- 3.1 That the Committee resolve to **GRANT** planning permission and conservation area consent subject to:

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

Financial Contributions

- a) A contribution of £7,458 towards employment, skills, training and enterprise initiatives;
- b) A contribution of £29,268 towards community facilities and/or leisure .
- c) A contribution £99,497.14 towards education:
- d) A contribution of £789 towards Highways and Transportation for sustainable transport modes.
- e) A contribution of £23,848 towards Health
- f) A contribution of £3,282.86 towards s.106 monitoring fee

Non Financial Contributions

- g) 29% affordable rent residential units on a habitable room basis in building C
- h) The completion of a car-free agreement
- i) Access to employment initiatives for construction through 20% of non-technical total construction jobs to be advertised through the Council's job brokerage service.
- j) an expectation that 20% of total value of contracts which procure goods and services are to be achieved using firms located within the borough.
- k) Any other obligation(s) considered necessary by the Corporate Director Development and Renewal

Total financial contribution: £164,143

- 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:
- 3.4 **Conditions – Planning Permission**
 - 1. Time limit – Five Years
 - 2. Development in accordance with the approved schedule of drawings
 - 3. Arboricultural report and tree protection plan/measures
 - 4. Landscaping and public realm enhancement plan
 - 5. Travel Plan
 - 6. Scheme of Highway improvements necessitated by development
 - 7. Detail of Highway Works to be completed through S278 agreement
 - 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 Secured by Design Assessment;
- 10 Impact piling method statement;
- 11 Detailed specification of minimum 10% wheelchair units;
- 12 Lifetime Homes;
- 13 Details of hard and soft landscaping including materials;
- 14 Details of necessary highway works;
- 15 Details of secure cycle storage
- 16 Details of construction management plan
- 17 Details of delivery and servicing management plan
- 18 Details of ventilation and extraction;
- 19 Refuse and recycling;
- 20 Means of access and egress for people with disabilities;
- 21 Post-completion noise testing;
- 22 Energy Efficiency and Renewable Energy
- 23 Code for Sustainable Homes
- 24 Standard hours of construction unless otherwise agreed in writing;
- 25 Power/hammer driven piling/breaking (10am - 4pm Monday to Friday);
- 26 Details of external lighting
- 27 Details of a Biodiversity Management Plan
- 28 Hours of Operation of Commercial Use in Block C
- 29 Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal.

3.5 Informatives

- 1) Section 106 agreement required;
- 2) Section 278 Highways agreements required;
- 3) Contact Thames Water regarding installation of a non-return valve, petrol/oil-interceptors, water efficiency measures and storm flows;
- 4) Contact LBTH Environmental Health;
- 5) Contact LBTH Parking;
- 6) Contact Environment Agency;
- 7) Contact Thames Water
- 8) Contact London Fire & Emergency Planning Authority;

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

Conditions – Conservation Area Consent

- 1) Demolition work within 3 years;
- 2) Grampian condition preventing demolition works until submission of construction contract relating to associated planning permission;
- 3) Demolition Environmental Management Plan.

Informatives

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

4. PROPOSAL AND LOCATION DETAILS

Background

- 4.1 The Council refused planning permission on the 4 August 2009 (PA/09/00766) for the *“Demolition of existing buildings and redevelopment to provide two buildings of between four and eight storeys comprising 50 (13 x 1 bed, 31 x 2 beds and 6 x 3 beds) residential units and 322 square metres of commercial floorspace (Use Classes A1, A2, A3 or A4) including parking, loading, cycle parking, public amenity space and associated development”*. A subsequent appeal by way of an Informal Hearing was dismissed on the 2 November 2010. The appeal was dismissed on the grounds that the form and scale of the proposed development would not preserve or enhance the character and appearance of the conservation area and the Grade II Listed Building.
- 4.2 An application for Conservation Area Consent was also submitted for (PA/09/00767) *“Demolition of existing buildings in association with redevelopment of the site for mixed commercial and residential use”*, this was also dismissed.

Proposal

- 4.3 Planning permission is sought for the development of the three separate buildings of the site, one on the north side (building A) and two on the south side of the Hertford Union Canal (Buildings B and C) to provide 34 flats and a mixed use element on the ground floor of block C to provide 64sqm of floor space within a range of Use Classes A1, A2, A3, B1 and D1. Creation of new public open space, together with associated works including landscaping, highway improvements, cycle parking, servicing and plant. The proposal is a car free development. The proposal involves the demolition of two unlisted former warehouse buildings, a single storey building at the southern boundary of the site and to the north of the canal a larger two storey building. An application for Conservation Area Consent has been submitted for this part of the scheme.
- 4.4 It is proposed to build a total of 34 residential units in a mix of 5 x 4 bedroom houses, 10 x 1 bedroom flats, 15 x 2 bedroom flats and 4 x 3 bedroom flats. Building A is located on the north west side of the canal junction and comprises a part three part four storey block (including roof space accommodation) six flats (4 x 1 bed and 2 x 2 bed) and five x 4 bed three storey houses. Building B, located on the south east side of the canal is the largest part of the proposal and comprises a six storey building (also with roof space accommodation) of 5 x 1 bed and 11 x 2 bed flats, including 2 wheelchair accessible units. Building C is the smallest element in the proposal and is a four storey block that includes the proposed commercial use on the ground floor with seven flats on the upper floors, comprising 1 x 1 bed, 2 x 2 bed and 4 x 3 bed flats including the 2 wheelchair accessible units.

Site and Surroundings

- 4.5 The application site has an area of 0.2437 ha. It is located on the west side of Grove Road adjacent to the junction with Old Ford Road. The site comprises the westernmost part of the Bow Wharf complex. It is bounded by Grove Road to the east, the Hertford Union Canal to the north, the Grand Union Canal (Regents Canal) to the west and Wennington Road and Gardens to the south.
- 4.6 The layout of the site features two parcels of land that are connected by the stoplock bridge which carries the towpath and road over the Hertford Union Canal. It is a Grade II Listed Building. On the northern plot is a large, vacant warehouse building that adjoins the towpath and is known as 221 Grove Road. On the southern plot is a smaller linear building. These are the buildings that it is proposed to demolish. Alongside that is another linear low rise warehouse building that is in use as a Thai restaurant. While the rest of the plot comprises hard standing and is in use as a car park
- 4.7 Access to the site is from Old Ford Road to the west (via the stoplock bridge) and from Grove Road to the north; this is also a pedestrian access. Due to weight restrictions on the listed bridge, vehicular servicing is carried out along Grove Road. The remainder of Bow Wharf is the already developed area to the east of the application site that comprises small scale warehouse buildings and a larger converted brick warehouse building with a striking tall chimney.
- 4.8 With the exception of the open land towards the south of the site, the surrounding area is predominantly residential; immediately to the north of the site on the opposite side of the Hertford Union Canal is a three storey terrace known as Royal Victor Place and its car parking area adjoins the northern boundary of the application site. To the north west of that is a Grade II Listed terrace, 236 – 256 Old Ford Road, while across the Regents Canal to the west of the site is newer high rise development in the six tower block development of the Cranbrook Estate, which rises from 14 to 16 storeys and dates from the 1950's. Eastwards, along the Hertford Canal are more warehouse buildings extending towards Grove Road, whilst to the south east of the host site is Wennington Green Park (Metropolitan Open Land).

Planning History

- 4.9 The following planning decisions are relevant to the application:

- BW/93/37 Victoria Park Wharf and Park Wharf (now known as Bow Wharf) - *Change of use from industrial use to a Canalside arts and crafts village comprising mixed B1 and retail use with artist studios and ancillary music workshop and two restaurants. Provision of 'Pavilion' retail units, external alterations to existing buildings, boundary treatment and landscaping together with car parking, granted planning permission, 18th November 1993.*
- BW/94/62 Victoria Park Wharf and Park Wharf (now known as Bow Wharf) - *Removal of Condition 1, limiting the use of site for 5 years, imposed on planning permission granted on 18th November 1993 (Ref. No. TH.668?BW/93/97), granted planning permission, 20th March 1995.*

- BW/95/26 Park Wharf (now known as Bow Wharf - *Provision of 'Diner' restaurant unit to north-east corner of site adjoining the Canal and bridge*, granted planning permission, 3rd April 1995.
- BW/95/110 First Floor, Former 'Nicobond Glue Factory' Building - *Change of use from mixed artist 'gallery' / A3 use to a childrens indoor soft play area*, granted planning permission, 15th November 1995.
- BW/95/109 Pavilion Arts/Crafts Retail Units', main piazza - *Change of use of approved retail pavilions in main 'Piazza' from A1 retail use to A3 restaurant use*, granted planning permission, 15th November 1995.
- BW/95/81 First Floor, British Waterways Warehouse - *Change of use to 'Comedy Theatre Cabaret Club' with ancillary dining and dancing*, granted planning permission, 11th December 1995.
- PA/08/616 Bow Wharf – *Change of use from warehouse to gymnasium/fitness centre*, granted planning permission, 17th July 1998.
- PA/98/1207 Glue Factory, part ground floor and first floor – *Change of use from galleria/A3 (restaurant) use to health club/gymnasium use*, granted planning permission, 15th December 1998.
- PA/98/1206 Units 1-6 – *Change of use from Galleria units to A3*, granted planning permission, 12th January 1999.
- PA/01/1581 Unit 4, The Pavilion – *Retention of a chauffeur service business*, granted planning permission, 24th January 2002.
- PA/01/1787 Unit C1 to C3 – *Continuation of use of an office to direct mini-cab, chauffeur, private-rental and courier services*, granted planning permission, 1st February 2002.
- PA/03/339 Unit P5-P7 – *Change of use to direct mini-cab, chauffeur, private-rental and courier services*, granted planning permission, 4th September 2003.
- PA/02/951 Bow Wharf - *Demolition of existing buildings and redevelopment of the site to provide a part four and part five storey development (with mezzanine), comprising the provision of 9no. Class B1 units and 32no. Residential units, together with the erection of new first floor level pedestrian footbridge over the canal*, refused planning permission, 26th July 2004.
- APP/
E5900
/A/04/
1159432 Appeal dismissed by the Planning Inspectorate, 31st May 2005.
- PA/02/952 Bow Wharf - *Demolition of a single storey warehouse on the north side of*

Hertford Union Canal and demolition of a single storey cottage on the boundary of Wennington Park to allow for construction of 9no. Class B1 units and 32no. Residential units, refused planning permission, 26th July 2007.

APP/E5900 /E/04/1159433 Appeal dismissed by the Planning Inspectorate, 31st May 2005.

PA/03/293 Bow Wharf - Reinforcement and restoration works to the existing bridge, refused planning permission, 26th July 2004.

App/1159434 Appeal dismissed by the Planning Inspectorate, 31st May 2005.

PA/05/78 Unit P5-P7 – Continuation of use as a mini-cab/chauffeur service/courier service. (Following expiry of temporary use), granted planning permission, 24th March 2005.

PA/00766 Demolition of existing buildings and redevelopment to provide two buildings of between four and eight storeys comprising 50 (13 x 1 bed, 31 x 2 beds and 6 x 3 beds) residential units and 322 square metres of commercial floorspace (Use Classes A1, A2, A3 and A4) including parking, loading, cycle parking, public amenity space and associated development, refused planning permission 4th August 2009

PA/00767 Demolition of existing buildings in association with redevelopment of site for mixed commercial and residential use (Conservation Area Consent), refused 4th August 2009

APP/E5900/A/10/ 2121940 Appeal dismissed by the Planning Inspectorate, 2nd November 2010.

