

Committee: Strategic Development Committee	Date: 25 th April 2017	Classification: Unrestricted
--	---	--

Report of: Director of Place	Title: Applications for Planning Permission
Case Officer: Kate Harrison	Ref No: PA/16/01041
	Ward: Mile End

1.0 APPLICATION DETAILS

Location:	42-44 Thomas Road, London, E14 7BJ
Existing Use:	Cash & Carry Wholesale Warehouse (mixed retail and warehousing use) with ancillary offices
Proposal:	Demolition of existing buildings and redevelopment of the site to provide new buildings ranging from five to nine storeys comprising 184 residential units (Use Class C3) and 140sqm of flexible commercial space (Use Class A1, A2, A3 or D1), together with associated car parking, landscaping and infrastructure works.
Drawings:	3332_PL(90)_00 rev P1, 3332_PL(20)_100 rev P7, 3332_PL(20)_101 rev P11, 3332_PL(20)_102 rev P10, 3332_PL(20)_103 rev P8, 3332_PL(20)_104 rev P8, 3332_PL(20)_105 rev P8, 3332_PL(20)_106 rev P9, 3332_PL(20)_107 rev P8, 3332_PL(20)_108 rev P8, 3332_PL(20)_109 rev P8, 3332_PL(20)_110 rev P9, 3332_PL(20)_200 rev P7, 3332_PL(20)_201 rev P7, 3332_PL(20)_202 rev P6, 3332_PL(20)_203 rev P7, 3332_PL(21)_100 rev P1, 3332_PL(21)_101 rev P1, 3332_PL(21)_102 rev P1, 3332_PL(21)_103 rev P1, 3332_PL(20)_300 rev P4, Tenure Diagram 3332_.2 rev L, Landscape Masterplan 1442-001 rev K, and Play Strategy 1442-002 rev F.
Documents:	<ul style="list-style-type: none"> - Accommodation Schedules: 3332_SC_01 rev P1, 3332_SC_02 rev P3, and 3332_SC_03 rev P3; - Planning Statement (inc. Relocation Strategy), with Addendum dated March 2017; - Heritage Townscape and Visual Impact Assessment, with Addendum dated March 2017; - Transport Statement dated March 2017; - Design and Access Statement, with Addendum dated March 2017; - Daylight and Sunlight Assessment dated March

- 2017;
- Energy Strategy with Revised Energy Calculations dated April 2017;
- Delivery and Servicing Management Plan;
- Construction Traffic Management Plan;
- Framework Travel Plan;
- Sustainability Statement;
- Overheating Assessment;
- Noise Impact Assessment;
- Air Quality Assessment;
- Flood Risk Statement;
- Desk Based Archaeological Assessment;
- Geo-Environmental Assessment;
- Ecological Report;
- Utilities Statement;
- Statement of Community Involvement; and
- Retail Impact Assessment Technical Note.

Applicant: Bellway Homes (Thames Gateway Division)

Owner: Ghandi Oriental Foods

Historic Building: None

Conservation Area: Adjacent to, and partially within, Limehouse Cut Conservation Area

2.0 EXECUTIVE SUMMARY

- 2.1 This report considers an application for planning permission for a residential-led redevelopment of a brownfield site currently housing a cash & carry store to provide 184 residential units with an ancillary commercial unit.
- 2.2 The proposal would deliver 35% affordable housing at a tenure split of 65% affordable rented to 35% intermediate. 46% of affordable units would be family sized and delivered at London Affordable Rent; with one and two-bed units delivered at Tower Hamlets Living Rent.
- 2.3 The development would be of a high architectural quality with heights and design appropriately responding to local context, safeguarding the character and appearance of the Limehouse Cut Conservation Area. The buildings would be set back from the canal and the layout of the development would serve to maintain the open character of the area, in particular as appreciated from the canal towpath.
- 2.4 Generous play space and communal space would be provided with all requirements met on site within a south-east facing courtyard and a publicly accessible canalside walkway.
- 2.5 The proposed residential units would meet the relevant size standards and would be generally well-lit.

- 2.6 The distribution of heights and massing and the layout of the development optimise the capacity of the site while minimising the proposal's amenity impacts. Appropriate separation distances would be achieved to safeguard neighbour's privacy and outlook while the impact on daylighting and sunlighting to surrounding properties would generally be negligible to minor adverse with isolated moderate and major adverse daylight impact which can be attributed mostly to the design of the neighbouring properties and not to the height and massing of the proposed development.
- 2.7 Subject to the recommended conditions and obligations, the proposal would constitute sustainable development in accordance with the National Planning Policy Framework. The application is in accordance with the provisions of the Development Plan and there are no other material considerations which would indicate that it should be refused.

3.0 RECOMMENDATION

- 3.1 That the Committee resolve to **GRANT** planning permission subject to:
- 3.2 Any direction by the London Mayor.
- 3.3 The prior completion of a legal agreement to secure the following planning obligations:

Financial obligations:

- a) £62,256 towards construction phase employment skills and training
- b) £3,046 towards end-user phase employment skills and training
- c) £9,000 towards carbon off-setting
- d) £3,500 monitoring fee (£500 per each substantial Head of Terms)

Total financial contribution: £77,802

Non-financial obligations:

- e) Affordable housing (35% by habitable room)
 - 37 affordable rented units
 - 20 intermediate units
 - f) Access to employment
 - 20% local procurement
 - 20% local labour in construction
 - 9 construction phase apprenticeships
 - g) Car Free
 - h) Travel Plan
 - i) Publicly Accessible Open Space
 - j) Compliance with Considerate Constructors Scheme & LBTH Code of Construction Practice
 - k) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal
- 3.4 That the Director of Place is delegated power to negotiate the legal agreement indicated above acting within delegated authority. If within three months of the

resolution the legal agreement has not been completed, the Director of Place is delegated power to refuse planning permission.

3.5 That the Director of Place is delegated power to impose conditions and informatives on the planning permission to secure the following matters:

3.6 Conditions:

Compliance

- a) Compliance with plans
- b) 3 year time limit for implementation
- c) Withdrawal of permitted development rights for painting of brickwork and erection of fences & gates
- d) Compliance with energy and sustainability strategies
- e) Noise insulation standards for residential units and noise limits for plant
- f) Provision and retention of wheelchair accessible parking spaces, electric vehicle charging points
- g) Inclusive access standards for residential units, provision of lifts

Pre-commencement

- h) Construction Management Plan including working hours restrictions and other measures to protect amenity and minimise noise & air pollution
- i) Logistics Plan and Travel Plan for construction phase, feasibility of waterborne transport in construction (in consultation with TfL)
- j) Piling Method Statement (in consultation with Thames Water)
- k) Land contamination remediation
- l) Details of surface water drainage & SUDs (in consultation with CRT)
- m) Details of works to canal wall, development in accordance with Flood Risk Assessment (in consultation with CRT & Environment Agency)
- n) Details of biodiversity measures

Pre-superstructure

- o) Samples of all facing materials, elevation & fenestration details, rainwater goods
- p) Details of landscaping including soft & hard landscaping, street furniture & play equipment, gates & fences, lighting, wayfinding, visitor cycle parking, security measures and inclusive access provisions (in consultation with CRT).
- q) Details of internal cycle parking
- r) Details of waste storage facilities
- s) Details of Secured by Design measures

Prior to relevant works / prior to occupation

- t) Details of wheelchair accessible units
- u) Details of extract system for commercial unit
- v) Details of air quality mitigation for the heating system
- w) Delivery & Servicing Plan, Waste Management Plan (in consultation with TfL)
- x) Details of highway works (S278 agreement)
- y) Details of opening hours for commercial use

3.7 Informatives:

- a) CIL

- b) Thames Water
- c) Canal & River Trust
- d) National Grid

3.8 Any other conditions or informatives as considered necessary by the Director of Place.

4.0 PROPOSAL AND LOCATION DETAILS

Site and Surroundings

4.1 The application site is located on the south-eastern side of Thomas Road, off Burdett Road within the Mile End Road. The site is bounded by Thomas Road to the north, Thomas Road Industrial Estate to the north-east, Limehouse Cut Canal to the south-east and the newly constructed Burdett Wharf residential development to the south-west.

4.2 The rectangular site measures approximately 0.51ha and consists of a part 1, part 3 storey commercial building with ancillary car parking and servicing areas. The site is currently occupied by a cash & carry wholesaler who also retails to individual members of the public in a mixed retail and wholesale use (sui generis). The offices on site are ancillary to the main use. The business operator is currently in the process of relocating the commercial activities to Barking.

