

<b>Committee:</b> Strategic Development	<b>Date:</b> 15 <sup>th</sup> March 2012	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 6.2
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Planning Application for Decision	
<b>Case Officer:</b> Nasser Farooq		<b>Ref No:</b> PA/11/3765	
		<b>Ward(s):</b> Limehouse	

## 1. APPLICATION DETAILS

**Location:** Former Blessed John Roche Secondary School, Upper North Street, London E14 6ER

**Existing Use:** Formally a vacant school – currently a building site relating to a planning permission reference PA/10/00161

**Proposal:** Construction of 239 dwellings within two buildings extending to between five and ten storeys with landscaping and 92 car parking spaces.

(This application is a revision of Blocks C and D as approved within planning permission dated 21st September 2010, reference PA/10/161, and comprises an additional 12 residential units upon the 227 previously approved within these blocks)

**Drawing Nos:** PL(B)005 A, PL(4)009, PL(4)010, PL(4)011, PL(4)012, PL(4)013, PL(4)014, PL(4)015, PL(4)016, PL(4)017, PL(4)018, PL(4)019, PL(4)020, PL(4)021, PL(4)021, PL(4)022, PL(4)023, PL(4)026, PL(4)059, PL(4)060, PL(4)061, PL(4)062, PL(4)063, PL(4)064, PL(4)069, PL(4)070, PL(4)071, PL(4)072, PL(4)073, PL(4)074, PL(4)075, PL(4)076, PL(4)077, PL(4)078, PL(4)101, PL(4)102, PL(4)103, PL(4)104, PL(4)105, PL(4)110, PL(4)112, PL(4)113, PL(4)115 and PL(4)117.

**Documents:**

- Energy & Sustainability Statement dated December 2011
- Addendum Design and Access statement, dated December 2011
- Environmental Statement dated December 2011
- Environmental Statement: Non Technical Summary dated December 2011.
- Planning Statement dated December 2011.
- Highways & Transport Technical Note December 2011

**Applicant:** Bellway Homes Ltd and Family Mosaic Developments Ltd

**Owner:** Bellway Homes Ltd and EDF Energy Networks Ltd

**Historic Building:** N/A

**Conservation Area:** Lansbury Conservation Area

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

Brief Description of background papers:	Tick if copy supplied for register	Name and telephone no. of holder:
Application, plans, adopted UDP. Adopted Core Strategy, IPG, London Plan, MD DPD.		Nasser Farooq 020 7364 1098

## 2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1 Officers have considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan 1998 (saved policies); associated Supplementary Planning Guidance, the London Borough of Tower Hamlets adopted Core Strategy (2010), Managing Development DPD (Proposed Submission Version 2012); as well as the London Plan (2011) and the relevant Government Planning Policy Guidance including draft National Planning Policy Framework, and has found that:

- Following the closure of the former Blessed John Roche Secondary School in 2005, the school has been deemed surplus to education requirements. As such, the principle of a residentially-led mixed use scheme is considered to be appropriate and in accordance with policy 3.3 of the London Plan (2011) saved policy DEV3 of the Unitary Development Plan (1998), policy SP02 of the Core Strategy (2010) and policy DM3 of the Managing Development DPD (proposed submission version 2012) which seek to deliver new housing and the creation of sustainable places.
- The proposal is in line with the Mayor of London and Council's policy, as well as Government guidance which seek to maximise the development potential of sites. As such, the development complies with policy 3.4 of the London Plan (2011), policy SP02 of the Core Strategy (2010) and policy DM3 of the Managing Development DPD (proposed submission version 2012) which seeks to ensure the use of land is appropriately optimised.
- The building height, scale, bulk and design is acceptable and in line with the Council's design policies and regional and local criteria for tall buildings. As such, the scheme is in line with policies 7.1, 7.6, 7.7 and 7.9 of the London Plan 2011, Policy SP10 of the adopted Core Strategy (2010), policies DM24 and DM26 of the Managing Development DPD (proposed submission version 2012), and saved policies DEV1 and DEV2 of the Council's Unitary Development Plan 1998, which seek to ensure buildings are of a high quality design and suitably located.
- Subject to conditions requiring the submission of full details and samples materials and elevation treatments, the scheme is considered to enhance the street scene and local context, posing no significant adverse impact on the character, appearance and setting of the nearby Grade II listed building nor the character and appearance of the Lansbury Conservation Area, in accordance with PPS5, Policies 7.8 and 7.9 of the Mayor's London Plan (2011) as well as Policy SP10 of the adopted Core Strategy (2010), saved policy DEV1 of the LBTH UDP (1998) and policies DM23, DM24 and DM27 of the Managing Development DPD (proposed submission version 2012), and policy which seek to protect the appearance and setting of listed buildings and conservation areas.
- On balance the proposal provides an acceptable amount of affordable housing and mix of units. As such, the proposal is in line with policies 3.9, 3.10, 3.11, 3.13 of the London Plan (2011), policy SP02 of the adopted Core Strategy (2010), saved policy HSG7 of the Council's Unitary Development Plan 1998 and policy DM3 of the Managing Development DPD (proposed submission version 2012), which seek to ensure that new developments offer a range of housing choices.
- The scheme provides acceptable space standards and layout. As such, the scheme is in line with policy 3.5 of the London Plan (2011), policy SP02 of the Core Strategy (2010), saved policies DEV1 and DEV2 of the Council's Unitary Development Plan 1998 and policy DM4 of the Managing Development DPD proposed submission version (2012), which seek to provide an acceptable standard of accommodation.