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:

Government Planning Policy Guidance/Statements

5.2	PPS1	Delivering Sustainable Development
	PPS3	Housing
	PPS5	Planning and the Historic Environment
	PPG13	Transport
	PPG 17	Planning for Open Space , Sport and Recreation
	PPG24	Planning and Noise
	NPPF	Draft National Planning Policy Framework

The London Plan Spatial Development Strategy for Greater London (July 2011)

5.3	Policies:	3.3	Increasing housing supply
		3.4	Optimising housing potential
		3.5	Quality and design of housing developments

- 3.6 Children and young people's play and informal recreational facilities
- 3.7 Large residential development
- 3.8 Housing Choice
- 3.9 Balanced and mixed communities
- 3.10 Definition of affordable housing
- 3.11 Affordable housing targets
- 3.12 Negotiating affordable housing on individual private residential and mixed use schemes
- 3.13 Affordable housing thresholds
- 4.4 Managing industrial land and premises
- 5.1 Climate change mitigation
- 5.2 Mitigating carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.4 Retrofitting
- 5.5 Decentralised energy in development proposals
- 5.7 Renewable energy
- 5.8 Innovative energy technologies
- 5.9 Overheating and cooling
- 5.10 Urban greening
- 5.11 Green roofs and development site environs
- 5.21 Contaminated land
- 6.3 Assessing effects of development on transport capacity
- 6.9 Cycling
- 6.10 Walking
- 6.12 Road network capacity
- 6.13 Parking
- 7.1 Building London's neighbourhoods and communities
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.5 Public realm
- 7.6 Architecture
- 7.8 Heritage assets and archaeology

Core Strategy 2010

- 5.4 Strategic Policies
 - SP02 Urban living for everyone
 - SP06 Delivering Successful Employment Hubs
 - SP08 Making connected places
 - SP09 Creating attractive and safe streets and spaces
 - SP10 Creating distinct and durable places
 - SP11 Working towards a zero-carbon borough
 - SP12 Delivering placemaking
 - SP13 Planning Obligations

Unitary Development Plan 1998 (as saved September 2007)

- 5.5 Policies:
 - DEV1 Design Requirements
 - DEV2 Environmental Requirements
 - DEV3 Mixed Use Developments
 - DEV4 Planning Obligations

DEV12	Provision of Landscaping in Development
DEV28	Demolition in Conservation Areas
DEV37	Alterations of Listed Buildings
DEV39	Development Affecting the Setting of a Listed Building
DEV50	Noise
DEV51	Soil Tests
DEV55	Development and Waste Disposal
DEV56	Waste Recycling
DEV57	Development Affecting Nature Conservation Areas
DEV60	Vacant/Derelict land as Nature Areas
DEV63	Designation of Green Chains
DEV64	Strategic Riverside Walkway Designation
DEV65	Protection of Existing Walkways
EMP1	Encouraging New Employment Uses
EMP8	Encouraging small business growth
HSG7	Dwelling Mix and Type
HSG13	Standard of Converted Dwellings
HSG15	Preservation of Residential Character
HSG16	Provision of Housing Amenity Space
T7	The Roads Hierarchy
T16	Traffic Priorities for New Development
T18	Pedestrians and the Road Network
T21	Pedestrian Needs in New Development
OS9	Children's Play Space
U2	Development in Areas at Risk from Flooding
U3	Flood Protection Measures

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

5.6	Policies	DEV1	Amenity
		DEV2	Character and Design
		DEV3	Accessible and Inclusive Design
		DEV4	Safety and Security
		DEV10	Disturbance from Noise Pollution
		DEV13	Landscaping and Tree Preservation
		DEV15	Waste Recyclables Storage
		DEV16	Walking and Cycling Routes and Facilities
		DEV17	Transport Assessments
		DEV18	Travel Plans
		DEV22	Contaminated Land
		EE2	Redevelopment / Change of Use of Employment Sites
		HSG1	Determining Residential Density
		HSG7	Housing Amenity Space
		HSG9	Accessible and Adaptable Homes
		CON1	Listed Buildings
		CON2	Conservation Areas

Supplementary Planning Guidance/Documents

5.7	Planning Obligations SPD
	SPG Residential Space Standards
	SPG Canalside Development

SPG Landscape Requirements

Managing Development DPD Proposed Submission Version (2012)

- 5.8
- | | |
|-------|---|
| DM3 | Delivering Homes |
| DM4 | Housing Standards and Amenity Space |
| DM8 | Community Infrastructure |
| DM9 | Air Quality |
| DM10 | Delivering Open Space |
| DM11 | Living Buildings and Biodiversity |
| DM12 | Water Spaces |
| DM13 | Sustainable Drainage |
| DM14 | Managing Waste |
| DM15 | Local Job Creation and Investment |
| DM16 | Office locations |
| DM22 | Parking |
| DM23 | Streets and the Public Realm |
| DM24 | Place Sensitive Design |
| DM25 | Amenity |
| DM 27 | Heritage and the Historic Environment |
| DM29 | Achieving a zero-carbon borough and addressing climate change |

Community Plan

- 5.9 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 & Renewal are expressed in the **MATERIAL PLANNING CONSIDERATIONS** section below.

- 6.2 The following were consulted regarding the application:

Corporate Access Officer

- 6.3 The existing public realm/estate environs including access up and on to the canal is in a poor state and development should not commence until a binding condition is met that provides an accessible public realm for the application site.

- 6.4 **Officer Comments:** *Along with a condition requiring that the development be built to Lifetime Homes standards, another condition is recommended in the report requiring that details of a fully accessible and inclusive public realm for the scheme are submitted for approval before the development commences.*

LBTH Biodiversity

- 6.5 Although there is little of biodiversity interest on the application site itself, it is a key location for enhancing biodiversity. The site is at the junction of two canals, both of which are part of a site of Metropolitan Importance for Nature Conservation. The Hertford Canal is also a Green Corridor, linking the Grand Union Canal system with Victoria Park, Mile End Park and the Lea Valley.
- 6.6 The survey report does not address the impact, which is likely to be minor, on biodiversity along the canal banks from Block B, a six storey building. The Lighting Strategy in the Design and Access Statement indicates that there would be light spillage across the whole width of the canal from blocks A and B and there is concern regarding the effect on habitats, notably bats, which are a protected species. Mitigation of shading on canalside biodiversity and light spillage on habitats will be required by a condition.
- 6.7 To ensure that no breach of protected species legislation occurs, the condition should also require that the demolition of buildings that is proposed should take place during the winter period (November to March) as there is a possibility, referred to in the survey report, that small numbers of bats and black redstarts roost there. If this is not feasible, soft demolition techniques, carried out with an ecologist present should be arranged. If demolition is proposed between may and July then black redstart surveys should be carried out beforehand and if species are found to be nesting there, demolition would have to be delayed before the young have fledged.
- 6.8 **Officer comment:** *The advice regarding mitigation of light spillage on habitats and shading impacts on canal side bio diversity is noted and conditions are recommended requiring details to be submitted in the form of a Biodiversity Management Plan showing how these impacts can be ameliorated satisfactorily.*

Head of Building Control

- 6.9 No response received

Energy Efficiency Unit

- 6.10 Whilst the proposed energy strategy falls short of the requirements of DM Policy DM29 (which seeks a 35% reduction in CO2 emissions) the anticipated CO2 savings are in accordance with adopted development plan of 25% (London Plan Policy 5.2) and the applicant has demonstrated the CO2 savings have been maximised through energy efficiency measures and the integration of renewable energy technologies.
- 6.12 The applicant has provided a robust justification for the omission of a CHP and a communal gas system is also not considered feasible due to the scale of the development and site constraints (including the Hertford Union Canal).
- 6.13 Therefore, the CO2 savings proposed for this development are considered acceptable in this specific instance. The applicant has proposed to achieve a Code for Sustainable Homes Level 4 rating for all units which is also supported by Sustainable Development Team. The energy strategy (including the additional

information) and Code for Sustainable Homes level 4 achievement should be secured through appropriate conditions. The following conditions are recommended: Energy Efficiency and Renewable Energy and Code for Sustainable Homes.

- 6.14 **Officer comment:** *This advice is noted; the two conditions have been included in the recommendation.*

LBTH Development Design and Conservation

- 6.15 The redevelopment of the site is welcomed; The overall treatment of the design and appearance of the proposed development, the materials and character, scale, height, bulk and massing of the scheme and the palette of materials that have been selected are in accordance with the detailed discussions that took place at the pre - application meeting.
- 6.16 At the meeting careful consideration was given to how the three distinct units would relate to the existing setting of buildings and places in the canal side conservation. Officers stressed that the proposed blocks must not dominate the domestic scale of the existing buildings. A contemporary design was not ruled out providing it complied with this requirement; however the applicants have chosen a pitched roof and a perpendicular design that respects the traditional Victorian dockside character of the locality, which is acceptable.
- 6.17 The layout of the proposed development has taken account of the need to have the entrances and approach to the three buildings designed and located so that natural surveillance can be achieved through active frontages that create interaction between the public, semi private and private spaces in the scheme. The access to Block A from the canal is consistent with this approach, as is the location of the entrance, refuse bin and cycle storage and the layout of private amenity space, all of which are in open, legible places.
- 6.18 The overall massing of Block A has been reduced in comparison with the previous proposal, with only a single residential unit in the roof space. The part two storey part three storey terrace of houses respects the human scale and rhythm of the adjacent terrace, Royal Victor Place. The discreet ramp at the side of the canal path leading to the gated entrance is another understated feature that reduces the overall impact of the building in relation to the changing levels of the canal towpath.
- 6.19 The pre application advice stressed that the relationship between Block B and the local listed warehouse building is important, as it is the block that provides a transition between the old and the new. In this regard the applicants have taken care to design all three of the buildings to respect the architectural integrity of the original canal side buildings, of which the locally listed warehouse is the best example.
- 6.20 The design of Block C, which has a mixed use element on the ground floor of the building, has also been designed to concur with the advice given at the pre application stage. The need to have an active frontage that provides a transition between the public nature of the piazza and the semi private entrance to the residential accommodation on the upper floors has been met. The taller floor to ceiling heights of the mixed use element on the ground floor of the building responds well to the location of the public zone, creating a transition and distance between the

private, residential part of the building and the public realm.

- 6.21 The introduction of a colonnade between Blocks B and C comprising an arcade of brick columns to support the upper floors of Block B continues the openness of the piazza and retains views of the locally listed warehouse from the direction of the canal towpath. The layout of the public realm and routes through the site is well designed and legible.
- 6.22 The relationship between Block B and the existing locally listed warehouse building is important; Block B has also been sensitively designed as per the pre application discussions that took place. The footprint of the proposed building has been set back from southern wall of the existing warehouse building by 4m and set aside by 3m from the western flank wall to ensure that no uneven junction is created between the proposed gable end wall and the gable end wall of the existing building.
- 6.23 A link between the two buildings is proposed on the eastern flank wall of Block B in the form of a lightweight steel and glass fire escape staircase, which will be enclosed by a one - way gate at ground floor level. This creates unity between the two buildings, whilst ensuring that views of the locally listed building are preserved.
- 6.24 Overall the proposal respects the architectural integrity and the open layout of the canal side locality. The buildings have sufficient setting around them to respect the canal banks and the listed towpath, rather than bearing down on them and cramping the space around these features.
- 6.25 The use of common building materials in each of the three buildings, i.e., dark stock brickwork with limited dark rendered panels, slate tiled roofs and steel railings and balustrades also welcomed and in keeping with the character of the conservation area.

Crime Prevention Design Advisor

- 6.27 The undercroft adjacent to Block C could be an opportunity for anti social behaviour and loitering; it will need to be well lit and have CCTV installed to reassure passers by that it will be a safe passage. This will be secured by a condition and undertaken and monitored by the landowner (British Waterways Board) as an extension to their existing security management arrangements at the adjacent commercial/ retail development.
- 6.28 A similar arrangement will need to be made for the entrance to Block B, because it faces trees and shrubs, it is not overlooked and therefore does not have natural surveillance. The entrance gate leading to this block should be 2.4m in height, it should be robustly built and be non-climbable.
- 6.29 All boundary walls and fences should be 2.4m in height. All entrances, doors, walls, fences and railings, external and internal lighting should be designed to meet SBD (Secured By Design) standards.
- 6.30 **Officer comment:** *The comments are noted and a condition is recommended requiring that the proposal will be compliant with the principles of 'Secured by*

Design' and 'Safer Places'.

Waste Policy and Development

- 6.31 No objection is made provided that the commercial units that are proposed have adequate storage for waste and that it is segregated from the storage units for the residential part of the development. Access to bin stores must be located without hindrance from bollards, trees, parking bays and dropped kerbs. These details should be sought by a condition.
- 6.32 **Officer comment:** *The advice is noted and an appropriate condition is recommended in the report.*

LBTH Housing Development and Private Sector

- 6.33 Following an independent review of the applicant's viability toolkit, it has been established that the scheme cannot deliver more than 29% affordable housing. This is below the Council's minimum requirement of 35%, however policy does allow for viability to be considered.
- 6.34 The affordable element is split 83%:17% in favour of rented, this is outside the Council's policy target of SP02 (4) 70%:30% split.
- 6.35 The unit mix within the affordable rented proposes 14% of one beds against a target of 30%, 29% of two beds against our target 25%, 57% of three beds against our target of 30%. The scheme proposes no four or five within this tenure type. Overall our SP02 target requires 45% affordable family housing within so we would find the higher provision of three beds acceptable.
- 6.36 Within the intermediate the applicant proposes to deliver 50% one beds against our target of 25%, 50% of two beds against our target of 50%. There is no provision of family units within the tenure type.
- 6.37 The applicant is proposing to deliver the rented element at Affordable rent. We need to see the rent assumptions to ensure they are in line with the parameters set by POD for that area.
- 6.38 This offer has undergone independent viability testing and on balance we would be supportive.

LBTH Environmental Health – Air Quality

- 6.39 The scheme must comply with statutory requirements including the Housing Act and the Building Regulations
- 6.40 **Officer Comments:** *This advice is noted and will be the subject of an Informative in the recommendation.*

LBTH Environmental Health - Contaminated Land:

- 6.41 The proposal must comply with the Tower Hamlets Construction Policy, The Control

of Pollution Act 1974 and BS5228:2009 (Code of Practice for Noise and Vibration Control on Construction Sites) to ensure prevention of noise and dust nuisance infringements under the Environmental Protection Act 1990.

- 6.42 **Officer Comments:** *This advice is noted and will be the subject of an Informative in the recommendation.*

LBTH Environmental Health – Micro Climate

- 6.43 To date no response received.

LBTH Environmental Health – Noise and Vibration

- 6.44 To date no response received.