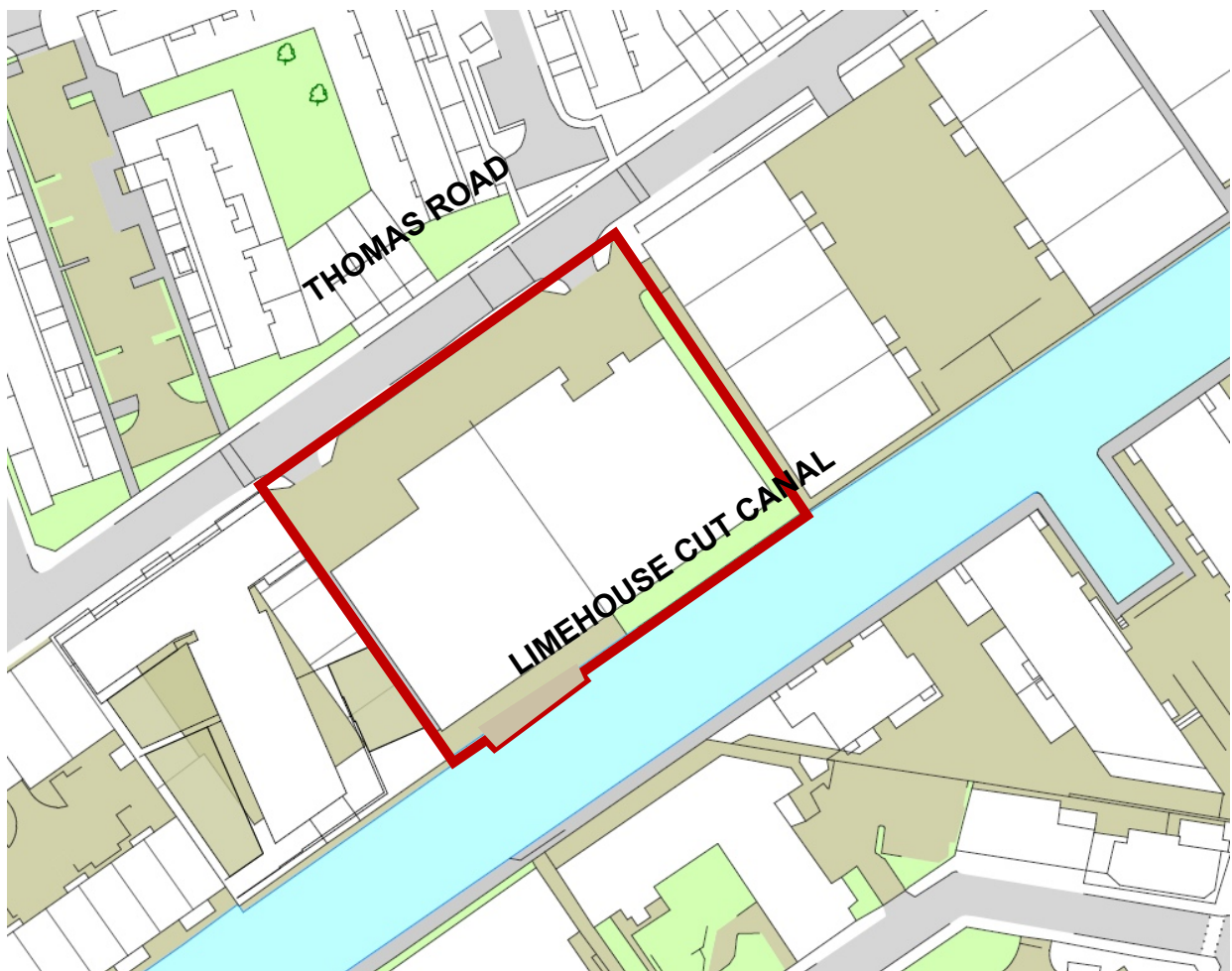


Figure 1 – Site location plan

- 4.3 The nearest residential properties are located to the north-west - on the opposite side of Thomas Road, to the south-east - on the opposite side of the canal, and to the south-west – immediately adjacent to the site.
- 4.4 The buildings on site are not listed and are of no heritage value. The majority of the site is not located within a conservation area, however a small strip projects into the Limehouse Cut Conservation Area which runs south-west to north-east, along the south-eastern boundary of the site. There are no listed buildings in the immediate vicinity of the site. Limehouse Cut canal is a Site of Metropolitan Importance for Nature Conservation.
- 4.5 The site benefits from good public transport accessibility with a PTAL of 4. There are numerous bus services operating along Burdett Road, approximately 120m to the west of the site. The nearest train station is the DLR station at Westferry, some 700m walking distance to the south.
- 4.6 The nearest town centres are the Neighbourhood Centre at Salmon Lane, circa 500m walking distance to the west, and the Chrisp Street District Centre, circa 1km walking distance to the south-east. The nearest existing shopping facilities are some 120m away on Burdett Road. The nearest schools are the Stebon Primary School and St Pauls way Secondary School, respectively less than 100m and less than 400m walking distance to the north. Mile End Park and Birchfield Gardens are some 300m walking distance to the west while the Bartlett Park is some 400m to the south-east.

Proposal

- 4.7 The application proposes redevelopment of the site to provide 184 residential units in a part 5, part 8 and part 9 storey building along with an ancillary commercial unit of 140sqm in flexible use (Use Class A1 'retail', A2 'professional services', A3 'restaurant' and D1 'community').
- 4.8 The building footprint would be broadly U-shaped with a 5 storey frontage provided along Thomas Road with two higher perpendicular projections extending towards the canal at 8 storeys for the western block and 9 storeys for the eastern block.
- 4.9 The proposal would deliver 35% affordable housing by habitable room at a tenure split of 65% affordable rented to 35% intermediate. 46% of affordable units would be family sized (three bedroom) at London Affordable Rent with one and two-bed units delivered at Tower Hamlets Living Rent.
- 4.10 Communal amenity space, on-site play space for all age groups and publicly accessible open space would be provided. The scheme would also include 4 wheelchair accessible parking spaces, 274 cycle parking spaces for the residents and 5 cycle parking spaces for the commercial unit.



Figure 2 – Bird's eye view CGI, looking north-west

- 4.11 Following submission of the application at the end of April 2016, the proposal was significantly revised with the most significant amendments received in March 2017. The amendments resulted in a reduction in the height of the taller blocks by 3 stories, and of the block linking with Burdett Wharf by 1 storey, introduction of two story setbacks at roof level, removal of external cycle stores from the public realm, improvements to the daylighting and sunlighting to proposed units, reductions in impact on the daylighting and sunlighting to existing neighbouring occupiers and a consequential reduction to the unit numbers by 37 units.
- 4.12 The below verified view images contrast the originally submitted scheme with that currently proposed.



Figure 3 – Verified view of the proposal as submitted (left) and as amended (right) as viewed from the canal towpath, looking north-east.



Figure 4 – Verified view of the proposal as submitted (left) and as amended (right) as viewed from across Thomas Road, looking south.

Planning History

- 4.13 Certificate of lawful development to confirm existing use as a Cash & Carry Wholesale Warehouse, ref PA/99/000329, issued 10/05/1999.
- 4.14 EIA Screening Opinion confirming that that an Environmental Impact Assessment is not required, ref PA/16/00722, issued 29/03/2016.

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 Government Planning Policy

National Planning Policy Framework 2012
Planning Policy Guidance 2014 with subsequent alterations

5.3 London Plan 2016

- 2.9 - Inner London
- 3.1 - Ensuring equal life chances for all
- 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
- 3.13 - Affordable housing thresholds
- 4.4 - Managing industrial land and premises
- 5.1 - Climate change mitigation
- 5.2 - Minimising carbon dioxide emissions
- 5.3 - Sustainable design and construction
- 5.4A - Electricity and gas supply
- 5.5 - Decentralised energy networks
- 5.6 - 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
- 5.12 - Flood risk management
- 5.13 - Sustainable drainage
- 5.14 - Water quality and wastewater infrastructure
- 5.15 - Water use and supplies
- 5.16 - Waste net self-sufficiency
- 5.17 - Waste capacity
- 5.18 - Construction, excavation and demolition waste
- 5.21 - Contaminated land
- 6.3 - Assessing effects of development on transport capacity
- 6.7 - Better streets and surface transport
- 6.9 - Cycling
- 6.10 - Walking
- 6.13 - Parking
- 7.1 - Lifetime neighbourhoods
- 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
- 7.9 - Access to Nature and Biodiversity
- 7.13 - Safety, security and resilience to emergency
- 7.14 - Improving air quality
- 7.15 - Reducing noise and enhancing soundscapes
- 7.19 - Biodiversity and access to nature
- 7.24-7.28 Blue Ribbon Network
- 7.30 - London's Canals
- 8.2 - Planning obligations

5.4 **Core Strategy 2010**

- SP02 - Urban living for everyone
- SP03 - Creating healthy and liveable neighbourhoods
- SP04 - Creating a green and blue grid
- SP05 - Dealing with waste
- SP06 - Delivering successful employment hubs
- 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