- The public amenity space within the scheme is considered to be fully accessible and also improves the permeability of the immediate area. As such, it complies with policy SP10 of the adopted Core Strategy (2010), saved policy DEV1 of the Unitary Development Plan (1998) and DM23 and DM24 of the Managing Development (DPD proposed submission version 2012) which seek to maximise safety and security for those using the development and ensure public open spaces incorporate inclusive design principles.
- It is not considered that the proposal would give rise to any undue impacts in terms of privacy, overlooking, sunlight and daylight, and noise upon the surrounding residents. As such, the proposal is considered to satisfy the relevant criteria of policy SP10 of the adopted Core Strategy, saved policy DEV2 of the Council's Unitary Development Plan (1998) and policy DM25 of the Managing Development DPD proposed submission version (2012), which seek to protect residential amenity.
- Transport matters, including parking, access and servicing, are acceptable and in line with London Plan policies 6.1, 6.3, 6.9 and 6.13 of the London Plan (2011), policy SP09 of the adopted Core Strategy (2010), policies T16 and T19 of the Council's Unitary Development Plan 1998 and policies DM20 and DM22 of the Managing Development DPD (proposed submission version 2012), which seek to ensure developments minimise parking and promote sustainable transport options.
- Sustainability matters, including energy, are acceptable and in line with policies 5.1, - 5.7 (inclusive), 5.10, 5.11 of the London Plan, policy SP11 of the adopted Core Strategy (2010) and policy DM29 of the Managing Development DPD (proposed Submission version (2012), which seek to promote sustainable development practices.
- Financial contributions have been secured towards the provision of open space, sports and recreation, leisure, highways and transportation, tree replacements, education, health and cycle route improvements, in line with Community Infrastructure Levy Regulations (2010), Government Circular 05/05, policy 8.2 of the London Plan (2011), policy SP13 of the adopted Core Strategy and saved policy DEV4 of the Council's Unitary Development Plan 1998, which seek to secure contributions toward infrastructure and services required to facilitate proposed development.

### **3. BACKGROUND**

- 3.1 The subject site, which measures 1.77 hectares, originally comprised of the former Blessed John Roche Catholic Secondary School.
- 3.2 This was gradually closed from 2001 until the summer of 2005, following the redevelopment of the Bishop Challoner Boys School in Whitechapel. The site has since been declared surplus to educational requirements.
- 3.3 On 21<sup>st</sup> September 2011 planning permission was granted for the demolition of existing buildings and redevelopment of the site to provide: 490 residential units (Use Class C3) in six separate blocks ranging from 3-storey mews to buildings with maximum heights of 5, 6, 7, 9 and 14 storeys; a community centre (Use Class D1) retail floorspace (Use Class A1), restaurant and cafe floorspace (Use Class A3), crèche (Use Class D1) and leisure facilities (Use Class D2). The application proposed 169 car parking spaces at a partially subterranean lower ground floor level, the formation of vehicular crossovers and entrances into the site together with associated hard and soft landscaping (Planning reference PA/10/00161).
- 3.4 Given the size of the scheme, its implementation was set in phases and the site divided into four parts labelled A, B, C and D.
- 3.5 Following the grant of this planning permission all the former school buildings have now been demolished and work is currently being undertaken to implement the above planning

consent with the buildings located at A and B almost completed.