LBTH Highways and Transportation

- 6.45 The proposal includes a single on site disabled car parking space which is welcomed. The development is car - free, which is also welcomed. The planning permission must include a S106 car free agreement to promote sustainable development and to prevent future occupiers from applying for on-street parking permits. 38 cycle spaces will be provided for the residential element of the scheme and 2 spaces for the commercial use. Whilst this level of provision is supported, there is no information provided on the type of cycle stand to be used, nor is it demonstrated that the minimum number of stands can be accommodated in the areas shown on the plans. Details of secure cycle storage will therefore be required by a condition.
- 6.46 The proposed commercial unit (approximately 64sqm) is unlikely to generate large volumes of servicing trips. The development proposes an area of hard standing adjacent to the proposed commercial unit which can be used by a transit van sized vehicle for servicing. The proposed commercial unit can also use the same servicing arrangements as the existing units on the site whereby vehicles can park in a designated area within the adjacent Bow Wharf car park and then transport the goods to the proposed commercial unit.
- 6.47 A Service Management Plan should be secured via condition to control the servicing (locations, size of vehicle using the area of hard standing, frequency of servicing movements and times during which servicing can take place). The Applicant is advised to avoid service vehicle movements along the access road during peak times of pedestrian and cyclist movement.
- 6.48 Refuse collection activities will also have to be managed as part of the Delivery and Servicing Management Plan.
- 6.49 Highways will seek a contribution towards public realm/highway improvement works. As identified in the previous Highway comments and within the TS submitted in support of the current application, works are required at the site access junction onto Old Ford Road, including the provision of visibility splays at the site access junction onto Old Ford Road. This will be secured in a S278 agreement with the applicants.

- 6.50 A Construction Management Plan and a Delivery and Servicing Management Plan are to be secured via condition along with a condition requiring all private forecourt/areas to be drained within the site and not into the Public Highway.
- 6.51 A condition requiring highway improvements on Old Ford Road will be necessary to serve this development.
The works shall include:
- i. Any Closure of the existing accesses;
 - ii. Reconstruction of footway adjacent to site boundary;
 - iii. Removal, trimming or planting of highway trees;
 - iv. Construction of a new carriageway where necessary;
Alteration and/ or reconstruction of existing carriageways including all necessary stripping and resurfacing;
 - vi. Taking up and reuse of existing kerbs where appropriate;
 - vii. Alteration of existing surface water drainage systems as appropriate and where necessary;
 - viii. Taking down and erection of existing traffic signs and the provision of all new necessary traffic signs;
 - ix. Provision of all necessary road markings;
Diversion of statutory undertakers equipment where essential as part of the highways works with the costs of such diversions being met by the owner;
Preparation and implementation of all necessary traffic regulation orders where appropriate.
- 6.52 The footway and carriageway on the surrounding highway must not be blocked during the construction and maintenance of the proposal. Temporary obstruction during the construction must be kept to a minimum and should not encroach on the clear space needed to provide safe passage for pedestrians, or obstruct the flow of traffic along the surrounding highway.
- 6.53 No skips or construction materials shall be kept on the footway or carriageway on the surrounding highway at any time.
- 6.54 All construction vehicles must only load/unload/park at locations and within the times permitted by existing on-street restrictions.
- 6.55 **Officer comments:** *The proposed highway improvements will be secured by a S278 agreement, which will also be subject to a condition. The car and permit fee development will be included in the heads of terms of the S106 agreement. A service management plan and secure cycle storage is also recommended to be conditioned.*
- LBTH Arboriculture Officer**
- 6.56 No objections are made to the proposal
- LBTH Directorate of Children’s Services.**
- 6.57 To date no comments have been received.

LBTH Communities Localities and Culture

6.58 To date no comments have been received.

Olympic Delivery Authority

6.59 To date no comments have been received.

Property Shared Service Centre (British Waterways)

6.60 To date no comments have been received.

English Heritage

6.61 To date no comments have been received.

Environment Agency

6.62 To date no comments have been received

Tower Hamlets Primary Care Trust

6.63 To date no comments have been received

Inland Waterways Association

6.64 To date no comments have been received

Canalside Consult Committee

6.65 To date no comments have been received

Thames Water Utilities Limited

6.66 To date no comments have been received

London Fire and Civil Defence Authority

6.67 To date no comments have been received

Lee Valley Regional Park Authority

6.68 To date no comments have been received

7. LOCAL REPRESENTATION

7.1 A total of 298 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 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: 68 Objecting: 67 Supporting: 1

7.3 The following local groups/societies made representations:

CADAP (Conservation and Design Advisory Panel)

7.4 The majority of the group concluded that the proposed development is a reasonable use of the site that will enhance the existing location, although concern was had for what was regarded as an over development of the canal side. The balconies that are proposed are regarded as intrusive and that Juliette balconies with a space behind them should be considered as an alternative.

7.5 **Case Officer comment:** *The suggestion that the projecting balconies be replaced by recessed Juliette balconies set within an internal space has been considered, but it was agreed by officers and the applicants that to provide them would compromise internal floor space requirements and reduce amenity standards for the development.*

7.6 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:

Effect on the Conservation Area/ Listed buildings

7.7 Although the proposed blocks have been reduced in scale and height they are still too large in comparison with surrounding development and are out of keeping with the character and appearance of buildings in the Victoria Park Conservation Area

7.9 The proposed development is an over development of the site that is too close to the canal and will have an overbearing impact on it. The proposal will crowd the area around the listed stop lock and will result in a canyon of new build development that will dominate the bridge and the towpath, this particularly true of Block A and the proposed three storey terrace.

7.10 The decisions made by the Planning Inspectorate provide a benchmark against which all subsequent schemes must be judged; they stress the need to respect the locally listed buildings and the historic open spaces of Bow Wharf, the special character of the canals at the historic canal junction and the setting and character of the Listed stop lock bridge. The proposed development would overwhelm the locally listed buildings and detract from the special character of the conservation area.

7.11 The application site as it stands makes a positive contribution to the character and appearance of the Regent's Canal Conservation Area and should be retained as such.

7.12 **Case Officer comment:** *It is considered that the design and layout of the proposed development is in keeping with the character of the existing canal side buildings and respects their scale, massing and their Victorian warehouse appearance and form. The development has been designed to take great care that it does not have an*

overbearing effect on the setting of the canals and the stop lock bridge that is at the junction of them.

7.13 *The development has been set out with the natural constraints of the surrounding area in mind, i.e., the canals themselves and the open space that extends to the south of the site. The layout of the proposed development broadly respects the building line of the warehouse buildings on either side of Hertford Union Canal, while the piazza provides adequate setting and relief at the core of the development and, crucially, alongside the principle feature of the locality, the Listed stop lock bridge.*

7.14 *It is concluded therefore, that the proposal would not have an overbearing effect on the listed bridge and would not be out of keeping with the character and appearance of the conservation area.*

Residential Amenity

7.15 *Overlooking and loss of privacy will occur from windows in the proposed development which will be directly opposite rooms of residents in Twig Folly Close and Velletri House.*

Proposal will result in more noise, a deterioration in air quality , more litter in the area

Disruption during construction of the building

Construction lorries with heavy loads will damage the Listed bridge during the demolition/construction phase.

7.16 ***Case Officer comment:*** *The buildings in the Cranbrook Estate are a considerable distance to the west of the application site, on the far side of the Regent's Canal. Twig Folly Close is the nearest building to the site and it is roughly 20m to the south west of proposed Block C, across the canal. Given the orientation of the respective buildings, overlooking and loss of privacy from the proposed block C would be oblique, as the principle canal side frontage of that building is north facing, whereas the habitable room windows in the first and second floors of proposed block C (of which there are four, serving bedrooms; the ground floor is the location for the proposed mixed use unit, whose windows would be on the northern return frontage facing the piazza) are south west facing.*

7.17 *Velletri House is even further west and is roughly 85m from the canal bank. In these circumstances, overlooking and loss of privacy to residents in that building from the proposed development is not feasible.*

7.18 *The nearest residential properties that could be adversely affected by the proposed development are at Royal Victor Place, a two storey residential terrace that is on the opposite side of the Hertford Union Canal to the north east of proposed block B at a distance of approximately 21.5m and no's 36 -256 Old Ford Road, a Grade II Listed Victorian terrace. This terrace faces north towards Victoria Park and block A would be at the rear of these houses at a distance of approximately 30m. In such circumstances it is concluded that the residential amenity of both of these existing developments would not be adversely affected by overlooking and loss of privacy or loss of outlook.*

7.19 *The proposal will be subject to conditions requiring that it has adequate means of*

storage of refuse and waste. Noise is one of the hazards under the Health and Housing Risk Rating Scheme. Sound insulation testing report[s] should be provided to Environmental Health to demonstrate compliance with Part E of the Building Regulations: Resistance to the Passage of Sound.

- 7.20 *Construction and demolition noise will be subject to a condition limiting hours of work from 0800 to 16 00 on weekdays. Use of pile drivers and other construction equipment is controlled by a further condition. Building works are also subject to environmental health legislation on noise and air pollution and the construction firm is a signatory of the Considerate Construction Code of Practice. In the same way, the works for the highway improvements will be strictly controlled by the requirements of a condition on a Construction Management Plan and a Service Management Plan.*
- 7.21 *Finally, as the proposed development will be car free, the negative impacts that are associated with car borne travel on residential amenity and on the quality of the environment of noise and disturbance from traffic and a deterioration in air quality will not result.*

Impact upon open space

- 7.22 Overshadowing of the canal banks will be harmful to local flora and fauna.
- 7.23 **Case Officer comments:** *The Council's Biodiversity officer has advised that although there is little of biodiversity interest on the application site itself, it is a key location for enhancing biodiversity and for this reason; mitigation of shading on canalside biodiversity and light spillage on habitats will be required by a condition.*

Highways impacts

- 7.24 Car free development is a charade that exploits green /sustainable objectives. It is widely acknowledged that such schemes in LBTH are abused by new residents who acquire parking permits from friends or relatives and park in nearby streets or on estates that are already congested with traffic.
- 7.25 Access to the site is poor; refuse collection vehicles, emergency vehicles and delivery vehicles will have problems negotiating the site and this will put a further strain on local facilities. The Grove Road public car park is already under pressure.
- 7.29 **Case Officer comments:** *The permit free agreement, once in place, will be monitored by the Council's Highway Department as part of the objective of reducing parking stress in the borough. Access to the site along Old Ford Road is to be upgraded by a S278 Agreement with the applicants, who will contribute £25,200, the estimated cost of the programme. This will involve resurfacing of the carriageway, renewal of the footway, alteration of existing surface water drainage systems as appropriate, improving visibility by taking down existing traffic signs and the provision of all new necessary traffic signs and cutting back and or removing overgrown trees and shrubs.*

8. MATERIAL PLANNING CONSIDERATIONS

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

1. Land Use
2. Density
3. Design
4. Impact Upon Amenity of Neighbours
5. Housing
6. Energy and Sustainability
7. Transport Impacts
8. Other planning matters

Land Use

8.2 The proposal is predominantly residential, however 64 sqm of floor space on the ground floor of Block C is proposed within the A1, A2, A3 B1 and D1 use classes. Bow Wharf site is on the edge of Victoria Park, the largest area of MOL (Metropolitan Open Land) in the Borough and the site is designated in Schedule 2 of the 1998 UDP(Commitments and Proposals) as Victoria Park Wharf, where “leisure, recreation, arts/crafts, retail and water recreation are preferred uses.”

8.3 There are two former employment buildings that it is proposed to demolish. The first is a low rise building that comprises 85 sqm of floor space and was in B1 use. It is in the south west corner of the site adjacent to Wennington Gardens. The second building is a large warehouse at the north western corner of the site that occupies 581 sqm of floor space and was in B8 use (Storage and Distribution).

8.4 Both buildings have been vacant for many years and in the previous scheme marketing evidence was submitted that showed that efforts to find an occupier for the vacant sites had been fruitless. The main problem being the restricted access to the site, which prevents lorries and vans from getting to the premises and the lack of prominence in the location of the two buildings, which would not attract a modern day office/warehouse user.

8.6 Policies EMP1 and EMP8 of the adopted UDP seek employment growth and the development of small businesses. Policies CP11 and policy EE2 of the IPG 2007 seek to protect sites in employment, while policy CP9 seeks to retain employment floor space for small businesses. Policy SP06 of the Core Strategy (2010) also supports these aims, as does DM15, DM16 and DM17 of the DM DPD (2012).

8.7 However, the marketing evidence that was submitted with the previous scheme showed that the use of the site for employment generation has long ceased and this was acknowledged in the pre application process that took place before the current scheme was submitted.

8.8 The site and its surroundings are clearly a post industrial area with a history that is associated with the use of canal traffic. However residential uses are widespread as well and the proposed largely residential use that is proposed would be in keeping with the existing land uses in the locality and with the prime planning aim of building on brownfield sites, where possible. It is concluded therefore that the loss of the employment floor space would not give rise to conflict with relevant employment

policy.

- 8.9 In this regard the proposal is also consistent with national and regional policy; In respect of national policy, PPS 1 'Creating Sustainable Development', 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, while Policy 3.3 of the London Plan (2011) (Increasing Housing Supply) encourages local planning authorities to maximise the potential of meeting strategic housing need targets by permitting mixed use redevelopment, where appropriate of sites with surplus commercial capacity.

Mixed use element

- 8.10 The ground floor commercial element of the scheme is relatively small (64 sqm) However it will be a focal point of the public realm and if, for example it becomes a retail use there will be considerable activity generated by shoppers. To ensure that the proposed use does not have any harmful impacts on the amenity of neighbouring residents, for example in the upper floors of Block C, a condition controlling the hours of operation of the premises is recommended. If retail, use is chosen for the site, and it is understood that to date no potential occupier has been found, details of external fume extraction will be required before the use commences.