5.5 **Managing Development Document 2013**

- DM0 - Delivering sustainable development
- DM2 - Local shops
- DM3 - Delivering homes
- DM4 - Housing standards and amenity space
- DM9 - Improving air quality
- DM10 - Delivering open space
- DM11 - Living buildings and biodiversity
- DM12 - Water Space
- DM13 - Sustainable drainage
- DM14 - Managing waste
- DM15 - Local job creation and investment
- DM20 - Supporting a sustainable transport network
- DM21 - Sustainable transportation of freight
- DM22 - Parking
- DM23 - Streets and the public realm
- DM24 - Place-sensitive design
- DM25 - Amenity
- DM27 - Heritage and the historic environment
- DM26 - Building heights
- DM29 - Achieving a zero carbon borough and addressing climate change
- DM30 - Contaminated land

5.6 **Other Material Planning Documents**

- Planning Obligations SPD (LBTH 2016)
- Draft Development Viability SPD (LBTH 2017)
- Control of Dust and Emissions during Construction and Demolition SPG (GLA 2014)
- Accessible London: Achieving an Inclusive Environment SPG (GLA 2014)

- Housing SPG (GLA 2016)
- Draft Affordable Housing and Viability SPG (GLA 2016)
- Shaping neighbourhoods: character and context SPG (GLA 2014)
- Shaping neighbourhoods: play and informal recreation SPG (GLA 2012)
- Sustainable Design and Construction SPG (GLA 2013)
- Site Layout Planning for Daylight and Sunlight (BRE 2011)
- Limehouse Cut Conservation Area Character Appraisal (LBTH 2011)

6.0 CONSULTATION RESPONSE

6.1 The views of the Place Directorate are expressed in the MATERIAL PLANNING CONSIDERATIONS section.

6.2 The following were consulted regarding the application. The responses are summarised below.

Mayor of London / Greater London Authority (GLA) Stage I referral

6.3 The scheme is broadly acceptable in strategic planning terms but does not fully comply with the London Plan. The following observations have been made and remedies suggested:

- a) The loss of the existing use and redevelopment for residential use complies with the London Plan. The small commercial unit is commensurate with a local shop or service and is supported given the area's increasing population.
- b) The Council should confirm that the proposed unit mix is in line with local needs. The proportion of affordable housing needs to be robustly interrogated and maximised.
- c) Given the high internal and external quality of the development and provision of ample open space and play space, the proposals for a high density development exceeding the London Plan density range is supported.
- d) Delivery of play space, communal space, public open space and the canal side route should be secured.
- e) Given that the character of the surrounding area is in a period of transition the development provides an opportunity to define a new setting and create new routes in conjunction with the development of the adjacent sites. The demolition of the existing building is supported as the building is of no architectural merit and does not contribute to the historic environment.
- f) The proposed layout would ensure provision of amenity space, separation from neighbouring development and future development, and allow for a high proportion of dual aspect units, good daylight and sunlight penetration and a courtyard which will receive excellent levels of sunlight. The coherent building line and generous space will enable the creation of a high quality public realm provided that the proposals for redevelopment of the adjoining Thomas Road Industrial Estate include a reciprocal provision. Activity and surveillance is provided by the proposed commercial unit, which is welcomed but further work is required to the ground floor layout to reduce the dominance of back of house uses and provide greater levels of activity and natural surveillance.

- g) The provision of a tall building represents a distinctive architectural approach and will provide a high quality addition to the local area, which is supported.
- h) The results of the daylight and sunlight assessment do not indicate any effects of strategic concern upon existing residential properties having regard to the urban location and under developed nature of the existing site. The Council should satisfy itself that localised effects upon individual properties are acceptable.
- i) The proposed development is consistent with the emerging context along the Limehouse Cut and will enhance the character and appearance of the area through the replacement of the existing building with a building of a high quality design. The proposed material palette seeks to respond to the industrial heritage of the area as well as its emerging residential nature. The approach to elevational design and materials creates attractive high quality elevations which contribute to the legibility of the site and the character of the area, which is supported.
- j) The U-shaped layout with blocks perpendicular to the canal is an appropriate response which protects the open character of the canal. The development would make an important contribution to the creation of a new pedestrian and cycle route along the Limehouse Cut, which is strongly supported. Biodiversity enhancement measures, detail of lighting and a construction management plan should be secured by condition.
- k) The ramped paths to navigate the 50cm change in levels are supported from the inclusive design perspective. The provision of accessible dwellings and associated parking spaces should be secured.
- l) Further information should be provided on the efficiency and feasibility of the proposed CHP unit but on the basis of the submitted energy assessment the carbon emission savings would exceed those stipulated by policy 5.2 of the London Plan.
- m) Given the uncertainty about the details of surface water discharge provisions, including potential discharge to the canal (which would be supported), the details should be secured by condition.
- n) Car free nature of the development with the exception of 4 wheelchair spaces is welcome. Further details are required on short stay cycle parking for visitors and access to cycle stores for residents. The canal side walkway is supported from the transport perspective but should be complemented with a wayfinding strategy which should be secured. Based on the expected trips, the development can be accommodated within the public transport network and will not require any site specific mitigation.
- o) The Council should ensure that the loading bay capacity is sufficient for the demand from the development with a final delivery and servicing management plan secured by condition with TfL consulted on any details. Given the limited amount of evidence provided to back up the submitted construction traffic management plan, the demolition and construction activities are likely to have a detrimental impact on the TLRN. An updated plan should be secured by condition, giving consideration to the use of waterborne transport and mitigating the impact of trips on the highway network through re-timing and consolidation. Use of the Fleet Operator

Recognition Scheme (FORS) is encouraged. Submission of a framework travel plan is welcome but the plan should encourage a mode shift to cycling by offering cycle hire memberships to residents. The plan should be secured and monitored.

[officer comment: no response has been received to the consultation on the amendments to the scheme]

Environment Agency

- 6.4 No objection to the proposed development.
- 6.5 A condition should ensure that the development is carried out in accordance with the approved Flood Risk Assessment and that mitigation measures outlined within the canal wall condition survey are implemented.

Natural England

- 6.6 No comments to make.

Historic England

- 6.7 Does not wish to make comments or express any views on the merits of the proposal. The application should be determined in accordance with national and local policy guidance and on the basis of the Council's specialist conservation advice.

Historic England – Greater London Archaeological Advisory Service

- 6.8 The proposal is unlikely to have a significant effect on heritage assets of archaeological interest. No further assessment or conditions are necessary.

6.9

Thames Water

- 6.10 No objection with regard to sewerage infrastructure capacity.
- 6.11 Piling method statement should be secured by condition to minimise the risk of damage to subsurface sewerage infrastructure.
- 6.12 Standard informatives requested to advise the applicant regarding necessary consents to be obtained from Thames Water, drainage matters, ground water sewer discharges, commercial sewer discharges and water pressure levels.

National Grid

- 6.13 Standard informative requested to advise the applicant of infrastructure protection requirements.

Metropolitan Police – Crime Prevention

- 6.14 No objection. Secured by Design measures should be secured by condition.

Crossrail Safeguarding

- 6.15 The site is outside the land subject to the Safeguarding Direction. Does not wish to make any comments.

Canal & River Trust

- 6.16 Pleased that the height of the blocks has been reduced.
- 6.17 A waterway wall survey and details of repair works to the waterway wall should be secured by condition. Discharge of surface water into the canal requires the Trust's consent and drainage details should be secured by condition including measures to safeguard against water contamination. Details of lighting should be secured by condition to minimise impact on biodiversity. The Trust should be consulted on details of landscaping secured by condition. Feasibility study into the transport of freight by water should be secured by condition. An informative should be attached to advise the applicant of necessary consents from the Trust and of the Code of Practice for Works affecting the Canal & River Trust.
- 6.18 Potential of water source heat pumps has not been considered in the energy strategy.
- 6.19 There may be potential for moorings alongside the site to animate the water space, the Trust would be pleased to discuss this further with the applicant.
- 6.20 The introduction of 184 additional units and commercial space into a canal side location would place an additional burden on the Trust's management of the water space and towpath. The trust would usually request a contribution towards enhancements to the canal environment but understand that these now fall within CIL.

LBTH Transportation & Highways

- 6.21 Car free development is supported. Four wheelchair car parking spaces would be provided but it might be possible to provide more.
- 6.22 A proportion of Sheffield stands should be provided within each cycle store. It is not clear where commercial cycle parking and visitor parking would be and how each residential store would be accessed.
- 6.23 For on-street servicing to be acceptable, a minimum footway width of 2m needs to be achieved to the rear of the proposed loading bay. The applicant needs to set out how deliveries and servicing are to be managed. A S278 agreement is required for the necessary highway works.
- 6.24 Pedestrian routes to the canal should be secured as publicly accessible.