- 3.6 The provision of 12 additional units proposed in this scheme was not considered as a minor material amendment. As such, the applicant is re-applying for planning permission on Blocks C and D with the additional 12 units. The total number of units applied for in this scheme is 239. Of these, 227 have been approved under planning application PA/10/00161.

#### 4. RECOMMENDATION

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

- 4.2 . **A** The prior completion of a **legal agreement**, to the satisfaction of the Chief Legal Officer, to secure the additional planning contributions to mitigate against the spatial impacts of the proposed 12 units. The following is a breakdown of the contributions sought.

##### Financial Contributions

- a) Open Space: Provide £18,456 towards open space improvements
- b) Sports and Recreation: Provide £9,381 towards the provision of and upgrade of sports and recreation facilities.
- c) Health: Provide £16,484 towards improving health within the Borough
- d) Sustainable Transport: Provide £347 towards cycle route and infrastructure provision.
- e) Construction Phase Skills and Training: £2,073
- f) Idea Stores: Provide £2,918 to Idea Stores, Libraries and Archives.

Total: **£49,659**

##### Non-Financial Contributions:

- g) Affordable housing contribution – of an additional 2 shared ownership units consisting of 1 x one bedroom unit and 1 x two bedroom unit.
- h) Car-free agreement
- i) Code of Construction Practice - To mitigate against environmental impacts of construction
- j) Access to employment - To promote employment of local people during and post construction, including an employment and training strategy
- k) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal.

- 4.3 **B.** That the Committee note that the section 106 agreement which the Applicant has indicated includes additional contributions and obligations as detailed in paragraphs 9.133 - 9.138 of this report (“the Additional Contributions and Obligations”). The Additional Contributions and Obligations are as follows:

- a) Education: Provide £18,739 towards the provision of additional school places in the Borough
- b) Construction Phase Skills and Training: £2,367
- c) Open Space: Provide £1,645 towards the Bartlett Park Master Plan.
- d) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

Total financial contribution: up to **£22,751**

- 4.4 It is considered that the proposed planning obligations identified at **(A)** above are:

(a) necessary to make the development acceptable in planning terms;

(b) directly related to the development; and

(c) fairly and reasonably related in scale and kind to the development.

And that they constitute reasons to grant planning permission and should be taken into account when determining the planning application.

4.5 As explained at paragraph 9.133 – 9.138 of this Committee Report it is considered that the proposed Additional Contributions and Obligations identified at **(B)** above are not:

(a) necessary to make the development acceptable in planning terms; and

(b) that they do not constitute reasons to grant planning permission and should not be taken into account when determining the planning application.

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

4.7 **N.B.** These contributions are in addition to the following contributions already secured under PA/10/00161, for the 490 units.

4.8 Financial Contributions secured under PA/10/00161

- e) Open Space: Provide £665,691 towards improvements to Bartlett Park
- f) Sports and Recreation: Provide £467,245 towards the provision of and upgrade of sports and recreation facilities within Barlett Park
- g) Highways and Transportation: Provide £255,000 towards local traffic calming measures, street lighting and footway improvement works
- h) Tree Replacements: Provide a sum of £43,500 to re-provide felled matures trees within the vicinity of the application site
- i) Education: Provide £765,204 towards the provision of additional primary school places in the Borough
- j) Health: Provide £707,115 towards improving health within the Borough
- k) Travel Plan monitoring: Provide £3,000 towards the monitoring of a sustainable travel plan
- l) Cycle Route improvements: Provide £50,000 towards cycle route and infrastructure provision as identified within Tower Hamlets' Cycle Route Implementation and Stakeholder Plan
- m) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

Total - £2,956,755

Non-financial contributions secured under PA/10/00161.

- n) Affordable housing contribution – 35%
- o) Car-free agreement
- p) Delivery of Church Green landscaped area as approved under planning permission reference PA/09/01354
- q) Unrestricted access to open space and through routes within application site, including Church Green
- r) Code of Construction Practice - To mitigate against environmental impacts of construction
- s) Access to employment - To promote employment of local people during and post construction, including an employment and training strategy
- t) TV reception monitoring
- u) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

4.9 That the Head of Development Decisions is delegated power to impose conditions and

informatives on the planning permission to secure the following:

### **Conditions**

- 1) Permission valid for 3 years
- 2) Hours of Construction (8.00am to 6.00pm Monday to Friday 9.00am to 5.00pm on Saturdays and not at all on Sunday or Bank holidays)
- 3) Power/hammer driven piling/breaking (10am – 4pm Monday – Friday)
- 4) Submission of samples / details / full particulars of materials, glazing, landscaping & external lighting
- 5) Compliance with a Delivery and Service Plan (DSP)/Service Management Plan
- 6) Submission of a Construction Management and Logistics Plan
- 7) Compliance of full Travel Plan
- 8) Development to be carried out in accordance with Flood Risk Assessment
- 9) Compliance of a contamination risk assessment
- 10) Submission of a contamination verification report
- 11) Submission of remediation strategy if contamination not previously identified is found
- 12) Car park access ramps and car park layouts to be constructed in accordance with approved plan MBSK100603-1
- 13) Cycle parking provision to be provided and retained as detailed on submitted plans
- 14) No infiltration of surface water drainage into the ground is permitted
- 15) Piling or any other foundation designs using penetrative methods not permitted unless consent obtained from LPA
- 16) Compliance with a drainage strategy
- 17) Compliance with impact studies of the existing water supply infrastructure
- 18) Compliance with ecological enhancement measures as detailed in Environmental Statement
- 19) Lifetimes Homes standards and 10% should be wheelchair accessible across entire site
- 20) Energy efficiency and renewable energy – heat network installed in accordance with submitted Energy Strategy
- 21) Sustainable design and construction measures shall be implemented in accordance with the submitted Sustainability Statement
- 22) Nineteen disabled parking spaces to be provided across entire site.
- 23) Compliance with Way finding signage strategy to be submitted
- 24) Compliance with child play space
- 25) Compliance with plans showing 20% of vehicle parking spaces to incorporate electric car charging points
- 26) Code for sustainable homes –minimum of 12 units meeting Code level 4.
- 27) Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal

### **Informatives**

- 1) Section 106 agreement required
- 2) Section 278 highways agreement required
- 3) Contact Thames Water regarding installation of a non-return valve, petrol/oil-interceptors, water efficiency measures and storm flows
- 4) Changes to the current licensing exemption on dewatering
- 5) Contact LBTH Building Control
- 6) Contact LBTH Environmental Health
- 7) Contact Environment Agency
- 8) Contact TfL regarding requirements of Traffic Management Act 2004
- 9) Section 61 Agreement (Control of Pollution Act 1974) required
- 10) Contact London Fire & Emergency Planning Authority
- 11) Advert consent required for all signage
- 12) Contact Natural England regarding specifications for ecological enhancements
- 13) Notify HSE of any work on asbestos

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

4.10 That, if within 3 months of the date of this committee meeting the legal agreement has not been completed to the satisfaction of the Chief Legal Officer, the Head of Development Decisions is delegated power to refuse planning permission.

## 5. PROPOSAL AND LOCATION DETAILS

### Proposal

5.1 The application proposes the construction of 239 dwellings within two buildings extending to between five and ten storeys, with associated landscaping and 92 car parking spaces. The proposed buildings are arranged around a network of public open spaces, with routes through the site linking Canton Street to the south to Lindfield Street and Bartlett Park to the north, and Hind Grove to the west with Upper North Street to the east.

5.2 The approved development PA/10/00161 known as New Festival Quarter, comprises 490 residential units, together with 684sq.m of flexible floorspace comprising of a mix of retail (Use Class A1), restaurant and café (Use Class A3), crèche (Use Class D1) and leisure facilities (Use Class D2) and a 214sq.m community centre (Use Class D1). The community centre is located on the west of the application site and is accessed via Hind Grove, whilst the commercial units are located around the approved 'Church Green' landscaped area in the south eastern corner of the site.

5.3 As a result of this application the total number of residential units across the entire site rises to 502, with 239 dwellings located at blocks C and D within this application.

5.4 The approved development including Blocks A and B propose a total of 169 vehicular parking spaces, 17 of which are for disabled purposes and 2 are allocated for an on site car club. 92 of these parking spaces are proposed in Blocks C and D within this application.

5.5 Also proposed are 711 cycle parking spaces and 36 motorcycle spaces.

5.6 The following illustrations show the building heights as approved in 2010 and as proposed within this application.

5.7



Illustration 1: Scheme as approved in 2010 (PA/10/00161)