Density

- 8.11 National planning guidance in PPS1: Sustainable Development and PPS3: Housing, stresses the importance of making the most efficient use of land and maximising the amount of housing. This guidance is echoed in the requirements of London Plan Policy 3.4 – which requires development to maximise the potential of sites, policy 7.6 – which details design principles for a compact city and strategic policy SP02 (2) of the Core Strategy, which seeks to ensure new developments optimise the use of land that the density levels of housing correspond to public transport accessibility levels and the wider accessibility of the location. Finally, IPG policy HSG1 provides detailed guidance listed below and seeks to maximise residential densities on individual sites subject to acceptable environmental impacts and local context.
- 8.12 In calculating the density of this site reference has been made to table 3.2 of policy 3.4 of the London Plan. The site has an average Public Transport Accessibility Level (PTAL) (3). The site is identified as falling within an 'urban' area. For sites within an urban area with a PTAL range of 3-6 the appropriate density is 300-650 hr/ha (habitable rooms per hectare). The proposed density would be 455 habitable rooms per hectare or 140 dwellings per hectare (net site area), which is the lower end of the density range.

Policy HSG1 of the IPG seek to maximise residential densities on individual sites taking into consideration:

- the density range appropriate for the setting of the site,
- local context and character,
- amenity,

- design,
- housing mix and type,
- access to town centre,
- provision of adequate open space including private, communal and public open space,
- impact on the provision of services and infrastructure, and; the provision of other (non-residential) uses on site.

It is concluded that the residential density of the scheme is moderate and is indicative of the aim of the development to be of a human scale and to be in keeping with the low rise parkland setting of Bow Wharf.

Design

- 8.13 Government Guidance set out in 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.
- 8.14 Regional Guidance in Policy 7.1 of the London Plan 'Building London's Neighbourhoods and Communities' sets out over-arching design principles for London. Policy 7.8 of the London Plan requires developments to be sympathetic towards to heritage assets; Policy 7.6 seeks to ensure that new buildings are of the highest architectural quality.
- 8.15 Policy DEV 2 of the IPG and saved Policy DEV1 of the adopted UDP requires that development proposals should take into account and be sensitive to the character of the surrounding area in terms of design, bulk, scale and the use of materials and that the scheme should contribute to the enhancement of local distinctiveness.
- 8.16 Policy SP10 of the Core Strategy DPD (2010) seeks to promote and implement place making across the borough to ensure that the locally distinctive character and context of each place is acknowledged and enhanced. The policy also seeks to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds. The policy lists 8 criteria against which development proposals will be assessed in order to ascertain whether they achieve this. Policy DM24 advises similarly.

Layout, scale and height

- 8.17 The three distinct parts of the development have been designed to respect the layout, scale and height of the buildings that they adjoin and the general context of their location. The layout of the buildings respects the pattern and form of development in and around Bow Wharf;
- 8.18 The three buildings are set out so that they remain within the existing building lines on both sides of the Hertford Union Canal. A buffer strip of 3.5m is provided on either side of the canal and the respective building lines of Blocks A and B, while a

similar distance is provided between Block C and the west bank of the Regent's Canal. This also ensures that the scheme does not have an over dominant effect on the Grade II Listed Stoplock bridge, the focal point of the application site and its surroundings.

- 8.19 The scale, height and massing of the proposal respects that of buildings in the immediate area at the junction of the two canals. For example, Block B, the tallest of the three buildings, is sat back from the southern wall of the existing warehouse building by 4m and set back 3m from the western flank wall. Block A steps down from four to two storeys on the party wall with the two storey terrace of Royal Victor Place, while Block C is designed to ensure that the mass of the four storey building does not overwhelm the piazza, which is the public realm of the site, through the introduction of a colonnade at ground floor level, as a permeable route through the site.
- 8.20 The piazza and the colonnade also ensure that there is an acceptable relationship between buildings and spaces and that adequate setting is provided for the buildings, rather than being reliant on the open space to the south of the site for setting.

Impact on the Conservation Area and the Listed Stop Lock Bridge

- 8.21 PPS5: Planning and the Historic Environment, part 3 of strategic policy SP10 of the CS and policy CON2 of the IPG outline that development which would affect the setting of a conservation area should preserve or enhance the special architectural or historic interest of the Conservation Area. Furthermore, part 3 of strategic policy SP10 of the CS and policy CON1 of the IPG outlines the desirability of preserving the setting of a Grade II listed building, when considering applications for buildings that affect the setting of a listed building.
- 8.22 Policies CON1 and CON2 of the IPG seek to ensure that new development does not have an adverse impact on the character of Conservation Areas or Listed Buildings DM27 of the Managing Development Development Plan Document requires that development must not have adverse effects on any of the borough's heritage assets.
- 8.23 The Regent's Canal Conservation Area was designated in October 2008. Prior to that the site was part of the Victoria Park Conservation Area.
- 8.24 Within the site boundary is the Grade II Listed Stop Lock Bridge.
- 8.25 The Regent's Canal Character Appraisal states that "The character of the Regent's Canal is typical of a canal with the water framed by the towpath and then fringed with greenery. Associated with the canal and part of its special character are the locks, lock cottages and bridges associated with its commercial use."
- 8.26 The topography of the canal side location is undulating. Whilst the character of the conservation area varies along the length of the canal, the application site is adjacent to Mile End park and Victoria Park. In these areas the canal is bordered by broad green swathes that create a different character and give the locality the

character of a Green Corridor.

- 8.27 The appearance of the scheme draws heavily on the Victorian dock warehouse character of the existing canal side buildings. Although the scheme includes more glazing than would be usual for an industrial building, a number of the elevations contain the smaller punched casement windows that can be seen in the existing warehouse buildings.
- 8.29 The steeply pitched roofs, uniform fenestration and the vertical emphasis of each of the blocks are in keeping with the appearance and design of commercial and residential properties on either side of the canal.
- 8.30 More importantly however, the reduction in the massing and height of the buildings has overcome the over dominant and visually intrusive impacts that the previous scheme had on the open nature of the canal side conservation area and the stop lock Listed Building, which retains its centrality as the focal point of the locality.
- 8.31 The stop lock bridge has a weight restriction on it and would not be capable of carrying heavy loads. For this reason a condition is recommended requiring that a Construction Management Plan be submitted in order to control the method of delivery of construction materials to safeguard the bridge during the construction phase of the development.

Materials

- 8.32 The palette of materials that are proposed for the scheme, with dark stock brickwork set in brown and grey rendered cladding, slate roof tiles and steel balconies and balustrades are in harmony with the industrial architectural vernacular of the Regent's Canal Conservation Area and the cast iron and timber construction of the stop lock bridge.

NB: An application for Listed Building Consent for the refurbishment of the Stop Lock Bridge has recently been submitted.

Demolition of Buildings in the Conservation Area

- 8.33 An application for Conservation Area Consent has been submitted with the scheme for the demolition of two unlisted warehouse buildings on the site. The first of them is a small scale single storey rendered office building with a concrete slate tiled pitched roof and a brick gable that faces the Hertford Union Canal. The outer wall abuts the footway of Old Ford road. The building is in the south west corner of the site and would be demolished to make way for proposed Block C and the Piazza.
- 8.34 The second building is a much larger structure that is in the north west bank of the Hertford Union Canal. It is brick built with pitch corrugated roofs on steel trusses and has an area of 586 sqm and appears to date from the 1950's. It would be demolished to make way for the proposed Block A.
- 8.35 Their demolition was accepted in principle in the previous scheme and it was stated in the case officer's report that "neither of these buildings contribute to the setting of the conservation area. It is considered that the demolition of these buildings is in line

with the redevelopment of the site would be acceptable.”

- 8.36 At the subsequent Hearing following the refusal of the planning application, the Inspector concurred with this opinion, saying that he had no objection to the demolition of the buildings provided that they be replaced with an acceptable development. However, as this wasn't the case, the application for Conservation Area Consent was refused.
- 8.37 Both of the buildings have been vacant for a considerable time. They have no architectural merit and they do not make a positive contribution to the character and appearance of the conservation area. It is concluded therefore that the demolition of the two buildings

The Scheme in the Light of the Dismissal on Appeal of the Previous Proposal

- 8.38 The previous development was dismissed on appeal for the sole reason that the development to provide two buildings of between four and eight storeys to provide 50 residential units and 322 sqm of commercial floor space would not preserve or enhance the character or appearance of the Regent's Canal Conservation Area. The Inspector stated that “ The scale of the development would dominate existing buildings at Bow Wharf and Royal Victor Place which have been carefully designed to reinforce the historic canal side character. “
- 8.39 It is concluded that the revised scheme has taken this conclusion into account by reducing the overall scale, massing and scope of the development, thereby lessening significantly the impact on the conservation area and the Listed stop lock bridge. In this respect the proposal is in accordance with national guidance as set out in PPS5.

Impact Upon Amenity of Neighbours

Sense of Enclosure, Outlook, Privacy and Overlooking:

- 8.40 This part of the proposal needs to be assessed against strategic policy SP10 of the Core Strategy (2010), saved policy DEV2 of the UDP policy DEV1 of the IPG and policy DM25 of the MDDPD. These policies seek to ensure that the privacy and amenity of residents is protected from development.
- 8.41 It is not considered that the proposal would have an adverse impact on the amenity of neighbouring residents and that no conflict would arise with relevant policies. The only neighbouring development that could be materially affected by the proposal would be at Royal Victor Place, the long terrace immediately to the east of Block A, the part 4 part 3 storey building. This building steps down to three storeys (including the loft space) adjacent to the existing terrace and although Block A is set forward of the front building line of those properties, there is a gap on the boundary between the respective end of terrace dwellings of 2.3m.
- 8.42 Furthermore, the proposed layout of Block A provides for small front gardens. As such, when assessing the relationship Block A would have with the existing terrace at Royal Victor Place in terms of a a 45% degree exercise, it is found that Block A would not cause any daylighting infringements to the neighbouring properties on its

western boundary.

Impact on Residential Properties – Sunlight

- 8.43 BRE (Building Research Establishment) guidance states that a window facing within 90 degrees of due south receives adequate sunlight if it receives 25% of annual probable sunlight hours including at least 5% of annual probable hours during the winter months.

Daylight:

- 8.44 There are three methods of calculating the level of daylight received known as Vertical Sky Component (VSC), No Sky Line (NSL) and Average Daylight Factor (ADF). BRE guidance sets out that the first test applied should be VSC and if this fails consideration of the NSL test may also be taken into account.
- 8.45 BRE guidance in relation to VSC requires an assessment of the amount of daylight striking the face of a window. The VSC should be at least 27%, or should not be reduced by more than 20% of the former value, to ensure sufficient light is still reaching windows. The NSL calculation takes into account the distribution of daylight within the room, and again, figures should not exhibit a reduction beyond 20% of the former value.

Overshadowing:

- 8.46 An updated shadow analysis was provided by the applicant taking account of changes to the BRE Guidance 2011 which has changed the overshadowing test. As such, it is required that on the 21 March amenity spaces receive sunlight for a minimum of two hours.
- 8.47 The assessment carried out on behalf of the applicants identified no's 1-3 Royal Victor Place as the only neighbouring buildings near to the application site that could be adversely affected by the proposal. These properties are located at the eastern end of the terrace and would be adjacent to Block B, which rises to six storeys.
- 8.48 The findings of the daylight assessment were that all windows in the building, with the exception of one on the ground floor would retain in excess of 27% VSC (Vertical Sky Component) and would be fully BRE compliant. A sunlight assessment of the impact on the properties was not necessary because they face north of east.
- 8.49 It is concluded that the proposal would not cause material loss of daylight to the neighbouring properties in Royal Victor Place and that no conflict would occur with relevant policy. These policies seek to ensure that existing residents adjacent to the site are not detrimentally affected by loss of privacy or overlooking of adjoining habitable rooms or have a material deterioration of daylight and sunlight conditions.

Housing

- 8.50 This section of the report considers the acceptability of the housing provision proposed in terms of key issues including affordable housing provision, provision of family sized units, wheel chair housing, lifetime homes, internal floor space

standards and provision of amenity space.

Affordable Housing

8.51 The application proposes 34 residential units with a total number of habitable rooms of 111. Of these 7 flats would be Affordable Rented (1 x 1 bed, 2 x 2 bed, 2 x 3 bed flats, and 4 x 3 bed maisonettes) and 2 flats would be for intermediate housing (1 x 1 bed and 1 x 2 bed) provided as shared equity low cost home ownership. The tenures proposed are further described at paragraphs below. By habitable room the scheme provides a total of 29% affordable accommodation. There is a split of 83:17 between the affordable rent and shared equity tenures. This is explained in the Table 3 below:

8.52 The application proposes 34 residential units in the following mix when split into private, intermediate and affordable rented tenures:

	Market Sale		Shared Ownership		Affordable Rent		Totals	
	Units	Hab. Rooms	Units	Hab. Rooms	Units	Hab. Rooms	Units	Hab. Rooms
1 Bed	8	16	1	2	1	2	10	20
2 Bed	12	36	1	3	2	6	15	45
3 Bed	-	-	-	-	4	16	4	16
4 Bed	5	30	-	-	-	-	5	30
Totals	25	82	2	5	7	24	34	111

8.53 The unit mix within the affordable rented proposes 14% of one beds against a target of 30%, 29% of two beds against our target 25%, 57% of three beds against our target of 30%. The scheme proposes no four or five within this tenure type. Overall our SP02 target requires 45% affordable family housing within so the higher provision of three beds is considered to be acceptable.