7.0 LOCAL REPRESENTATION

- 7.1 Public consultation took place in accordance with statutory requirements. This included a total of 474 letters sent to occupiers of neighbouring properties, a press advert published in East End Advertiser and site notices displayed outside the application site.
- 7.2 18 objections were received to the original proposal. The following issues were raised by objectors:
- Inadequacy of the applicant's consultation at pre-application stage (only properties on the northern side of the canal were consulted)

- Adverse impact on the character of the Limehouse Cut Conservation Area
- Loss of daylight and sunlight
- Adverse impact on the setting of historic warehouses on Dod Street
- Overdevelopment / overcrowding
- Strain on public services
- Transport network congestion
- Noise pollution from commercial use
- Increase in car parking stress
- Disturbance from construction works
- General increase in noise and fly tipping

7.3 2 objections were received to the March 2017 amendments, of which 1 from an original objector.

7.4 The following additional issues were raised:

- Loss of private view
- Enforcement of parking & speed restrictions and poor condition of local roads
- The proposal does not address local housing need and would lead to gentrification
- Social issues and crime would increase

7.5 The above issues are addressed in the Material Planning Considerations section of this report, other than for the applicant's public consultation which is addressed below and the loss of a private view which is not a material planning consideration.

Applicant's consultation

7.6 The applicant has submitted a Statement of Community Involvement detailing how around 1,200 leaflets have been distributed inviting the public to an exhibition at St Paul's Bow Common Church on 11/02/2016 and to seek feedback from those not able to attend, however, the leaflets were distributed only to the residents living on the north side of the canal and not to those on the south side. The applicant has carried out a wider consultation exercise as part of submission of the March 2017 amendments to include the residents living on the south side of the canal.

8.0 MATERIAL PLANNING CONSIDERATIONS

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

1. Land use
2. Housing
3. Townscape & design
4. Amenity

8.2 Other material issues addressed within the report include transportation & servicing, energy efficiency & sustainability, biodiversity, planning obligations, as well as financial, health, human rights and equalities considerations.

Land Use

- 8.3 The National Planning Policy Framework sets out the Government's land use planning and sustainable development objectives, introducing a presumption in favour of sustainable development. The framework identifies a holistic approach to sustainable development as a core purpose of the planning system and requires the planning system to perform three distinct but interrelated roles: an economic role – contributing to the economy through ensuring sufficient supply of land and infrastructure; a social role – supporting local communities by providing a high quality built environment, adequate housing and local services; and an environmental role – protecting and enhancing the natural, built and historic environment.
- 8.4 These economic, social and environmental goals should be sought jointly and simultaneously. The framework promotes the efficient use of land with high density, mixed-use development and encourages the use of previously developed, vacant and underutilised sites to maximise development potential, in particular for new housing.
- 8.5 Policy 2.9 of the London Plan identifies the unique challenges and potential of inner London and specifies that boroughs should work to sustain its economic and demographic growth while addressing concentrations of deprivation and improving the quality of life and health.
- 8.6 Delivering new housing is a key priority both locally and nationally. Through policy 3.3, the London Plan seeks to alleviate the current and projected housing shortage in the Capital through provision of an annual average of 39,314 of new homes over a ten year period (2015-2025). The minimum ten year target for Tower Hamlets is set at 39,314 with an annual monitoring target of 3,931. The need to address the pressing demand for new residential accommodation is embraced by the Council's strategic objectives SO7 and SO8 and policy SP02 of the Core Strategy. These policies and objectives place particular focus on delivering more affordable homes throughout the borough.
- 8.7 The London Plan policies 4.1 and 4.2 seek to promote and enable the continued development of a strong, sustainable and diverse economy - ensuring the availability of sufficient workplaces in terms of type, size and cost. The Council's Core Strategy policy SP06 seeks to support the competitiveness, vibrancy and creativity of the local economy, ensuring a sufficient range, mix and quality of employment uses and spaces with a particular focus on the small and medium enterprise sector, and through ensuring job opportunities are provided or retained in each place. The relevant Managing Development Document policy is DM15. This policy supports the upgrading and redevelopment of employment sites outside of spatial policy areas provided that redevelopment does not result in the loss of active and viable employment uses.
- 8.8 Policy SP01 of the Core Strategy, with related objectives SO4 and SO5, seeks to ensure that the scale and type of development is proportionate to the town centre hierarchy and to promote mixed use at the edge of town centres and along main streets. Further guidance is provided by policy DM1 of the Managing Development Document which directs evening economy uses to town centres and policy DM2 which seeks to restrict the size of local shops to 100sqm.
- 8.9 The site is currently occupied by a cash & carry wholesaler who also retails to individual members of the public in a mixed retail and wholesale use (sui generis)

with some ancillary office accommodation. The site is not located within a town centre or an edge-of-centre area and does not carry any land-use designations.

- 8.10 The applicant has submitted a relocation strategy detailing a sequential search for available relocation sites to facilitate residential redevelopment of the site. Due to the lack of suitable sites within Tower Hamlets, a site in Barking was found and relocation of the business is currently in progress to premises at 640 Ripple Road in Barking.
- 8.11 Over the last 10-15 years, the character of the area has changed substantially, with all of the nearby light industrial and employment sites nearby redeveloped for residential use other than for the Thomas Road Industrial Park and the Post Office operations on the west side of Burdett Road.
- 8.12 Cash & carry wholesale use with retail to members of the public is a quasi-retail quasi employment use and is not a typical business use that policy DM15 seeks to protect. Such a substantial quantity of retail accommodation would also normally only be acceptable within a designated town centre. As such, given the increasingly residential character of the area the loss of the cash & carry use is considered to be acceptable to allow provision of a significant quantum of residential accommodation to meet the Council's identified housing need. While it could be possible to redesign the scheme to include an alternative and more conventional business use this would inevitably put a significant strain on the viability of the scheme which would result in a reduction in affordable housing provision.
- 8.13 A commercial unit of 140sqm in flexible use (Use Class A1 'retail', A2 'professional services', A3 'restaurant' and D1 'community') would be provided within the northern corner of the site, on the corner of Thomas Road and of the new public access route to the canal. While the unit would be in excess of 100sqm in size and the site is neither in a designated town centre nor in an edge-of-centre area, the proposed use would be of a scale ancillary to and proportionate to the size of the proposed residential development and as such does not raise concerns which would warrant refusal of the proposal on this ground alone. The commercial units would also provide public benefits through activating the development's frontage.
- 8.14 Given the above, it is considered that erection of a residential led-development on this highly accessible vacant brown field site is acceptable from the land use perspective, contributing towards provision of much needed housing in accordance with the aforementioned policies and the principles of the National Planning Policy Framework.

Housing

Affordable Housing

- 8.15 In line with section 6 of the National Planning Policy Framework, the following London Plan policies guide the provision of affordable housing:
- policy 3.8 seeks provision of a genuine choice of housing, including affordable family housing
 - policy 3.9 seeks to encourage mixed and balanced communities with mixed tenures promoted across London and specifies that there should be no segregation of London's population by tenure

- policy 3.11 requires that 60% of affordable housing provision should be for social and affordable rent and 40% for intermediate rent or sale, with priority given to provision of affordable family housing.
- policy 3.13 states that the maximum reasonable amount of affordable housing should be secured, subject to viability and site constraints

8.16 The Council's policy SP02 of the Core Strategy sets an overall strategic target for affordable homes of 50% of new construction, with a minimum of 35% provision sought, subject to viability. The overall strategic tenure split for affordable homes is set as 70% affordable rented and 30% intermediate. This split is reiterated by policy DM3 of the Managing Development Document which also requires that affordable housing provision is to be calculated by using habitable rooms to allow for the most suitable mix of affordable housing. Policy DM3 of the Managing Development Document requires developments to maximise affordable housing on-site.

8.17 The following tables illustrate the proposed mix of housing:

	Affordable Rented		Intermediate	Market
	Tower Hamlets Living Rent	London Affordable Rent	Shared Ownership	
1 bed	14	0	5	79
2 bed	6	0	10	29
3 bed	0	17	5	19
Total	20	17	20	127

Figure 5 – Proposed housing mix

- 8.18 The proposal would deliver 35% affordable housing by habitable room at a tenure split of 65% affordable rented to 35% intermediate. 46% of affordable units would be family sized (three bedroom) at London Affordable Rent with one and two-bed units delivered at Tower Hamlets Living Rent.
- 8.19 A viability appraisal has been submitted with the application and was independently reviewed by the financial viability consultants appointed by the Council. The review, based on establishing land value by reference to the existing use value, demonstrates that the 35% affordable housing offer is the most the scheme can viably provide. Accordingly, the proposed affordable housing offer complies with the aforementioned policies. Given that the tenure split sits between LBTH and GLA policy targets and that family sized units would be provided at London Affordable Rent, it is considered that the proposed tenure mix is acceptable and in broad compliance with policy.