5.8

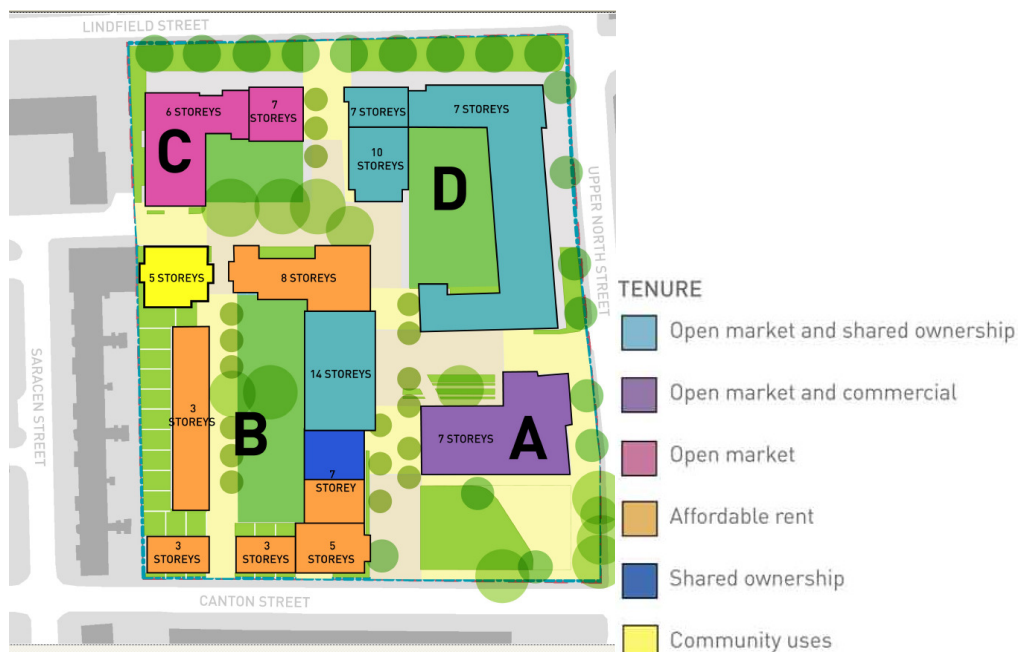


Illustration 2: Scheme as proposed under current application.

### Site and Surroundings

- 5.9 The entire site is bound to the north by Lindfield Street and Bartlett Park beyond; to the east by Upper North Street; and to the south by Canton Street. The western boundary is formed by three storey housing, which fronts onto Saracen Street. The neighbouring buildings to the south and west typically range from 2-3 storey terraces, with 4 storey residential blocks to the east on Upper North Street.
- 5.10 The site is located within the Lansbury Conservation Area. The Grade II listed St Mary and St Joseph Roman Catholic Church is located directly opposite the application site to the south.
- 5.11 The site is relatively well served by public transport, with the southern half of the site having a Public Transport Accessibility Level (PTAL) of '4' and northern half that of '3'. Langdon Park and All Saints DLR stations are located approximately 675m from the site to the north east and south east respectively. The nearest Underground Station is Canary Wharf, which lies approximately 1.2km to the south. A major bus route runs along East India Dock Road (A13) to the south and additional services are available from Cordelia Street to the east of the site and from Burdett Road to the west.

### Relevant Planning History

- 5.12 The following planning decisions are relevant to the application:
- PA/09/01351 Application for full planning permission, proposing the demolition of the existing school buildings and redevelopment of the site to provide: 535 residential units (Use Class C3) in six separate blocks ranging from 3-storey mews to buildings with maximum heights of 5, 6, 7, 12 and 16 storeys respectively; retail floorspace (Use Classes A1), restaurant and cafe floorspace (Use Class A3), community centre (Use Class D1) and leisure facilities (Use Class D2). The application also proposes 174 car parking spaces at a partially subterranean lower ground floor level, the formation of vehicular crossovers and entrances into the site together with associated hard and soft landscaping. This application was withdrawn on 20th October 2009.
- PA/09/01352 Application for Conservation Area Consent for the demolition of existing



school buildings to enable to enable redevelopment of site by erection of buildings from 3 to 16 storeys in height to provide 535 residential units with retail, restaurant/cafe, community centre and leisure floorspace. This application was withdrawn by the applicant on 22nd September 2009.