8.54 The Draft National Planning Policy Framework notes that "...where affordable housing is required, (local authorities should) set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities

8.55 Policy 3.11 of the London Plan seeks the maximum reasonable amount of affordable housing, and to ensure that 60% is social housing, and 40% is intermediate housing. Policy 3.9 seeks to promote mixed and balanced communities, with a mixed balance of tenures

8.56 Policies SO7 and SO8 of the Core Strategy (2010) seek to ensure that housing growth is delivered to meet housing demand in line with the London Plan, and

ensure that housing contributes to the creation of socially balanced and inclusive communities, through delivery of housing reflecting the Councils priorities.

8.57 Under a new national planning policy statement, PPS3, issued in June 2011, the definition of affordable housing has changed and now includes social rented, a new product called affordable rented, and intermediate housing.

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

Affordable rented housing is defined as:
Rented housing let by registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is not subject to the national rent regime but is subject to other rent controls that require a rent of no more than 80 per cent of the local market rent.

Intermediate affordable housing is defined as:
Housing at prices and rents above those of social rent, but below market price or rents, and which meet the criteria set out above. These can include shared equity products (e.g. HomeBuy), other low cost homes for sale and intermediate rent but does not include Affordable Rented housing.

Policy SP02 requires developments to provide 35% affordable housing (subject to viability), and a split of 70:30 between the social rent and intermediate housing tenures. In light of the changes to PPS3 the Council is reviewing the policy position in relation to the provision of affordable housing.

8.59 As part of this review process, on 7th December Officers reported a proposed submission draft of the Managing Development Plan Document to Cabinet. This has now been adopted by members and Policy DM3 of the plan sets out that Council policy is moving towards a recommended tenure split of 35% social rent, 30% intermediate and 35% affordable rent. The direction of travel for housing policy indicated in this document is a material consideration that can be afforded some weight. However, adopted policy, and site specific viability considerations are seen as being of more importance to the acceptability of the housing tenure mix on this site.

8.60 The 1 bed x 2 person and 2 bed x 4 person intermediate units provided would be a shared equity product. In this product the home owner would purchase 75% of the equity of the flat on first occupation. The sale of this equity would be advertised by the RSL owner via the Council's Zone Agent First Steps, as with other shared ownership products. The remaining 25% equity is retained by the RSL, although no rent would be payable by the home owner and they would have the option to "staircase" up to full ownership in the future.

8.61 This product does require a higher initial payment by the purchaser than other shared ownership products (typically a shared ownership product would only require

a minimum purchase of 25% equity). In this case the market value of a 75% equity share will range from £195,000 to £206,250 - depending on the size of the flat. Officers consider that this level of payment would be affordable within the context of the London Plan 2011 definition of intermediate housing. This defines intermediate housing as being affordable to applicants with incomes in the range of £18,100 to £61,400, although the units would only be suitable for applicants with incomes towards the upper end of this range.

- 8.62 The advantage of this approach is that it generates additional income into the scheme at the first sale of the equity units. This income enables the rent levels for the eight affordable rent units to be kept low.
- 8.63 Since the submission of the application officers have negotiated with the applicant in respect of the affordable housing offer. The initial offer was 14% by habitable room and this has been increased to 29% by habitable room.
- 8.64 The applicant has provided a viability toolkit which has been reviewed by an external consultant. Officers consider that the level of affordable housing provision is acceptable in light of scheme viability. Furthermore, whilst the scheme provides a lower number of affordable units overall, the combination of shared equity sales which subsidise rent levels in the large family units, two bed and one bed units for affordable rent is considered to be acceptable.

Dwelling mix:

- 8.65 Policy SP02 of the Core Strategy (2010) requires 30% of development to be 3 bedroom units or larger but within the affordable rented sector 45% should be for families. In this case a total 9 family sized units are provided (4 x 3 bed and 5 x 4 bed), which equates to 26.5% across the scheme. Within the affordable offer 3x4beds equates to 44% units.
- 8.66 It is considered that on balance, given the demand for larger sized 'Affordable Rent' homes which are in demand within the borough, the overall level of family housing provision would be acceptable. As such, it is considered that there is suitable mix of units within the scheme and it would provide for a wide range of occupants, therefore promoting a mixed and balanced community.

Residential Space Standards

- 8.67 The London Plan is the key reference tool for this element of the scheme; has been adopted and Table 3.3 of policy 3.5 introduces new minimum space standards which are higher than the Councils SPG.
- 8.68 Table 1 below indicates that all of the proposed dwellings meet the threshold for each type of residential unit.

No persons	London Plan requirement	Minimum floor space on GIA (Gross Internal Area)
1	37	44.9 sqm
2	50	53.7sqm

3	61	61.4 sqm
4	70	70 sqm
5	86	86.2 sqm
6	99	122.5 sqm

8.69 These figures all exceed the higher standards set in the London Plan; furthermore, the internal layout of each unit is satisfactory. All rooms lead off a central hall way and the stacking of each floor is satisfactory.

Amenity Space

8.70 Part 6d of strategic policy SP02 of the Core Strategy and saved policy HSG16 of the UDP provides that all new housing developments should provide high quality, useable amenity space, including private and communal amenity space, for all residents of a new housing scheme. These policies reinforce the need to provide high quality and usable private external space fit for its intended user, as an important part of delivering sustainable development and improving the amenity and liveability for Borough's residents. The SPG Residential Space Standards (1998), Table DC2 which forms part of HSG7 of the IPG sets out amenity space provision standards and policy DM25 of Managing Development DPD (Proposed Submission Version 2012).

Private Amenity Space:

8.71 All of the units have private amenity space in the form of gardens or balconies. The provision is set out in Table 2 below.

<u>Category</u>	<u>Policy HSG7 Standard</u>	<u>No of units</u>	<u>Policy Requirement</u>	<u>Proposed total</u>
All dwellinghouses, terraces or ground floor units comprising 3 bedrooms or more	50 sqm	5	250	169.5
Ground floor units with less than 3 beds	25	3	75	54.6
Other one bed units	6	9	54	45.9
Other 2 or more bed units	10	17	170	134.4
TOTAL		34	549	404.4

8.72 The table shows that the scheme is deficient in amenity space with regard to the requirements of UDP policy HSG7. Whilst overall the scheme does not comply with the standards set out in table DC2 of policy HSG7 of the IPG it is considered that on

balance this would not merit refusal of the scheme. It is considered that the quality and usability of the private amenity spaces would be acceptable and the larger family units all have rear gardens.

- 8.73 Moreover, the application is on the southern edge of Victoria Park, the largest are of public open space in the borough and it is also bounded by Wennington Green Park to the south of the site. In these circumstances it is concluded that the shortfall in private amenity space is not sufficient to warrant a refusal of the scheme..

Communal Amenity Space:

- 8.74 The scheme has no provision for communal amenity space; with reference to UDP saved policy HSG7 and table DC2 of policy HSG7 of the IPG, 50 sqm of amenity space for the first 10 units and 5sqm for each additional unit; a development of 34 residential units would require that 170 sqm of communal amenity space be provided. In this regard the applicants have stated that the piazza is a good quality area of public amenity space at the centre of the site, with an area of 320 sqm. Although his facility would not be exclusive to residents, it is nevertheless easily accessible and exceeds the policy requirement. It is considered that the piazza fulfils the role required for a development of this nature and would comply with relevant policies.

Child Play Space:

- 8.75 In respect of child play space the London Plan Supplementary Planning Guidance seeks to provide 10 square metres of well designed play and recreation space for every child in new housing developments. It does identify that appropriate and accessible facilities within 400 metres for 5-11 year olds or within 800 metres for 12 plus age groups may be acceptable alternatives in lieu of provision on site. The IPG requires three metres square per child bed space.
- 8.76 The development would have a child yield of 8 and this would equate to a need to provide 80 sqm of child play space within the development. The proposal does not provide any children's play space.
- 8.77 However, the London Plan guidance allows for the provision of appropriate and accessible facilities within 400 meters for 5-11 year olds or within 800 meters for 12 plus age groups. The applicants have stated in their Planning Statement that the site adjoins Victoria Park to the north of the site and Wennington Green Park to the south of the site Both of these areas of green space have children's play facilities and are accessible safe areas for children's recreational activity.
- 8.78 It is concluded therefore that because the site is so conveniently placed within large areas of green space that the requirements for children's play space provision can be waived and that conflict would not arise with relevant IPG and London Plan policies.

Wheelchair Housing and Lifetime Homes:

- 8.79 Part 6c of strategic policy SP02 requires that all new developments comply with accessibility standards including Lifetime Homes. Policy DEV3 of the IPG outlines

that new development is required to incorporate inclusive design principles. Policy HSG9 of the IPG requires that at least 10% of all housing should be wheelchair accessible and new housing should be designed to Lifetime Homes standards.

- 8.80 The submitted Planning Statement outlines that all new dwellings would be built to 'Lifetime Homes' standards. 10% of the units will be designed to be wheelchair accessible: These are Units B1 and B2 in Block B and units C1 and C2 in Block C. A Lifetime Homes condition and a condition requiring a specification that meets the requirements of the DDA (Disability Discrimination Act) is also recommended, to ensure that the access and internal layout of the units are accessible and DDA compliant.

Energy and Sustainability

- 8.81 Policies 5.1 – 5.9 of the London Plan sets out the Mayor's Energy Hierarchy, its objectives being reducing carbon dioxide emissions, improving energy efficiency and increasing the proportion of energy used and generated from renewable sources.
- 8.82 Policy 5.2 sets the targets for the reduction of carbon dioxide emissions over the target Emission Rate (TER) outlined in the national Building Regulations. For 2010-2013 the target is a reduction of carbon dioxide emissions of 25% over TER i.e. Code for Sustainable Homes Level 4. Part C requires the submission of detailed energy assessment and more detail of what is required in the statement is listed in part D of the policy
- 8.83 Policy 5.3 sets out the requirement for developments to demonstrate that sustainable design standards are an integral part of the proposal.
- 8.84 The Environmental Sustainability officer has advised that although the strategy that has been submitted does not meet the requirements of MDDPD policy DM29, which seeks a 35% reduction in CO2 emissions, it does achieve the target of 25% set out in the London Plan. He is satisfied that the energy strategy is adequate and has justified the omission of a CHP system and a communal gas system due to the scale of the development and the physical site constraints including its proximity to the Hertford Union Canal.
- 8.85 In sustainable terms the Energy strategy has demonstrated that CO2 savings will be maximised through energy efficiency measures and that this can be secured by a condition requiring that the development will achieve a minimum 'code level 4' for sustainable development and a condition requiring that energy efficiency and renewable energy technologies be submitted to the satisfaction of the Sustainable development team. This condition will include details of further additional technical information on the location of gas mains within the application site and the introduction of photovoltaic roofs as part of the renewable energy provision. These details have been discussed and agreed with the team.

Transport Impacts

- 8.86 Policies 6.1, 6.3, 6.9, 6.10 and 6.13 of the London Plan, Core Strategy policy SP09, IPG policies DEV16, DEV17, DEV18, DEV19 (2007) and policy DM 22 of the Managing Development Development Plan Document in broad terms seek to promote more sustainable modes of transport by reducing car-parking and improving public transport. Saved UDP policy T16 (1998) requires that consideration is given to the traffic impact of operational requirements of a proposed use and saved UDP policy T18 (1998) seeks to ensure priority is given to the safety and convenience of pedestrians.

Traffic impacts

- 8.87 The proposal is almost entirely car free. It provides only one parking space for disabled users, which is appropriate to an area which has a reasonable PTAL rating and is within easy access to local public transport services. The car free arrangement will be secured by a S106 agreement. This is in line with Council standards and reduces parking stress on the surrounding highway network.

Cycle parking

- 8.88 The scheme provides 40 secure cycle spaces for the residential element (6 for the apartments and 2 each for the terraced houses of Block A, 16 spaces for Block B and 8 spaces for Block C. 4 further spaces are located adjacent to Block B. The layout and design of the cycle bays will be secured by a condition.
- 8.89 The proposal would not have any adverse effects on any of the strategic cycle routes that run along the towpaths of the two canals.

Servicing/deliveries

- 8.90 The proposed commercial use has an area of only 64 sqm; it will not generate significant numbers of deliveries by HGV sized lorries. It is anticipated that only transit type vans will be servicing the site, given the weight restrictions of the stop lock bridge. Larger service vehicles can use the nearby Bow Wharf car park.
- 8.91 Highways will seek a contribution towards public realm/highway improvement works. and within the Transport Statement submitted in support of the current application, works are required at the site access junction onto Old Ford Road, including the provision of visibility splays at the site access junction onto Old Ford Road. This. The extensive improvements that will be required to the access to the site along Old Ford Road and improvements to the public realm will be secured in a S278 agreement with the applicants.
- 8.92 It is been agreed that £25,200, a figure that was negotiated when the previous proposal was submitted, will be provide for these works. A Construction Management Plan and a Delivery and Servicing Management Plan are to be secured via condition along with a condition requiring all private forecourt/areas to be drained within the site and not into the Public Highway. A detailed condition to

secure these highway improvements on Old Ford Road is recommended, along with conditions requiring details of a Construction Management Plan, a Delivery and Servicing Management Plan and a condition requiring all private forecourt/areas to be drained within the site and not into the Public Highway.