Unit Mix

- 8.20 In line with section 6 of the National Planning Policy Framework and London Plan policy 3.8, the Council's Core Strategy policy SP02 and policy DM3 of the Managing Development Document require development to provide a mix of unit sizes in accordance with the most up-to-date housing needs assessment. The relevant targets and the breakdown of the proposed accommodation is shown in the table below.

Unit size	Affordable Rented			Intermediate			Private		
	Units	%	Target	Units	%	Target	Units	%	Target
1 bed	14	37.8	30%	5	25	25%	79	62.2	50%
2 bed	6	16.2	25%	10	50	50%	29	22.8	30%
3 bed	17	46	30%	5	25	25%	19	15	20%
4 bed	-	-	15%	-	-		-	-	

Figure 6 – Proposed unit mix vs policy targets

- 8.21 Within the affordable rented tenure, 46% of units would be delivered as family sized although all of the family units would be three-bed. There would be no four-bed units and a slight under-provision of two-beds and over-provision of one-beds. While the lack of four-bed units is regrettable, given that the overall target for family sized units is broadly achieved, the proposed mix of affordable accommodation is considered to be acceptable.
- 8.22 The intermediate accommodation would be provided exactly in accordance with the policy targets.
- 8.23 In relation to private units, there would be an over-provision of one-beds and an under-provision of two and three-beds. Given that prioritisation of smaller units within the private tenure assists with viability of the scheme and delivery of affordable family units at London Affordable Rent, the proposed mix is considered acceptable. It is also noted that the Housing SPG advocates flexibility with regard to application of unit mix targets for private housing: *“housing mix requirements especially in relation to market housing, where, unlike for social housing and most intermediate provision, access to housing in terms of size of accommodation is in relation to ability to pay, rather than housing requirements”*.
- 8.24 On balance, whilst there is some conflict with policy targets, the scheme overall provides a balance of different unit sizes which contributes favourably to the mix of units across tenures within the borough as a whole and the mix as proposed contributes to the viability of the scheme to ensure that provision of affordable housing and in particular family housing is prioritised.

Housing Quality

- 8.25 London Plan policy 3.5, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document seek to ensure that all new housing is appropriately sized, high-quality and well-designed. Specific standards are provided by the Mayor of London Housing SPG to ensure that the new units would be fit for purpose in the long term, comfortable, safe, accessible, environmentally sustainable and spacious enough to accommodate the needs of occupants throughout their lifetime. Additionally, policy DM3 requires that affordable housing should be built to the same standards and should share the same level of amenities as private housing.
- 8.26 London Plan policy 3.5, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document require adequate provision of private amenity space for all new homes. Policy DM25 requires a good level of amenity for the future

occupiers including through provision of adequate daylight and sunlight, outlook and privacy

- 8.27 The internal areas of the proposed flats would be appropriate, with all of the flats meeting or exceeding the minimum floorspace standards. The submitted floor plans demonstrate that all necessary furniture and storage can be comfortably accommodated within the proposed layouts. 2.5m high floor to ceiling heights would be provided.
- 8.28 The proposed building would be divided into five access cores, with generally 5 to 7 flats per floor per core.
- 8.29 Provision of dual aspect units has generally been maximised as far as the courtyard layout allows and there would be no single aspect north facing units due to the orientation of the block.
- 8.30 The proposed flats would benefit from adequate privacy, outlook and private external amenity space in excess of the minimum standards.



Figure 7 - typical floor plan

- 8.31 Average daylight factor calculations have been submitted to demonstrate the quality of daylighting to the proposed units. Out of the 496 rooms relevant for the assessment, 468 would achieve the appropriate targets, representing 94% of

habitable rooms. 23 living rooms or living/kitchen/dining areas out of 184 would be below the 1.5% ADF standard, representing 12.5% however in most instances this is due to presence of balconies and kitchens located deep within the floor plans. Given that artificial lighting would normally be used in such kitchen areas and that living rooms would be located at the front, closest to the windows and balconies, this arrangement is considered to be acceptable and adequate lighting would generally be achieved.

- 8.32 Appropriate sunlighting would be achieved both to the proposed residential units and to the external amenity areas with 234 out of 274 windows facing within 90 degrees due south in line with the targets (85%). In majority of instances where properties do not achieve the standards this is due to balconies which themselves would be very well sunlit and would provide adequate amenity.
- 8.33 A condition has been included to require appropriate accessibility standards including 10% of units to be delivered as either Wheelchair Adaptable or Accessible.
- 8.34 Overall, the proposal would provide a high quality of living accommodation and amenity to the future occupiers of the development, in accordance with the aforementioned policies.

Communal amenity space and play space

- 8.35 Policy 3.6 of the London Plan, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document require provision of dedicated play space within new residential developments, this is in addition to communal amenity space required by London Plan policy 3.5, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document at a ratio of 50sqm for the first 10 units plus 1sqm for every additional unit.
- 8.36 Policy DM4 advises that LBTH child yields should be applied to ensure that 10sqm of useable child play space is provided per child. Play space for younger children should be provided on-site, with older children being able to reasonably use spaces off-site, within a short walking distance.
- 8.37 Using the LBTH child yield calculations, the development is anticipated to yield 55 children (24 under 5s, 19 of 5 - 11 year olds and 12 older children). Accordingly, 555sqm of play space is required for all of the three age groups, in addition to 224sqm of communal amenity space.
- 8.38 The application proposes creation of a secure communal courtyard measuring 1,034sqm in addition to 1,370sqm of public realm including the canalside walkway. This is significantly in excess of the minimum requirements. The submitted Play Strategy drawing identifies that 566sqm of play space would be provided, in excess of the policy requirement.
- 8.39 The indicative landscaping proposals submitted with the application envisage that the majority of play space would be provided within the courtyard, where it is most accessible and well-overlooked from the windows of the proposed development; however, some play space can also be incorporated within the public realm areas which open onto the canal. All details would be reserved by condition.
- 8.40 Overall, the proposed communal amenity and play space areas would be acceptable, in accordance with the aforementioned policies. A condition has been included to secure the details of landscaping and play facilities.

Density

- 8.41 Policy 3.4 of the London Plan seeks to optimise the density of development with consideration for local context and public transport capacity. The policy is supported by Table 3A.2 which links residential density to public transport accessibility and urban character. Policy SP02 of the Core Strategy while reiterating the above adds that density levels of housing should correspond to the Council's town centre hierarchy and that higher densities should be promoted in locations in or close to designated town centres.
- 8.42 The application site measures approximately 0.52 hectare, benefits from an urban context, and good public transport accessibility - PTAL score 4. In areas of PTAL 4 and urban setting, the density matrix supports densities of up to 700 habitable rooms per hectare. Once the 140sqm of commercial floorspace is discounted, the proposed net residential density would be 966 habitable rooms per hectare, in excess of the suggested range.
- 8.43 The policy acknowledges that it is not appropriate to apply the matrix mechanically to arrive at the optimum potential of a given site. Generally, development should maximise the housing output while avoiding any of the adverse symptoms of overdevelopment.
- 8.44 The Housing SPG advises that small sites have specific opportunities and constraints with regards to density. When establishing the appropriate density for small sites, special attention should be given to factors influencing the setting of a development site, including existing streetscapes, massing and design of the surrounding built environment. Where the density of surrounding buildings is above the appropriate range in the matrix, a small site can be developed to the higher end of the appropriate density range. In both cases detailed urban form analyses may suggest that higher or lower densities are necessary to respect local context.
- 8.45 Furthermore, the SPG advises that development outside the prescribed ranges would require demonstration of exceptional circumstances (taking account of relevant London Plan policies) and states that unless significant reasons to justify exceeding the top of the appropriate range can be demonstrated, proposals should normally be resisted. The SPG recognises that making decisions on housing density requires making a sensitive balance which takes account of a wide range of complex factors. The SPG outlines the different aspects which should be assessed, these include:
- inadequate access to sunlight and daylight for proposed or neighbouring homes;
 - sub-standard dwellings (size and layouts);
 - insufficient open space (private, communal and/or publicly accessible);
 - unacceptable housing mix;
 - unacceptable sense of enclosure or loss of outlook for neighbouring occupiers;
 - unacceptable increase in traffic generation;
 - detrimental impacts on local social and physical infrastructure; and,
 - detrimental impacts on visual amenity, views or character of surrounding area.
- 8.46 All of the above aspects of the development have been assessed elsewhere within this report and found to be acceptable given the site's inner city context, the built form of adjoining development and the site's size. On balance, taking into account the high

standard of proposed accommodation, the unit mix which appropriately prioritises provision of family sized affordable units, and the high quantity & quality of proposed communal amenity, play spaces and public realm, it is considered that the proposed density appropriately optimises the development potential of the site.