- PA/09/01353 This application was for Tree Works within a Conservation Area and proposed the removal of 37 trees across the school site including the removal of one Swedish Whitebeam, two Cherry 'Kanzan', one Laburnum, one Wild Cherry, two Rowans, one Apple, ten London Planes, one Cockspur Thorn, six Birches, one Elder Sycamore, one Fig, two Japanese Cherries, four Black Locusts, two Hybrid Black Poplars and two Hollies and the pruning of five London Planes. The applicant withdrew this application on 3rd September 2009.
- PA/09/01354 The application sought planning permission for soft and hard landscaping works to the "existing Church Green" area at the junction of Upper North Street and Canton Street. This application was approved on 22nd September 2009.
- PA/09/02612 Conservation Area Consent for the demolition of the existing former school buildings was granted on 27<sup>th</sup> January 2010 subject to conditions.
- PA/10/00261 This application was for tree works within a Conservation Area including removal of 37 trees, comprising one Swedish Whitebeam, two Cherry 'Kanzan', one Laburnum, one Wild Cherry, two Rowans, one Apple, ten London Planes, one Cockspur Thorn, six Birches, one Elder Sycamore, one Fig, two Japanese Cherries, four Black Locusts, two Hybrid Black Poplars and two Hollies and pruning of five London Planes (in association with planning application ref. PA/10/00261). The applicant withdrew this application on 18<sup>th</sup> March 2010.
- PA/10/00161 Demolition of existing buildings and redevelopment of the site to provide: 490 residential units (Use Class C3) in six separate blocks ranging from 3-storey mews to buildings with maximum heights of 5, 6, 7, 9 and 14 storeys; a community centre (Use Class D1) retail floorspace (Use Class A1), restaurant and cafe floorspace (Use Class A3), crèche (Use Class D1) and leisure facilities (Use Class D2). The application also proposes 174 car parking spaces at a partially subterranean lower ground floor level, the formation of vehicular crossovers and entrances into the site together with associated hard and soft landscaping. Approved on 21/09/2010.

## **6. POLICY FRAMEWORK**

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

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

- |      |  |
|------|--|
| 3.2  | Improving health and addressing health qualities         |
| 3.3  | Increasing housing supply                                |
| 3.4  | Optimising housing potential                             |
| 3.5  | Quality and design of housing                            |
| 3.6  | Children and young people's play and informal facilities |
| 3.7  | Large residential developments                           |
| 3.8  | Housing choice   |
| 3.9  | Mixed and balance communities                            |
| 3.10 | Definition of affordable housing                         |

3.11	Affordable housing targets
3.12	Negotiating affordable housing on individual private and residential and mixed use schemes
3.13	Affordable housing thresholds
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 proposal
5.7	Renewable energy
5.9	Overheating and cooling
5.10	Urban greening
5.11	Green roofs and development
5.12	Flood risk management
5.13	Sustainable drainage
5.21	Contaminated land
6.1	Strategic approach to transport
6.3	Assessing effects of development on transport capacity
6.9	Cycling
6.10	Walking
6.13	Parking
7.1	Building London's neighbourhoods and communities
7.2	An inclusive environment
7.3	Designing out crime
7.4	Local character
7.5	Public realm
7.6	architecture
7.7	Tall buildings
7.8	Heritage assets and archaeology
7.9	Heritage-led regeneration
7.19	Biodiversity and access to nature
8.2	Planning obligations

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

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

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

Proposals: Flood Protection Area  
Within 200m of East West Crossrail

Policies:	DEV1	Design requirements
	DEV2	Environmental requirements
	DEV3	Mixed use developments
	DEV4	Planning obligations
	DEV8	Protection of local views

DEV9	Control of minor works
DEV12	Provision of landscaping in development
DEV43	Protection of archaeological heritage
DEV44	Preservation of archaeological remains
DEV50	Noise
DEV51	Contaminated soil
DEV55	Development and waste disposal
DEV56	Waste recycling
DEV69	Efficient use of water
EMP6	Employing local people
HSG7	Dwelling mix and type
HSG13	Internal space standards
HSG15	Development affecting residential amenity
HSG16	Housing amenity space
T10	Priorities for strategic management
T16	Traffic priorities for new development
T18	Pedestrians and the road network
T21	Pedestrians needs in new development
OS9	Children's Playspace
U2	Development in Areas at Risk from Flooding
U3	Flood Protection Measures

### **Managing Development DPD (proposed submission version 2012)**

DM3	Delivering Homes
DM4	Housing Standards and Amenity Space
DM8	Community Infrastructure
DM9	Improving Air Quality
DM10	Delivering Open Space
DM11	Living Buildings and Biodiversity
DM13	Sustainable Drainage
DM14	Managing Waste
DM20	Supporting a Sustainable Transport Network
DM22	Parking
DM23	Streets and the public realm
DM24	Place sensitive design
DM25	Amenity
DM27	Heritage and the historic environment
DM29	Achieving a zero carbon borough and addressing climate change
DM30	Contaminated Land