Biodiversity

- 8.93 In terms of policy designations within the adopted UDP (2008) and IPG (2007); the canals form part of a green chain and the canal is designated as a Site of Importance for Nature Conservation (SINC). Wennington Green is also within the SINC designation. The site also forms part of the Blue Ribbon Network.
- 8.94 Policy 3D.8 of the London Plan (2008) seeks to improve access to London's network of open spaces, whilst policy 3D.11 amongst other priorities seeks to promote and protect Green Chains. Policy 3D.14 outlines that development should have regard to nature conservation and biodiversity. It continues to state that development that would have a significant adverse impact on the population or conservation status of protected species should be resisted.
- 8.95 Policy CP34 of the IPG (2007) relates to Green Chains and advised that in areas designated as Green Chains improved access including links with adjacent pedestrian routes and enhancement of their recreational potential is expected. Furthermore, policies CP31 and CP32 relate to the protection and enhancement of biodiversity assets. Whilst, policy CP36 encourages development that respects the Borough's water courses.
- 8.96 Saved policy DEV57 of the adopted UDP (1998) seeks that development does not unjustifiably cause significant harm to a site of SINC or a Green Chain, whilst saved policy DEV46 requires new development to protect waterway corridors.
- 8.97 Policy 4C.1 of the London Plan (2008) sets out the strategic importance of the Blue Ribbon Network, whilst Policy 4C.2 seeks that development should respect resource considerations and natural forces in order to ensure that future development and uses are sustainable and safe. Furthermore, policy 4C.3 seeks that the natural value of the Blue Ribbon Network should be protected and enhanced. As such, development that would result in the net loss of biodiversity should be resisted and new waterside developments should be designed in way that increases habitat value.
- 8.98 Policy OS3 of the IPG (2007) seeks that development must respect its water location. Specifically, in respect of major development adjacent to the Blue Ribbon Network, applications should be accompanied by assessments which examine the impacts of scale, mass, height, silhouette, density, layout, materials and colours on the water and surrounding environment.
- 8.99 Policy DM11 of the MDDPD requires that development will be required to provide elements of a 'living building' and seeks to protect elements of biodiversity.
- 8.100 An ecological assessment of the site which included a desktop study, a survey of the site and a daytime bat assessment was carried out. The report concludes that the habitat diversity on site is low and that species diversity is likely to be

correspondingly low. Habitat rarity on the site is low with no rare habitats noted. The site has negligible suitability to support protected / notable species, including bats, with the buildings and trees assessed as offering negligible suitability to support bat roosts. Nesting birds may be present on site.

- 8.101 Recommendations of the report include sensitive vegetation removal to take account of species such as nesting birds. Ecological input should be southing into the landscaping plans and planting schemes in order to maximise biodiversity potential of the proposed development. Enhancement of the site through appropriate, sensitive management, including the formation of a management plan for the site. This could be controlled via a planning condition.
- 8.102 Whilst, the study established that there are some roosting bats within the site this does not preclude that this is a community route for bats which are known to follow river/water courses. It is considered that there is the potential for light spillage from residential units which could have an impact on the surrounding habitat including bats. Careful consideration would have to be given to the lighting of the proposed development and design features may be required for the residential element of the proposal in order to ensure there would not be adverse impact from light spillage.
- 8.103 Furthermore, by merit of the bulk and scale of the proposed development which reaches 6 storeys, there is concern about the potential impact this would have in terms of overshadowing to the adjacent canals and the impact this would have on this resource. This has not been considered as part of the submitted ecology report.
- 8.104 As such, it is considered that subject to the conditions that the Biodiversity Officer has recommended, the proposed development would not have an adverse impact on the biodiversity of the SINC, Green Chain and Blue Ribbon Network. This would be contrary to the above policies, specifically policy OS3 of the IPG (2007), which states developments should be accompanied by assessments which examine these impacts.

Trees

- 8.105 Saved UDP policy DEV15 and IPG policy DEV13 seek the retention or replacement of mature trees with amenity value. The Arboriculture officer has raised no objection to the removal of a number of low grade Sycamore trees fronting the Hertford Union Canal. Their replacement will be part of a landscaping plan for the development which will be secured by a condition.

Flood risk

- 8.106 The canals are managed water courses and as the site is in Environment Agency Flood Zone 2, the land is unlikely to be at risk from flooding.

Noise:

- 8.107 Noise levels during the construction of the development will be controlled by conditions on hours of operation to ensure that the residential amenity of neighbours is safeguarded.

Air Quality

- 8.108 Environmental Health officers have advised that the scheme must comply with statutory requirements including the Housing Act 2004, or comply with the Building Regulations. This will be the subject of an informative that is recommended.

Section 106 Contributions

- 8.109 Strategic policy SP13 of the CS and saved Policy DEV4 of the UDP state that the Council will seek planning obligations or financial contributions to mitigate for the impact of the development.
- 8.110 The Community Infrastructure Levy Regulations 2010, state that any S106 planning obligation must be:
- a) necessary to make the development acceptable in planning terms;
 - b) directly related to the development; and
 - c) fairly and reasonably related in scale and kind to the development
- 8.111 The general purpose of S106 contributions is to ensure that development is appropriately mitigated in terms of impacts on existing social infrastructure such as health, community facilities and open space and that appropriate infrastructure to facilitate the development i.e. public realm improvements, are secured.
- 8.112 To mitigate for the impact of this development on local infrastructure, education and community facilities the following contributions accord with the Regulations and have been agreed. The total financial contribution would be
- 8.113 The proposed heads of terms are:
- 1) Employment, skills, training and enterprise initiatives; £7458
 - 2) Community Facilities and/or leisure; £29,268
 - 3) Education: £99,487 for the provision of additional primary and secondary school places
 - 4) Highways and Transportation; £789 for sustainable transport modes.
 - 5) A contribution of £23,848 towards Health

6) A contribution of £3,282.86 towards s.106 monitoring fee

Non Financial Contributions

- 1) 29% affordable residential units on a habitable room basis in building C
- 2) Car parking Permit -free development
- 3) Access to employment initiatives for construction through 20% of non-technical total construction jobs to be advertised through the Council's job brokerage service.
- 4) An expectation that 20% of total value of contracts which procure goods and services are to be to be achieved using firms located within the borough.
- 5) Any other obligation(s) considered necessary by the Corporate Director Development and Renewal

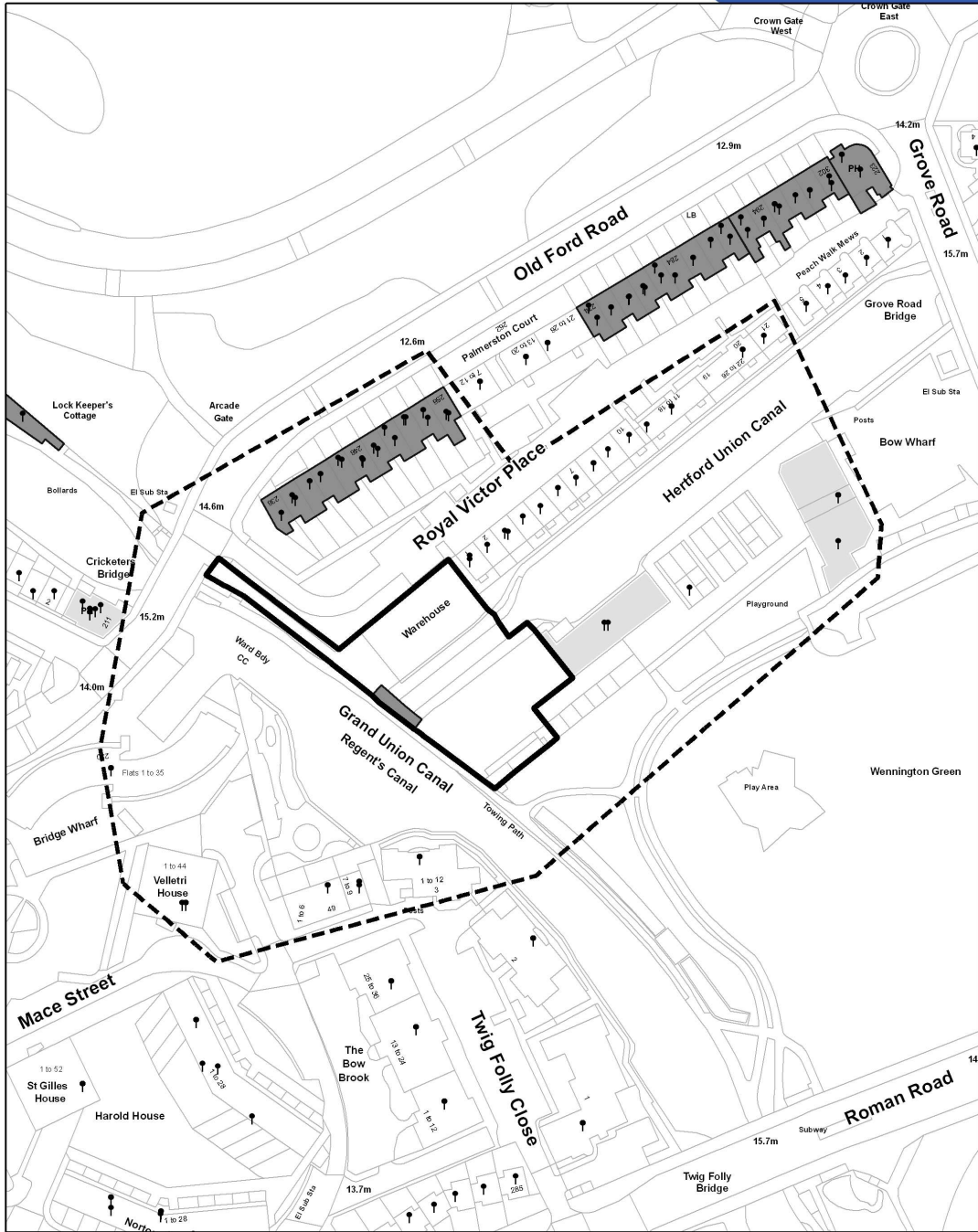
Total financial contribution: £164,143

8.114 The above contribution have been secured and negotiated in line with the draft S106 SPD and officers consider that for the reasons identified above that the package of contributions being secured is appropriate, relevant to the development being considered and in accordance with the tests of circular 05/05 and the relevant statutory tests.

9 CONCLUSION

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	Locally Listed Buildings	Land Parcel Address	
Consultation Area	Statutory Listed Buildings	0 30 m	

1:1,500

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.
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Agenda Item 8

Committee: Development	Date: 8 th March 2012	Classification: Unrestricted	Agenda Item No: 8
Report of: Corporate Director Development and Renewal		Title: Other Planning Matters	
Originating Officer: Owen Whalley		Ref No: See reports attached for each item	
		Ward(s): See reports attached for each item	

1. INTRODUCTION

- 1.1 In this part of the agenda are reports on planning matters other than planning applications for determination by the Committee. 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. PUBLIC SPEAKING

- 3.1 The Council's Constitution only provides for public speaking rights for those applications being reported to Committee in the "Planning Applications for Decision" part of the agenda. Therefore reports that deal with planning matters other than applications for determination by the Council do not automatically attract public speaking rights.

4. RECOMMENDATION

- 4.1 That the Committee take any decisions recommended in the attached reports.

LOCAL GOVERNMENT ACT 2000 (Section 97)
LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THE REPORTS UNDER ITEM 8

Brief Description of background papers:
See individual reports

Tick if copy supplied for register:

Name and telephone no. of holder:
See individual reports

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Agenda Item 8.1

Committee: Development	Date: 8 th March 2012	Classification: Unrestricted	Agenda Item: 8.1
Report of: Corporate Director of Development and Renewal		Title: Listed Building Application	
Case Officer: Nasser Farooq		Ref No: PA/11/2213	
		Ward: Mile End and Globe Town	

1.0 APPLICATION DETAILS

1.1 **Location:** Bancroft Local History And Archives Library, 277 Bancroft Road, London, E1 4DQ

Existing Use: Local History Library and Archives (Use Class D1)

Proposal: Replacement and repair works to the rooflights serving the Carnegie Room.
Removal of existing rooflights and infill with insulated felt roof covering and internal works consisting of the replacement of an existing lift.

Documents: Design and Access Statement- Revision B dated 13th January 2012.

Drawing Nos: 194/11 B, 194/20 A, 194/101 G, 194/102 G,
194/110 A, 194/120 B, 194_L/39, 194_L/40 A,
194_L/41, 194_L/42, 194_L/43 A, 194_L/44 B,
194_L/45 A, 194_L/46 A, 194_L/47 A, 194_L/48 A,
194_L/49 A, 194_L/50, 194_L/51 A, 194_L/52,
and 194_L/53 A.

Applicant: Tower Hamlets Local History Library and Archives

Owner: LBTH

Historic Building: Grade II Listed.

Conservation Area: Carlton Square Conservation Area.

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 adopted Core Strategy Development: Development Plan Document 2025, the Managing Development: Development Plan Document (proposed submission version 2025) the Council's Interim Planning Guidance (2007) and associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that:

2.2 1. The proposed works contribute to the long-term preservation of the

building by the various repair and replacement works. As such, the works are appropriate in terms of design and use of materials, and as such accord with the aims of policy 7.8 of the London Plan (2011), policy SP10 of the adopted Core Strategy (2010), saved policy DEV37 of the adopted Tower Hamlets Unitary Development Plan (1998), policy CON1 of the Interim Planning Guidance October 2007 and policy DM27 of the Managing Development Proposed Submission Version (2012), which seek to ensure works to Listed structures preserve features of special historic and architectural interest.