Design & Townscape

- 8.47 The National Planning Policy Framework attaches great importance to the design of the built environment.
- 8.48 In accordance with paragraph 58 of the NPPF, new developments should:
- function well and add to the overall quality of the area,
 - establish a strong sense of place, creating attractive and comfortable places to live,
 - respond to local character and history, and reflect the identity of local surroundings and materials,
 - create safe and accessible environments, and
 - be visually attractive as a result of good architecture and appropriate landscaping.
- 8.49 Chapter 7 of the London Plan as well as the Council's policy SP10 set out broad design requirements for new development to ensure that buildings, spaces and places are high-quality, sustainable, accessible, attractive, durable and well integrated with their surrounds and that heritage assets and their settings are safeguarded. These aims are to be realised through the detailed development management policies DM24 and DM27.
- 8.50 Furthermore, policies SP09 and DM23 seek to deliver a high-quality public realm consisting of streets and spaces that are safe, attractive and integrated with buildings that respond to and overlook public spaces.
- 8.51 The placemaking policy SP12 seeks to improve, enhance and develop a network of sustainable, connected and well-designed neighbourhoods across the borough through retaining and respecting features that contribute to each neighbourhood's heritage, character and local distinctiveness.
- 8.52 In line with the Blue Ribbon Network policies of the London Plan, Policy DM12 of the Managing Development Document provides guidance for development adjacent to the Blue Ribbon Network. Firstly development should not have an adverse impact. Secondly, with regard design and layout development should provide appropriate setbacks from the water space edges where appropriate. Finally, development should identify how it will improve the quality of the water space and provide increased opportunities for access, public use and integration with the water space.
- 8.53 The application proposes redevelopment of the site to provide 184 residential units in a part 5, part 8 and part 9 storey building. The building footprint would be broadly U-shaped with a 5 storey frontage provided along Thomas Road with two higher perpendicular projections extending towards the canal at 8 storeys for the western block and 9 storeys for the eastern block. The top two stories of the 8 and 9 storey blocks would be set back.
- 8.54 The below elevations show the proposed buildings in elevation view, in the context of existing surrounding development.



Figure 8 – Thomas Road elevation (Burdett Wharf to the right)



Figure 9 – Canalside elevation (Burdett Wharf to the left)

- 8.55 The proposed heights respond to the local context, with the longer and taller blocks perpendicular to the canal at 8 and 9 stories with set backs at top level responding to Burdett Wharf to the east which is 8 storey high with the top storey set back. There is some precedent locally for taller buildings at 8 to 12 stories on the south side of the Canal although it should be noted that the buildings of Vickery's and Abbott's Wharf have been built prior to the designation of the Limehouse Cut conservation area.
- 8.56 The 5 storey frontage to Thomas Road appropriately responds to the 4 to 5 storey high public housing estate on the north side of Thomas Road and the 3 storey infill housing development immediately opposite the site. The massing of this elevation has also been additionally broken up through introduction of additional set-backs as illustrated on the below CGI.



Figure 10 – CGI view of the Thomas Road elevation (Burdett Wharf to the right)

- 8.57 The buildings would be clad in brick, with two different brick tones used to provide visual interest, provide depth and enhance articulation through creation of a robust protruding brick frame. Deep window recesses would be used. The two storey set-back elements would be clad in standing seam zinc to distinguish the top from the brick faced elevations below in order to reduce the perceived height of the scheme and to further add to the visual interest.
- 8.58 A communal courtyard would be provided between the taller elements and opening onto a publicly accessible walkway along the canal. The walkway would continue from the Burdett Wharf development at 18-36 Thomas Road and could be extended further east in the future, should the Thomas Road Industrial Estate come forward for redevelopment. The walkway would be accessible from Thomas Road through an undercroft in the western corner of the site as well as along the north-eastern boundary.
- 8.59 As illustrated on the below CGI, the proposal would be set back from the water edge by approximately 7m and due to its relatively modest scale and incorporation of setbacks for the top stories would achieve an appropriate relationship with the water space in accordance with the Blue Ribbon Network policies. The U shaped layout opening to the canal would provide views into the green landscaped courtyard and would maintain the general open character of the canal, minimising the building mass fronting onto the canal. The proposed publicly accessible canal edge together with access routes to it would be of a significant public benefit, allowing better public interaction with the waterspace.

- 8.60 In terms of safety and security, Secured By Design standards and details of lighting and security measures would be secured by condition. All of the proposed public realm and the communal courtyard would be well overlooked with passive surveillance provided by the residential accommodation.



Figure 11 – Verified view from the canal towpath, looking north-east

- 8.61 The only part of the application site falling into the Limehouse Cut Conservation Area is an existing protrusion of the dock edge in the south-western corner of the site which would be landscaped to provide public seating, while the canal wall would be repaired. The remainder of the application site, including the areas where the residential buildings would stand is not designated as part of the conservation area but is within the conservation area's setting.
- 8.62 The buildings which currently occupy the site most likely date back to the late 1980s or early 1990s and relate poorly to the conservation area. The buildings are of no heritage value and neither engage with the canal nor provide public access to its edge. The proposed buildings, faced with brick and with set-back stories clad in zinc have been designed to respond to the industrial heritage of the canal and would be of considerably higher quality than the existing buildings on site. As described earlier in this section of the report, the heights and distribution of massing appropriately

respond to the context of the application site. The proposed layout would maximise public access to the canal and through setting back and orientation of the courtyard opening towards the canal, preserve the canal's open character. Overall, the proposal would result in no heritage harm while generally enhancing the character and appearance of the Limehouse Cut Conservation Area.

- 8.63 In conclusion, the proposed development would be of a high design quality and would make a positive contribution to local townscape, in accordance with aforementioned policies.

Amenity

- 8.64 Further to policy 7.6 of the London Plan and SP10 of the Core Strategy, policy DM25 of the Managing Development Document requires development to protect, and where possible improve, the amenity of surrounding existing and future residents as well as the amenity of the surrounding public realm. The policy states that this should be by way of protecting privacy, avoiding an unacceptable increase in sense of enclosure or loss of outlook, unacceptable deterioration of sunlighting and daylighting conditions or overshadowing and not creating unacceptable levels of noise, vibration, light pollution or reductions in air quality during construction or operational phases of the development.
- 8.65 There are a number of properties which could be affected by the proposed development. The closest residential properties are located on the opposite side of Thomas Road, at 7-11 Thomas Road and at Landin House and Linborough House; adjoining the site to the south-west, at 18-36 Thomas Road (Burdett Wharf) and across the canal at 13-15 Dod Street, Aspen Court, Vickery's Wharf and Abbot's Wharf.

Daylight, Sunlight and Overshadowing

- 8.66 Guidance on assessment of daylight and sunlight is set out in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight'. The primary method of assessment is through calculating the vertical sky component (VSC). BRE guidance specifies that reductions in daylighting materially affect the living standard of adjoining occupiers when, as a result of development, the VSC figure falls below 27 and is less than 0.8 times its former value. Further information on the quality of daylighting is provided by the Daylight Distribution (No Sky Line) contour drawings and calculations which show the area of the room with sky visibility at working plane height.
- 8.67 With regard to sunlight, the BRE guide states that sunlight availability would be adversely affected if the centre of a window receives less than 25% of annual probable sunlight hours or less than 5% between 21 September and 21 March and receives less than 0.8 times its former sunlight hours during either period and has a reduction in sunlight over the whole year of over 4%. For overshadowing, the BRE guide recommends that at least 50% of the area of each amenity space should receive at least two hours of sunlight on 21st March with ratio of 0.8 times the former value being noticeably adverse.
- 8.68 The applicant has submitted a Daylight & Sunlight report which has been reviewed by an independent consultant appointed by the Council.
- 8.69 With regard to Abbots Wharf buildings B1 and B2, Vickery's Wharf building B3, Aspen Court Care Home, Maydwell House, Landin House and 13-15 Dodd Street

any loss of daylight or sunlight would not be noticeable and would be within BRE guidelines.