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

Proposals:		Flood Risk Zone 2 and 3
Policies:	DEV1	Amenity
	DEV2	Character and Design
	DEV3	Accessibility and Inclusive Design
	DEV4	Safety and Security
	DEV5	Sustainable Design
	DEV6	Energy Efficiency
	DEV7	Water Quality and Conservation
	DEV8	Sustainable Drainage
	DEV9	Sustainable Construction Materials
	DEV10	Disturbance from Noise Pollution
	DEV11	Air Pollution and Air Quality
	DEV12	Management of Demolition and Construction

DEV13	Landscaping and Tree Preservation
DEV15	Waste and Recyclables Storage
DEV16	Walking and Cycling Routes and Facilities
DEV17	Transport Assessments
DEV18	Travel Plans
DEV19	Parking for Motor Vehicles
DEV20	Capacity of Utility Infrastructure
DEV21	Flood Risk Management
DEV22	Contaminated Land
DEV25	Social Impact Assessment
DEV27	Tall Buildings Assessment
HSG1	Determining Housing Density
HSG2	Housing Mix
HSG3	Affordable Housing
HSG7	Housing Amenity Space
HSG9	Accessible and Adaptable Homes
HSG10	Calculating Provision of Affordable Housing

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

Residential Space Standards  
Designing out Crime

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

PPS1	Delivering Sustainable Development
PPS3	Housing
PPS5	Planning and the Historic Environment
PPG9	Biodiversity and Nature Conservation
PPS22	Renewable Energy
PPS23	Planning and Pollution Control
PPS25	Flood Risk

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

- A better place for living safely
- A better place for living well
- A better place for creating and sharing prosperity
- A better place for learning, achievement and leisure

## **7. CONSULTATION RESPONSE**

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

### **LBTH Access to Employment**

- 7.2 The developer should exercise best endeavours to ensure that 20% of the construction phase workforce will be local residents of Tower Hamlets.
- 7.3 20% goods/services procured during the construction phase should be achieved by businesses in Tower Hamlets.
- 7.4 Sought a financial contribution of **£2,073** to support and/or provide the training and skills needs of local residents in accessing the job opportunities created through the construction phase of all new development. This contribution will be used by the Council to provide and procure the support necessary for local people who have been out of employment and/or do not have the skills set required for the jobs created.

7.5 *Officer comment: The final s106 package includes the £2,073 contribution, and an access to employment agreement.*

### **LBTH Biodiversity**

7.6 The revised plans do not significantly alter impacts on or benefits to biodiversity compared with the permitted scheme. The proposed green roofs should be secured by condition

7.7 *Officer comment: this will be secured via condition as per PA/10/00161.*

### **LBTH Crime Prevention Officer**

7.8 The Crime prevention officer has made some minor suggestions with regards to the security of the scheme, however consider the proposal acceptable.

### **LBTH Communities, Localities and Culture (CLC)**

7.9 CLC have requested the following contributions are sought based on the Planning Obligations SPD:

- 7.10
- An additional contribution of £2,918 is required towards Idea Stores, Libraries and Archives.
  - A contribution of £9,381 is required towards Leisure Facilities.
  - An additional contribution of £18,456 is required towards Public Open Space.
  - Smarter Travel Contribution An additional contribution of £347 is required towards Smarter Travel.

7.11 *Officer comment: these have been incorporated into the s106.*

### **LBTH Education Development**

7.12 No comments received.

7.13 *Officer comment: Please refer to paragraphs 9.133 – 9.138.*

### **LBTH Environmental Health**

#### Contaminated Land

7.14 No Comment

7.15 *Officer Comment: As detailed above, a condition requiring a site investigation has been added.*

#### Health and Safety

7.16 No comments received

7.17 *Officer Comment: Informatives will be attached accordingly, as detailed above.*

#### Noise and Vibration

7.18 No comments received.

7.19 *Officer comment: The conditions attached to PA/10/00161 controlling construction, servicing and plant equipment will be reproduced for this application.*

## **LBTH Highways**

- 7.20 No objections on Highway grounds to the additional 12 units. If planning permission is granted then please retain/reproduce the conditions and informatives attached to PA/10/00161
- 7.21 *Officer comment: This is noted and the conditions/ informatives are proposed to be reproduced.*

## **LBTH Landscape Section**

- 7.22 No comments received
- 7.23 *Officer comment: the final landscaping will be controlled via the imposition of a condition.*

## **LBTH Parks & Open Spaces (Arboricultural Officer)**

- 7.24 Due to the increase in residential units, a corresponding increase in tree planting is requested at a rate of one extra tree per extra unit. Trees may be planted at Parks locations, funded by developer.
- 7.25 *Officer comment: Significant landscape works were approved under PA/09/01354 and a contribution to replace 10 existing trees were secured under planning application PA/10/00161. Furthermore, a significant contribution has been secured towards public open space, which can be used for tree planting. Accordingly, it is not considered necessary to secure the planting of further trees.*

## **LBTH Waste Policy and Development**

- 7.26 The impact on waste storage and collection is considered minimal. Bin capacity for both recycling and domestic refuse acceptable.