RECOMMENDATION

3. That the Committee resolve to refer the application to the Government Office for London with the recommendation that the Council would be minded to grant Listed Building Consent subject to conditions as set out below.
 - 3.1
 1. Time Limit.
 2. Completed in accordance with approved drawings.
 3. Method Statement outlining how historic fabric of the listed building is preserved during the proposed works
 4. Sample of the slate for the lending library.
 5. All materials/ finishes to match existing unless specified on submitted drawings.

4. BACKGROUND

- 4.1 This application for Listed Building Consent is required for proposed works to the Bancroft Local History Library. The Library is Grade II Listed, and is owned by the Council. The Council's scheme of delegation requires that where the Council is applying for works to a Listed Building that it owns, the application must be brought before Members.
- 4.2 The Council cannot determine applications for Listed Building Consent for works to buildings that it owns. Regulation 13 of the Planning (Listed Building and Conservation Areas) Regulations 1990 requires that such applications are referred to the Secretary of State, together with any representations received following statutory publicity.
- 4.3 The purpose of this report is to allow Members to recommend to the Secretary of State that the Council would be minded to grant Listed Building Consent, were it empowered to do so itself.

5. PROPOSAL AND LOCATION DETAILS

Proposal

- 5.1 The proposals are for various internal and external works to Bancroft Library.

The external works are summarised as:

- 5.2
 - Repairs to the roof of the Vestry Hall and Carnegie Room
 - Replacement of non original felt with slate to the Lending Library
 - Replacement of gutters to the Lending Library
 - Re- laying the roof of the Caretaker's Flat with insulated roofing system.
 - Renewal of pipes and flashings, with more simple outlets where feasible.

- 5.3 Internal works revolve around the replacement of existing lift to a new wheelchair accessible lift
n.b The original listed building application proposed internal toilets accessed from the main stairs and an secondary means of escape. These elements have been omitted from the proposals.

Site and Surroundings

- 5.4 The Bancroft Local History and Archives Library was Grade II Listed in 1973. English Heritage state the northern end of the building was built in 1865.
- 5.5 The building itself is two storeys in height and has an elegant front façade with distinctive cornices and fenestration detailing.
- 5.6 The application site and the surrounding area form part of the Carlton Square Conservation Area.
- 5.7 The Bancroft History Library, and the nearby London Hospital are the only Grade II listed buildings within the Carlton Square Conservation Area.
- 5.8 The Conservation Area appraisal describes the Library as follows:

Bancroft Road is the library which was built in two parts, with the northern end built in 1865 and the southern part probably built earlier. Two storeys in scale, the library building is constructed of white stone with heavy eaves cornice. Presented with banding between storeys, the ground floor is rusticated and has central round arched windows and its door flanked by Tuscan pilasters.

- 5.10 Queen Mary University is located to the south of the site. Immediately adjacent to the site is a residential terrace.

Relevant Planning History

- 5.11 The works proposed in this application are 'Phase 2' of the works proposed to the Bancroft Library. Each phase is dependent on funding.
- 5.12 Under planning references PA/10/00100 and PA/10/00101, planning and listed building consents were granted on 25th August 2010 and 14 September 2010 respectively for phase 1 of the works to the Library. The works included the provision of a new wc for disabled persons, alterations to front entrance consisting of a new lobby and ramp, removal of existing ramp, handrails at front entrance and provision of a new ramp with a landing and replacement front doors in same style as existing;
- 5.13 A site visit revealed that this consent has been implemented
- 5.14 With regards to this listed building consent, an associated application for Planning Permission (reference PA/11/2212) has also been submitted to the Council. Under the Council's scheme of delegation this application does not have to be brought before Member's for a decision. Officers will make a decision on the full planning application following member's resolution on this listed building referral.

6. POLICY FRAMEWORK

- 6.1 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:

Spatial Development Strategy for Greater London (London Plan 2011)

7.8 Heritage assets and archaeology

Core Strategy Development Plan Document (adopted 2010)

Policies: SP10 Creating distinct and durable places

Unitary Development Plan 1998 (as saved, 2007)

Policies: DEV1 Design requirements
DEV27 Listed Buildings

Managing Development DPD (proposed submission version 2012)

DM27 Heritage and the historic environment

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

Policies: DEV2 Character and Design
CON1 Listed Buildings

Government Planning Policy Guidance/Statements

PPS5 Planning and the Historic Environment

Community Plan The following Community Plan objectives relate to the application:
A better place for living well

7. CONSULTATION RESPONSE

- 7.1 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:

English Heritage

- 7.2 The Bancroft Road Library is listed at Grade II. It is an important Civic building, the complex form of which reflects its historic evolution from a Vestry Hall into a Public Library.
- 7.3 English Heritage welcomes the proposed works which will help to improve access to the building and help to ensure the survival of historic building fabric (and historic public records of great importance).
- 7.4 It is important that suitable conditions are attached to any permission with regard to the requirement for details of the works.
- 7.5 *Officer comment: the comments made by English Heritage have been noted, and conditions have been recommended to ensure the fabric of the listed building is*

protected during the works and also to ensure the proposed replacement and new materials match existing and are sympathetic to the historic fabric of the Listed Building.

8. LOCAL REPRESENTATION

- 8.1 A total of 24 neighbouring addresses were consulted by letter, a site notice was posted and the application was published in the East End Life. No letters of representation have been received in support or objection to the proposals.

9.0 MATERIAL PLANNING CONSIDERATIONS

- 9.1 When determining listed building consent applications, section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires that special regard should be paid to the desirability of preserving the building or its setting, or any features of special interest.
- 9.2 The main issue for Members' to consider is whether the proposed restoration works are appropriate in this respect.

Design and Impact on the Listed Building.

- 9.3 London Plan (2011) policy 7.8 requires development to identify, value, conserve, restore, re-use and incorporate heritage assets, where appropriate and requires development affecting heritage assets and their settings to conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.
- 9.4 Adopted Core Strategy Policy SP10 seeks to protect and enhance the boroughs Heritage Assets.
- 9.5 Saved policy DEV37 of the Unitary Development Plan 1998 (UDP) states that proposals to alter listed buildings or structures will be expected to preserve the special architectural or historic interest of the building. In particular, it requires that alterations retain and repair original architectural features and that any works are undertaken with traditional materials. This is further reinforced by policy DM 27 of the Managing Development DPD and Policy CON1 of the Interim Planning Guidance October 2007 (IPG).
- 9.6 The proposed external works consist of alterations to the roof above the Vestry Hall, Carnegie Room, Lending Library and Caretakers flat. The works are conservation led, with old slate and ridge tiles salvaged where feasible and new materials to match the original where possible.
- 9.7 In addition, the 'in-line' glazing to the Carnegie Room roof is proposed to be replaced with a conservation style rooflight, which is less prone to leaking. The lead flashings will be internally located.
- 9.8 More significant changes are proposed to the Lending Library roof, where a non original felt roof is to be replaced with a slate roof which is more in keeping with the Listed Building.
- 9.9 Furthermore, new pipes and flashings are proposed to match existing, which are currently defective. The replacement pipes are to be either Cast Iron or Heritage

Cast Aluminium to match existing.

- 9.10 Other replacement works are also proposed following the general theme of repairing the existing where possible and in instances where this is not possible to replace with existing or similar materials.
- 9.11 This includes the removal and repair of some of the coping to the roof. This has been weathered over time and represents a safety risk to pedestrians walking alongside the Library. The roof is currently covered by netting to alleviate this risk.
- 9.12 Lastly, the staff and archive rooms are to be changed into a secure archive storage area. As a result the existing non-original rooflights which are single glazed and prone to leakages are to be removed and covered by a felt roof. This element is proposed to be temporary to meet the current needs of the rooms as secure archive rooms. Long term plans for this part of the Library are yet to be formulated under a masterplan.
- 9.13 Overall, the roof works will be concealed from street view by the existing parapet walls and will only be seen from the upper floors of the adjoining Queen Mary University, notwithstanding this; they are considered acceptable in principle and will preserve the special historic character of this listed building.

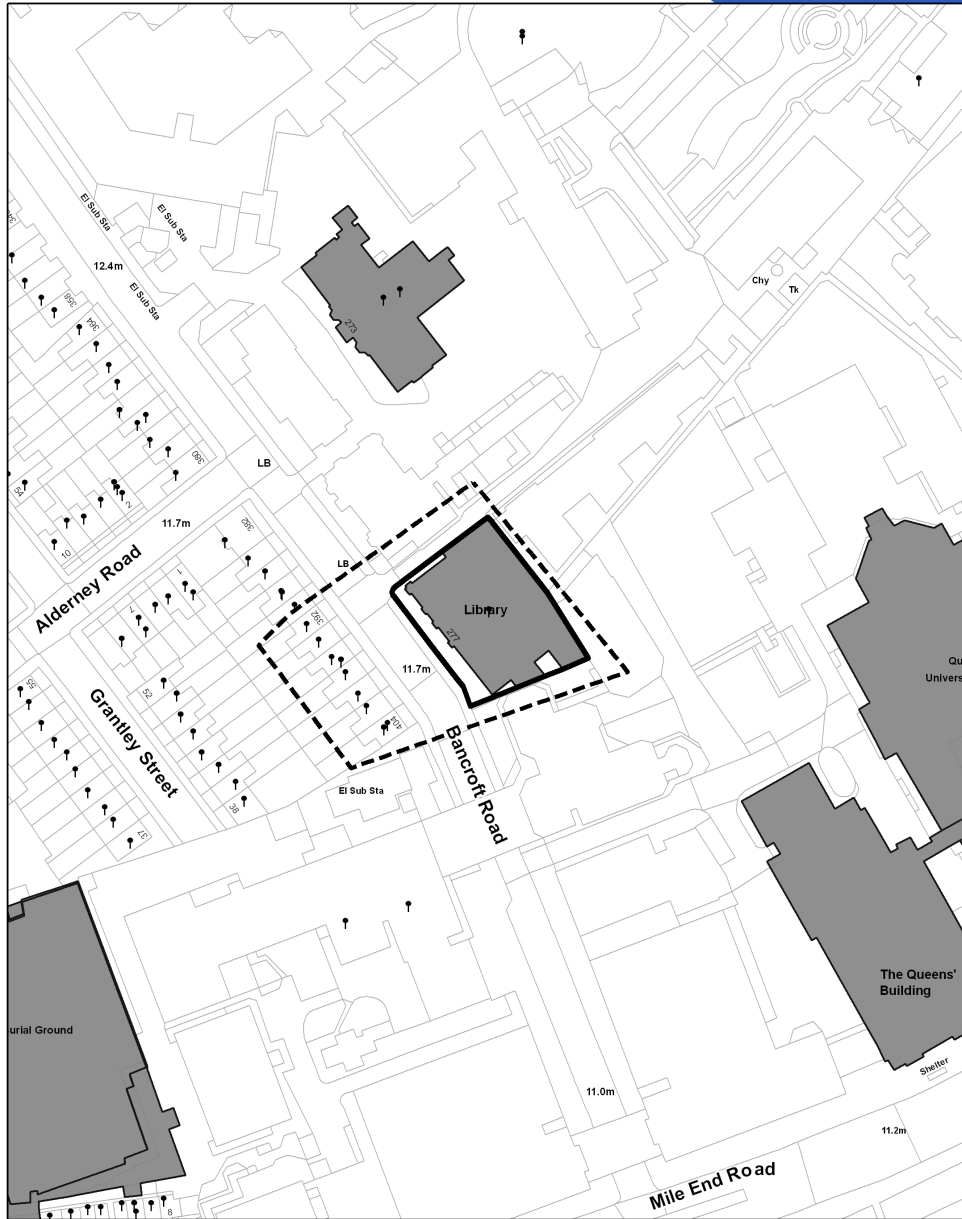
Internal Works

- 9.14 The main internal works is the replacement of an existing lift to a new wheelchair accessible lift. This requires minor alterations and rebuilding of the façade of the lift enclosure. The final finish will be designed to match existing.
- 9.15 This change is relatively minor in nature, and will improve the accessibility and long term use of the building. The works would also preserve the grade II listed building.
- 9.16 Overall, the proposed works contribute to the long-term preservation of the building by undertaking various repairs and replacement works. The proposed removal of non-original roof lights is considered acceptable, as is the improvement in access. As such, the proposal accords with the aims of policy 7.8 of the London Plan (2011), policy SP10 of the adopted Core Strategy (2010), saved policy DEV37 of the adopted Tower Hamlets Unitary Development Plan (1998), policy CON1 of the Interim Planning Guidance October (2007) and policy DM27 of the Managing Development Proposed Submission Version (2012), which seek to ensure works to Listed structures preserve features of special historic and architectural interest.