- 8.70 The Vickery's Wharf building B4 faces the tallest building of the proposal, some 30m across the canal. The impact on the B4 building has been significantly reduced through amendments of the scheme and would now be generally minor: while 8 out of 9 upper ground floor windows would still experience material daylighting reductions, these would be marginal and only one window would be left with VSC 0.7 times its former value although this is partially due to the fact that daylight is already restricted by a balcony above the window. On the first floor, there would be marginal noticeable daylight losses to 3 windows out of 6. All of the windows above this level would not experience material losses. Only one of the rooms would be outside the BRE guidelines for daylight distribution but this would be only marginally.
- 8.71 7-11 Thomas Road is a small terrace siting on the opposite side of Thomas Road, to the north-west of the site. Even though the impact of the proposal has been reduced through the reductions in height, the residents of this terrace of three houses would still experience moderate adverse impact on their daylighting with 10 out of 15 windows tested experiencing noticeable reductions although 3 windows would experience a before/after ratio of 0.7 and 1 of 0.6 which would can be described as minor to moderate adverse impact. The significance of the daylight losses is primarily due to the existing unusually low height of 42-44 Thomas Road and the large existing forecourt within the application site. Any significant redevelopment of the application site would be likely to lead to significant reductions in daylighting to the occupiers of the terrace. Sunlighting to the terrace would remain within the guidelines.
- 8.72 Within Limborough House some of the windows would still have results marginally outside the guidelines but when results are averaged for whole rooms served by multiple windows, the daylight impact would be within the BRE guidelines. One room would be marginally outside the guidelines for winter sunlight however it would continue to receive good levels of sunlight all year round.
- 8.73 Burdett Wharf, at 18-36 Thomas Road, is the recently developed residential block immediately to the west of the application site. The occupiers of the block currently enjoy a relatively open outlook and very good daylighting as the east facing flats look over the low-rise warehouse within the application site. The recessing of some of the windows at Burdett Wharf means that they are highly dependent upon light across the development site and extremely sensitive to changes with any loss of daylight resulting in a disproportionate loss of VSC to these windows. Nonetheless, while the losses on the lower floors might be relatively high due to the design of the Burdett Wharf development, the retained VSC values would be reasonably good for an urban location.
- 8.74 At ground level 14 windows have been tested with 10 windows experiencing material daylight reductions ranging from 0.57 to 0.77 of the former VSC value, representing minor and moderate to major daylighting impact. At first floor, 12 windows have been tested with all but one window experiencing material reductions - generally ranging from 0.59 to 0.69 of the former VSC value but there are three windows with 0.32, 0.39 and 0.47 of the former VSC value representing a very significant reduction in daylighting; however, in each instance, the living/kitchen/dining rooms affected also have two other windows that experience much lower VSC reductions and it is clear that the 3 windows are so substantially affected due to being substantially recessed within the elevation. A similar situation takes place on the second floor where out of 20 windows tested, 13 experience material reductions, generally ranging between 0.64 and 0.78 of the former value but there are 5 windows with VSC at between 0.30

and 0.49 of the former value. These windows are substantially recessed which leads to their overreliance on the application site. Similar reductions are repeated on the upper floors of the scheme, although the level of reduction reduces further up the building and the retained level of VSC increases.

- 8.75 However, as Burdett Wharf is itself a substantial building, similar in massing to the proposed development, the Council's consultant considers that a mirror assessment which allows the proposed building the opportunity to match its height and dimension is reasonable and in accordance with BRE guidelines. The proposal would generally not result in a substantially worse impact than the mirror image, and as such, the daylight impact on the Burdett Wharf is not considered to be such as to warrant refusal of the application.
- 8.76 Officers have requested further commentary on the impact of the proposal on Burdett Wharf from the Council's daylight & sunlight consultants. This will be included within the update report and summarised in officer's presentation.
- 8.77 Overall, as would be expected, the proposals would result in some impact on the daylighting conditions of the surrounding development. However, the revisions to the proposal have appropriately minimised the daylight and sunlight impact on adjoining occupiers – the impact would now be generally be negligible to minor adverse in significance with some isolated moderate to major daylight losses in circumstances where the neighbouring properties unduly rely on the application site for their daylighting.

Outlook & Sense of Enclosure, Overlooking & Privacy

- 8.78 The separation distances to habitable room windows within the surrounding properties would be generally generous with 17m to 20m to the properties across Thomas Road, more than 30m to the properties across the Limehouse Cut canal and 23m at the narrowest point to the Burdett Wharf development to the south-west.
- 8.79 The separation distances would be sufficient to safeguard neighbours privacy and prevent undue overlooking. Given the separation distances and the scale of the proposed building, the proposal would have no undue effect on outlook and sense of enclosure to neighbouring properties.

Construction Impacts

- 8.80 Noise, vibration and air quality impacts would be mitigated through submission of a Construction Management Plan. The plan, to cover both demolition and construction works, would be required to be prepared in accordance with the Council's Code of Construction Practice and limit the construction hours to the Council's standard construction hours of 8am – 6pm Monday to Friday, 8am – 1pm on Saturdays, with no works on Sundays and Bank Holidays.
- 8.81 Air quality impacts of the operational development would be negligible, given that only 4 car parking spaces are proposed and that heating would be provided by a CHP unit and boilers. Full specification of the heating system would be secured by condition.

Amenity impacts arising from the operation of the commercial unit

- 8.82 Suitable conditions have been included to deal with noise insulation, plant and extract systems as well as to require approval of details of opening hours for the commercial

use prior to occupation. These conditions would ensure that the amenity of neighbours is not affected to an unacceptable extent.

Conclusion

- 8.83 Overall, the proposal would give rise to no unacceptable impacts on the amenity of the adjoining building occupiers. Appropriate conditions have been included to mitigate adverse impacts.

Highways, transportation and servicing

- 8.84 The NPPF emphasizes the role transport policies have to play in achieving sustainable development and stipulates that people should have real choice in how they travel. The London Plan seeks to shape the pattern of development by influencing the location, scale, density, design and mix of land uses such that it helps to reduce the need to travel.
- 8.85 Policy 6.3 of the London Plan and SP09 of the Core Strategy aim to ensure that development has no unacceptable impact on the safety and capacity of the transport network. This is supported by policy DM20 of the Managing Development Document.
- 8.86 Policies 6.3 of the London Plan and DM22 of the Managing Development Document set standards for bicycle while policies SP05 of the Core Strategy and DM14 of the Managing Development require provision of adequate waste and recycling storage facilities.
- 8.87 The site benefits from good public transport accessibility (PTAL rating of 4), with convenient pedestrian access to bus connections on Burdett Road and within walking distance of the DLR Station at Westferry.
- 8.88 In accordance with policy, 274 cycle parking spaces for the residents and 5 cycle parking space for the commercial unit. 4 wheelchair accessible car parking spaces would be provided and the development would be secured as 'car free' other than for future affordable housing residents benefiting from the operation of the permit transfer scheme. The number of wheelchair accessible car parking spaces has been maximised and it would not be possible to provide more spaces within significantly undermining the quality of the public realm.
- 8.89 Given the good public transport accessibility, the majority of trips would be undertaken on foot, by cycle or by public transport. The proposed development would not result in an adverse impact on the transport system, either on its own or in comparison to the extant scheme and TfL confirmed that the proposal would not give rise to public transport capacity issues. The number of car trips generated by the proposal would be lower than that of the existing cash & carry use.
- 8.90 It is noted that neither TfL nor LBTH Transportation & Highways raise an objection to the scheme, subject to imposition of relevant conditions. The following conditions and planning obligations have been included as requested by consultees:
- Travel Plan
 - Car free development
 - Construction Management Plan
 - Construction Logistics Plan
 - Delivery & Servicing Plan
 - S278 highway works agreement

- Details of cycle storage facilities

- 8.91 The applicant has provided auto tracking diagrams showing how refuse and fire service vehicles can safely access the site.
- 8.92 Adequate waste storage facilities would be provided.
- 8.93 Overall, subject to conditions and S106 agreement, the proposal would not give rise to any unacceptable highway, transportation or servicing impacts.

Sustainability and Energy Efficiency

- 8.94 At a national level, the National Planning Policy Framework sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change. The climate change policies as set out in Chapter 5 of the London Plan, policy SP11 of the Core Strategy and the Managing Development Document policy DM29 collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 8.95 The submitted proposals have followed the energy hierarchy of be lean, be clean & be green and seek to minimise CO2 emissions through the implementation of energy efficiency measures, photovoltaic panels and a CHP system.
- 8.96 The CO2 emission reductions are anticipated to be at 43.5% against the Building Regulations 2013, with a small gap to the 45% policy target. A S106 contribution to carbon offsetting has been secured to ensure that the policy target is met. A condition has also been included to require implementation of the development in accordance with the submitted sustainability and energy efficiency strategies
- 8.97 The indicative sustainable drainage measures have been submitted including discharge to the Limehouse Cut canal – a condition requiring submission of full details has been included.

