

Committee: Development Committee	Date: 8 th March 2012	Classification: Unrestricted	Agenda Item Number: 7.2
Report of: Director of Development and Renewal		Title: Town Planning Application	
Case Officer: Beth Eite		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
Existing Use:	Vacant
Proposal:	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.
Drawing no's	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.
Documents	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.
Applicant:	Magri Developments
Ownership:	As above
Historic Building:	N/A
Conservation Area:	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 L_{Amax} at night time above L_{Amax,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 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.

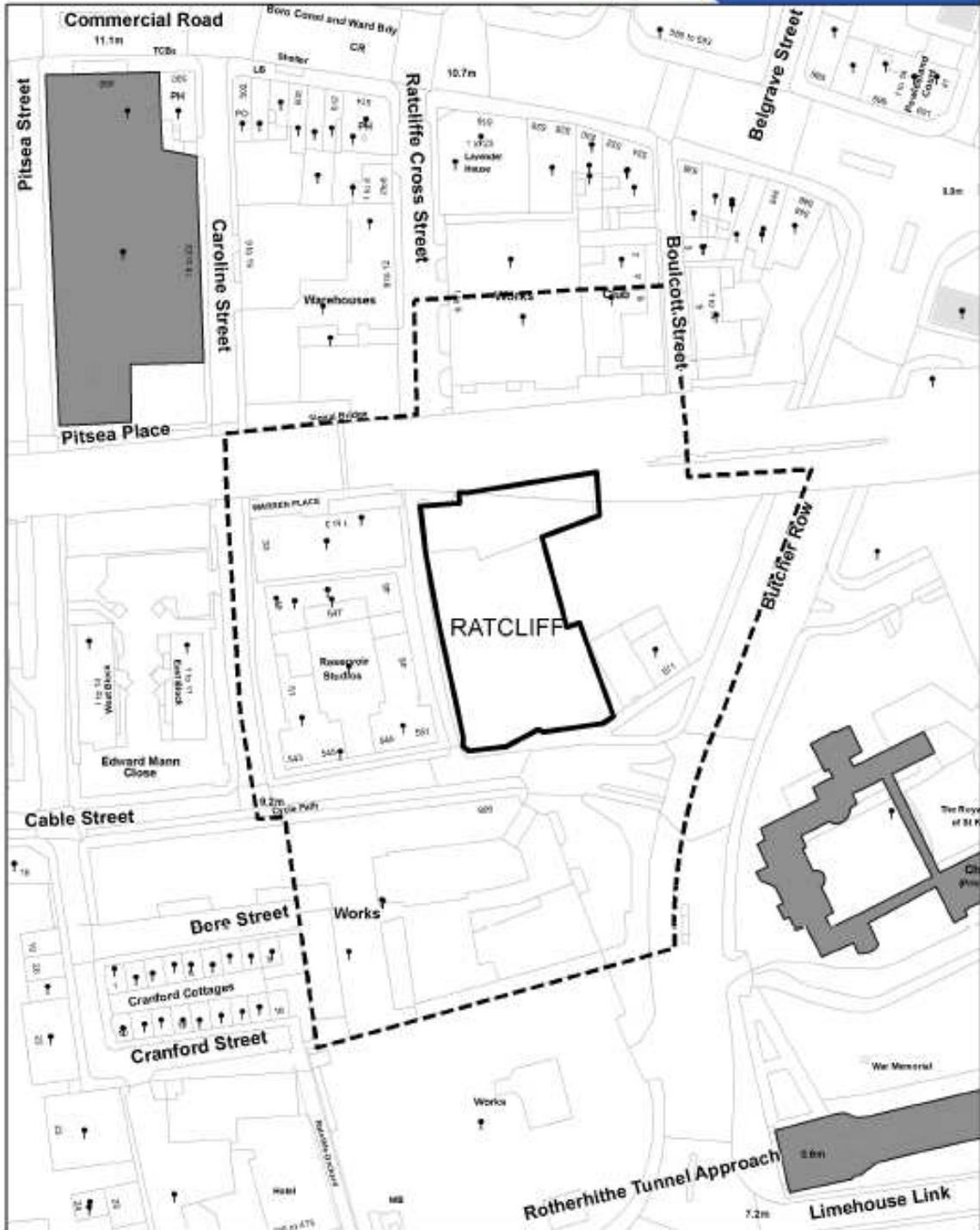
Other Planning Issues

- 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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