10.0 CONCLUSION.

- 10.1 All other relevant policies and considerations have been taken into account. The Secretary of State can be advised that this Council would have been minded to grant Listed Building Consent 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	Locally Listed Buildings	Land Parcel Address	
Consultation Area	Statutory Listed Buildings		

0 30 m
1:1,250

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.
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Agenda Item 8.2

Committee: Development	Date: 8 March 2012	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal Case Officer: Pete Smith	Title: Planning Appeals
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1. PURPOSE

- 1.1 This report provides details of town planning appeal outcomes and the range of planning considerations that are being taken into account by the Planning Inspectors, appointed by the Secretary of State for Communities and Local Government. It also provides information of appeals recently received by the Council, including the methods by which the cases are likely to be determined by the Planning Inspectorate.
- 1.2 The report covers all planning appeals, irrespective of whether the related planning application was determined by Development Committee, Strategic Development Committee or by officers under delegated powers. It is also considered appropriate that Members are advised of any appeal outcomes following the service of enforcement notices.
- 1.3 A record of appeal outcomes will also be helpful when compiling future Annual Monitoring Reports.

2. RECOMMENDATION

- 2.1 That Committee notes the details and outcomes of the appeals as outlined below.

3. APPEAL DECISIONS

- 3.1 The following appeal decisions have been received by the Council during the reporting period.

Application No:

Site:

Development:

Decision:

Appeal Method:

Inspector's Decision

PA/11/01038

71 Columbia Road, London E2 7RG

Removal of existing timber sash windows fronting Ezra Street and their replacement with two bi-folding doors to match similar doors fronting Columbia Road.

**REFUSE PLANNING PERMISSION
(delegated decision)**

**WRITTEN REPRESENTATIONS
DISMISSED**

- 3.2 The main issues in this case were the effect of the proposed development on the character and appearance of the Jesus Hospital Conservation Area and the effect of the proposed folding doors on pedestrian flows in Ezra Street.
- 3.3 The appeal premises is a shop which sells plants and whilst the Planning Inspector acknowledged that redevelopment had taken place in the vicinity, the part of the conservation within which the appeal premises is located retained its pattern of traditional streets and terraces. He was satisfied that the loss of the traditional timber sash windows and the introduction of the folding doors would have disrupted the pattern of fenestration on the Ezra Street elevation. He concluded that this change would have eroded the Ezra Street frontage as a counter-point to the shop front elevation to Columbia Road.
- 3.4 As regards the impact of the development on pedestrian movement, he was concerned with the impact of the opening on the safety of highway users. The pavement in the vicinity of the unit is narrow and he concluded that the movements in and out of the shop and customers stopping to look at items displayed within the premises would have caused obstruction to pedestrian movements on this side of Ezra Street.
- 3.5 The appeal was DISMISSED.

Application No:	PA/11/00971
Site:	161 Bethnal Green Road E2 7DG
Site:	Change of use from A1 – A5 (hot food take-away)
Council Decision:	REFUSE PLANNING PERMISSION (delegated decision)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED

- 3.6 This appeal related to the ground floor unit of a recently constructed four story building, situated on the north side of Bethnal Green Road, at its junction with Shacklewell Street (within the Redchurch Street Conservation Area).
- 3.7 There were four main issues in this case:
1. Whether the proposed change of use would have lead to an overconcentration of restaurants, bars and hot food take-away premises;
 2. The impact of the proposed ducting arrangements on the character and appearance of the building/area;
 3. Neighbour amenity considerations (noise and disturbance);
 4. The adequacy of servicing arrangements.
- 3.8 The Planning Inspector was not persuaded that there the proposed change of use would have resulted in an overconcentration, with such uses remaining in the minority. On the related issue of seeking to adopt a healthy lifestyle,, he concluded that there was no compelling evidence before me to demonstrate that there is a firm link between the ability of residents to adopt a healthy lifestyle and the proposed land use. He considered that these issues come down to personal choice.
- 3.9 The Inspector was more concerned about the visual impact of the proposed extract duct (which was proposed to be attached to the building's western elevation. He concluded that the duct would have been a large and utilitarian

structure which would have appeared unduly intrusive on the plain flank elevation. He considered that the duct would have failed to preserved the character and appearance of the conservation area.

- 3.10 An integral part of the proposed take-away use was the use of hoe delivery (by mopeds) and the Planning Inspector was concerned about the likely noise disturbance associated with such an activity of the residential amenities of neighbours. As regards servicing, the Planning Inspector was satisfied that this aspect of the proposal could have been adequately conditioned.
- 3.11 Whilst the Planning Inspector was not convinced that the proposed A5 use would have resulted in an over-concentration of A3, A4 and A5 units, he was satisfied that the proposed use would have resulted in a loss of amenity to neighbours, with the proposed duct being overly intrusive. The appeal was DISMISSED.

Application No:	PA/11/01121 and PA/11/02736
Site:	Land bounded by Whitechapel High Street, Commercial Road, Leman Street and Buckle Street, London E1 7PJ
Development:	Display of 6 free standing advertisement hoardings
Decision:	REFUSE ADVERTISEMENT CONSENT (delegated decision)
Appeal Method:	HEARING
Inspector's Decision	DISMISSED

- 3.12 These two appeals are similar – the only being that the second appeal contained a display of a mural on the fencing, erected around the whole of the site. The issue in both cases was the impact of the advertisements on the amenity of the area, including the effect on the conservation area.
- 3.13 The Planning Inspector concluded that the advertisement, when seen within the visual context of others results in the impression of advertisement clutter, whereby a number of large and prominent signs are on display, which has a harmful effect on amenity and the Whitechapel High Street Conservation Area. He was particularly concerned that the advertisements were displayed in an elevated position, above the general ground floor commercial activity which adds to the overall prominence. He was also not convinced with the appellant's arguments that the signs would screen an undeveloped site – as the existing fencing already provides adequate screening

- 3.14 Both appeals were DISMISSED.

Application No:	PA/11/01815
Site:	247 Bethnal Green Road, London E2 6AQ
Development:	Display on an internally illuminated poster panel.
Council Decision:	REFUSE (delegated decision)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED

- 3.15 The issue in this case was the impact of the proposed advertisement on the

visual amenities of the surrounding area. The advertisement is currently being displayed and is attached to the side of the building at 247 Bethnal Green Road, at its junction with Barnet Road. The Planning Inspector shared the Council's concern about the effect of the advertisement on the visual amenities of the area. He felt that the advertisement was out of scale and was a dominant and discordant feature. He was particularly concerned about the close proximity of the advertisement to first, second and third floor windows of the flats immediately opposite the site. The adverts are illuminated – and he concluded that the level of illumination has a significant impact on the visual amenities of the residents he also concluded that the advertisement detracted from the immediate locality, where tree planting has recently taken place.

3.16 The appeal was DISMISSED.

Application No:	PA/11/01376
Site:	477 The Highway E1W 3HJ
Development:	Display of a 1x48 sheet landscape lightbox (advertisement)
Decision:	REFUSE (Delegated Decision)
Appeal Method:	WRITTEN REPRESENTATION
Inspector's Decision	DISMISSED

3.17 The issue in this case was the impact of the advertisement on the character and appearance of the area.

3.18 477 The Highway is a cement depot with a tall wall along the frontage with The Highway continuing into Butchers Row. To the west of the site is an eight storey hotel and there are tall building on the opposite side of the road. The proposed light box would be set back behind the wall but would have been mounted on a 5.16 metre high monopole. The Inspector noted that a previous proposed 96 sheet advertisement was refused last year.

3.19 The Planning Inspector maintained the position that the proposed advertisement would be a sizable structure with its impact heightened by its elevated position above the boundary wall. Notwithstanding the presence of tall buildings, the Planning Inspector considered that the advertisement would be an intrusive and disruptive element in the streetscene.

3.20 The appeal was DISMISSED.

Application No:	PA/1/00490
Site:	5 Mile End Road E1 4TP
Development:	Change of use from retail to hot food take-away
Decision:	REFUSE (Delegated Decision)
Appeal Method:	WRITTEN REPRESENTATION
Inspector's Decision	ALLOWED

3.21 The main issues in the case included the following:

- The effect of the proposed use on the level of retail uses in the immediate locality;
- Whether the proposed development would have been consistent with policies for the location of A3-A5 uses.

- 3.22 The appeal premises lies in a parade of commercial premises at the east end of Mile End Road and not included within a designated centre. The Planning Inspector was satisfied that there was a wide range of shops within walking distance from the appeal premises with Whitechapel District Centre located on the opposite side of the nearby junction with Cambridge Heath Road. He was therefore satisfied that there remained adequate shopping facilities to meet local needs within reasonable walking distance from the site. He was therefore satisfied that the loss of a retail unit would not detract from existing retail provision in the locality.
- 3.23 The relevant parade consists of 9 units and the premise is the sole unit in retail use. The proposed change of use would have resulted in 5 of the units being in A3-A5 use. The Planning Inspector was satisfied that as long as hours of use were controlled through the imposition of conditions, the use would not impact detrimentally on the amenities of neighbouring residents. As regards the healthy lifestyle issues, the planning Inspector did not consider the proposed change of use ran counter to Policy SP03 of the Core Strategy – especially in view of variety being available close to Whitechapel District Centre.
- 3.24 In ALLOWING the appeal, the planning inspector imposed a condition requiring the premises to close by 2300 (Monday to Saturday) and 2200 hours on Sunday.

Application No:	ENF/10/00808
Site:	Great Eastern Public House, 1 Glenaffric Avenue, E14 3BW
Development:	Unauthorised change of use of 1st and 2nd floors as a backpackers' hostel
Decision:	REFUSE and Instigate ENFORCEMENT ACTION (Development Committee)
Appeal Method:	WRITTEN REPRESENTATION
Inspector's Decision	ALLOWED

- 3.25 The main issues in the case were as follows:
- Whether the property was appropriately located for visitors having regard to its location outside a designated town centre and the general level of public transport accessibility;
 - Whether the proposal results in overdevelopment of the site
 - The effect of the development on the living conditions of neighbouring residents in respect of noise and disturbance
 - Whether the proposal makes adequate provision for waste and recyclables storage.
- 3.26 Whilst the Planning Inspector acknowledged that the site was not included in a designated centre, it is located close to Manchester Road, local shops, bus routes and within walking distance of the Island Gardens DLR station. He concluded that the transport options available were adequate for visitors, both those wishing to access the appeal site and those wishing to visit tourist attractions therefrom.
- 3.27 As regards the standard of accommodation, he was satisfied that the intensity

of the use – with 60 bed spaces provided in 2 double bunks and 18 triple bunks spread through 8 dormitories to be satisfactory and did not result in overdevelopment of the site.

3.28 Subject to the imposition of planning conditions, the Planning Inspector was satisfied that the use would not unacceptably increase levels of noise from within the building. He was also satisfied that the proposed use would be unlikely to generate significant traffic from visiting the site. It was accepted by all parties that previous concerns over refuse storage had now been resolved.

3.29 The appeal was ALLOWED and the Enforcement Notice OVERTURNED

3.30 Conditions were imposed relating to the production and implementation of a travel plan and a restriction on the number of occupiers (60 persons) and obscure glazing all windows to a height of 1.5 metres an all bathrooms and WC windows.

4. NEW APPEALS

4.1 The following appeals have been lodged with the Secretary of State following a decision by the local planning authority:

Application No:	PA/11/03394
Sites:	197 East India Dock Road, E14 0ED
Development	Variation of condition 4 (opening hours) of planning permission PL/95/148 dated 17/05/1996 to allow opening hours on Monday to Sunday from 11.00am to 2.00am.
Council Decision	Refuse (delegated decision)
Start Dates	20 February 2012
Appeal Method	WRITTEN REPRESENTATION

4.2 The Council refused planning permission on the grounds of impact on later opening hours on the amenities of neighbouring residents – with potential for noise and disturbance associated with the take-away use opening later into the evening and into the dearly hours of the following day.

Application No:	PA/11/03756
Sites:	Site at rear of 3-5 Hadrian Close, London E3
Development:	Display of an internally illuminated advertisement panel measuring 4.5metres x 18.25metres x 0.5metres
Council Decision:	Refuse (delegated decision)
Start Date	13 February 2012
Appeal Method	WRITTEN REPRESENTATIONS

4.3 Advertisement consent was refused on grounds that the internally illuminated hoarding panel, by reason of its size, prominent elevated location, design and appearance would constitute a visually obtrusive, over dominant and discordant feature, detrimental to the overall character and appearance of the surrounding area.

Application No:	PA/11/03671
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Site: *Blackwall Tunnel Northern Approach –
Corner of Lochnagar Street*
Development: *Display of a 48 sheet illuminated
advertisement display.*
Council Decision: *Refuse (delegated decision)*
Start Date *1st February 2012*
Appeal Method *WRITTEN REPRESENTATIONS*

- 4.4 Advertisement consent was refused on grounds that the internally illuminated hoarding panel, by reason of its size, prominent elevated location, design and appearance would constitute a visually obtrusive, over dominant and discordant feature, detrimental to the overall character and appearance of the surrounding area. There was also concern about the impact of the advertisement on highway safety.

Application Nos: *PA/11/01437/01436*
Site: *160 Commercial Road, E1 1NL*
Development: *Demolition of the existing buildings and
replacement with a four storey building
plus basement to provide 2 retail units
(Use Class A1) and three residential flats
(2 x 2 bed units and 1 x 1 bed).*
Council Decision: *Refuse (delegated decision)*
Start Date *21 February 2012*
Appeal Method *WRITTEN REPRESENTATIONS*

- 4.5 Planning permission and conservation area consent was refused on grounds of the loss of the existing building which contributes positively to the character and appearance of the Myrdle Street Conservation Area, the failure of the proposed replacement to preserve or enhance conservation area character and appearance and the failure of the scheme to provide adequate refuse storage facilities.

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