Biodiversity

- 8.98 Policies 7.19 of the London Plan, SP04 of the Core Strategy and DM11 of the Managing Development Document seek to protect and enhance biodiversity value in order to achieve an overall increase in biodiversity.
- 8.99 The site has no significant existing biodiversity value, and the buildings are not suitable for bats. The site is adjacent to the Limehouse Cut, part of a Site of Metropolitan Importance for Nature Conservation. As the application site is on the north side of the canal, shading would not be an issue.
- 8.100 The canal is known to be of value to foraging and commuting bats. Any increase over current levels of illumination of the canal, either during construction or use of the new development, should be avoided and details of lighting would be secured by condition. The proposal would not result in any significant adverse impacts on biodiversity.
- 8.101 While the proposal includes significant areas of soft landscaping, this appears to be of low ecological value and no details of green roofs or other biodiversity measures have been provided. In order to ensure a net biodiversity improvement, full details of biodiversity measures would be secured by condition.

Planning Obligations

- 8.102 Core Strategy Policy SP13 seeks planning obligations to offset the impacts of the development on local services and infrastructure in light of the Council's Infrastructure Delivery Plan (IDP). The Council adopted a Borough-level Community Infrastructure Levy on April 1st 2015. Consequently, planning obligations are much more limited than they were prior to this date, with the CIL levy used to fund new education, healthcare and community facilities to meet the additional demand on infrastructure created by new residents.
- 8.103 The NPPF requires that planning obligations must be:
- Necessary to make the development acceptable in planning terms;
 - Directly related to the development; and,
 - Fairly and reasonably related in scale and kind to the development.
- 8.104 Regulation 122 of the CIL Regulations 2010 brings the above policy tests into law, requiring that planning obligations can only constitute a reason for granting planning permission where they meet such tests.
- 8.105 The applicant has agreed to meet the entire financial obligation requirements calculated in accordance with LBTH guidance. These are:
- a) £62,256 towards construction phase employment skills and training
 - b) £3,046 towards end-user phase employment skills and training
 - c) £9,000 towards carbon off-setting
 - d) £3,500 monitoring fee (£500 per each substantial Head of Terms)
- Total financial contribution: £77,802
- 8.106 The non-financial obligations include:
- a) Affordable housing (35% by habitable room)
 - 37 affordable rented units
 - 20 intermediate units
 - e) Access to employment
 - 20% local procurement
 - 20% local labour in construction
 - 9 construction phase apprenticeships
 - f) Car Free
 - g) Travel Plan
 - h) Publicly Accessible Open Space
 - i) Compliance with Considerate Constructors Scheme & LBTH Code of Construction Practice
- 8.107 All of the above obligations are considered to be in compliance with aforementioned policies, the NPPF and CIL Regulations tests.

Financial Considerations

8.108 Section 70(2) of the Town and Country Planning Act 1990 (as amended) requires that the authority shall have regard to:

- The provisions of the development plan, so far as material to the application;
- Any local finance considerations, so far as material to the application; and,
- Any other material consideration.

8.109 Section 70(4) defines “local finance consideration” as:

- A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
- Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

8.110 In this case, the proposed development would be liable for Tower Hamlets and the London Mayor’s Community Infrastructure Levy.

8.111 The estimated liability (including estimated indexation and social housing relief) is as follows: London Mayor’s CIL of £358,533.57 and LBTH CIL of £573,905.07.

8.112 Using the DCLG’s New Homes Bonus Calculator, this development is likely to generate approximately £292,929 of New Homes Bonus in the first year and a total payment of £1,757,572 over 6 years.

8.113 These financial benefits are material considerations of some weight in favour of the application.

Health Considerations

8.114 Policy 3.2 of the London Plan seeks to improve health and address health inequalities having regard to the health impacts of development proposals while the Council’s policy SP03 of the Core Strategy seeks to deliver healthy and liveable neighbourhoods that promote active and healthy lifestyles, and enhance people’s wider health and well-being.

8.115 The proposal raises no unique health implications, and would not prejudice the opportunity of, residents, neighbours or members of the public to benefits from appropriate living conditions and lead healthy and active lifestyles. The play space and communal amenity space proposed would be in excess of policy requirements.

Human Rights Considerations

8.116 Section 6 of the Human Rights Act 1998 prohibits authorities from acting in a way which is incompatible with the European Convention on Human Rights. The relevant rights include:

- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person’s civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;

- Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and
- Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole".

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

8.118 Members need to satisfy themselves that any potential interference with Article 8 rights will be legitimate and justified. Both public and private interests are to be taken into account in the exercise of the local planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members must carefully consider the balance to be struck between individual rights and the wider public interest.

Equalities Act Considerations

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

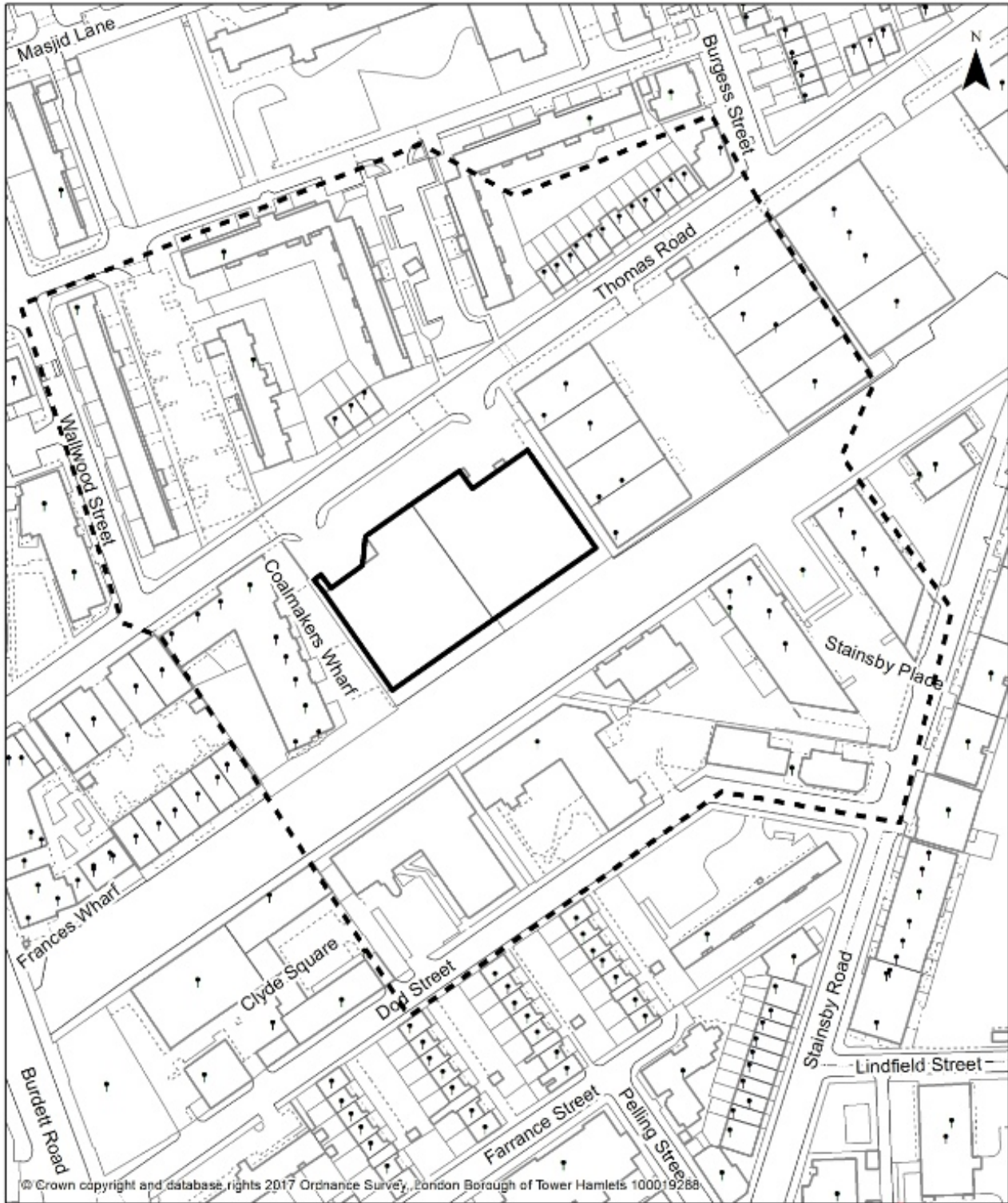
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- foster good relations between persons who share a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

9.0 CONCLUSION

9.1 All other relevant policies and considerations have been taken into account. It is recommended that full planning permission should be GRANTED.

10.0 SITE MAP

10.1 Please refer to the next page of this report.



- ↑ Land Parcel Address
- ⬜ Consultation Area
- ⬜ Planning Application Site Boundary
- Statutory Listed Buildings
- Locally Listed Buildings

Scale @ 1:1,500
 20 10 0 20 40 60 Meters

Planning Application Site Map PA/16/01041

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



GIS for
Place Directorate
LONDON BOROUGH OF TOWER HAMLETS
Date: 10/04/2017