## **Tower Hamlets Primary Care Trust (PCT)**

- 7.27 A total Capital Planning Contribution of £16,484 is sought for the development.
- 7.28 *Officer comment: Given the scale of the development, the total capital planning contribution of £16,484, is considered to meet the tests required under Regulation 122 of CIL Regulations 2010.*

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

- 7.29 No objections raised.

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

- 7.30 No objections subject to conditions.
- 7.31 *Officer comments: these conditions are the same as those previously requested and will be reproduced onto this scheme.*

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

- 7.32 The GLA have advised that this application has no strategic issues and the Mayor of London does not need to be consulted further on this application. London Borough of Tower Hamlets can proceed to determine the application without further reference to the Greater

London Authority.

**London Development Agency (Statutory Consultee)**

7.33 No comments received

**London City Airport (Statutory Consultee)**

7.34 No comments received.

7.35 *Officer comment: Given the maximum height of the buildings is 10 storeys, it is lower than the 14 storeys agreed in the original application and as a result is not envisaged to disrupt flight paths to London City Airport.*

**London Fire and Emergency Planning Authority (LFEPA - Statutory Consultee)**

7.36 No comments received

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

7.37 No comments received

**Natural England (Statutory Consultee)**

7.38 This proposal does not appear to affect any statutorily protected sites or landscapes, or have significant impacts on the conservation of soils.

Protected species

7.39 Natural England are broadly satisfied with the survey and assessment, though note the length of time that has elapsed since the surveys were undertaken. They support the Mitigation Measures and Enhancements in Chapter 9. Ecology, found in the Environmental Statement Volume 1: Main Report dated January 2010.

Biodiversity enhancements

7.40 Recommended securing measures to enhance the biodiversity of the site.

7.41 *Officer comment: The application is proposing a number of biodiversity measures across the site including green roofs and bat bricks, the details of which will be conditioned as per PA/10/00161.*

**Olympic Delivery Authority (Statutory Consultee)**

7.42 No comments received

**Transport for London (Statutory Consultee)**

7.43 TfL have no objections to the application.

**Commission for Architecture and the Built Environment (CABE) received**

7.44 No comments received.

**EDF Energy Networks Ltd**

7.45 No comments received.

**London Wildlife Trust**

7.46 No comments received.

### **National Grid**

7.47 No comments received.

### **Thames Water**

7.48 No comments received.

7.49 *Officer Comment: Whilst no comments have been received from Thames Water, conditions have been attached requiring the submission of an impact study, and a drainage strategy, to be submitted and approved prior to the commencement of any development.*

## **8. LOCAL REPRESENTATION**

8.1 A total of 377 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses:	2	Objecting:	2	Supporting:	0
No of petitions received:	0				

8.2 The following objections were raised in representations that are material to the determination of the application, and they are addressed in the next section of this report:

### Land Use

- The proposal would overcrowd the area  
*(Officer comment: As discussed within section 9 of this report, the proposed density is considered acceptable)*
- The proposal would put pressure on local schools and medical facilities  
*(Officer comment: Appropriate contributions have been secured for the scheme as a whole toward health and education facilities within the borough)*

### Amenity

8.3

- The implementation of the existing consent creates noise, dust and air pollution during demolition and construction  
*(Officer comment: Disturbance throughout the course of construction is addressed via a Construction Management Plan. This will be required for the phase of development being considered, which would be addressed via condition)*

## **9. MATERIAL PLANNING CONSIDERATIONS**

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

1. Land Use
2. Design and Conservation
3. Housing
4. Amenity
5. Transport
6. Energy Efficiency and Sustainability
7. Section 106 Agreement



## Land Use

- 9.2 National, regional and local policy promotes a mixed use development approach on this site, subject to the following considerations.
- 9.3 In respect of national policy, PPS 1 'Creating Sustainable Development', it promotes the more efficient use of land with higher density, mixed-use schemes. It suggests using previously developed, vacant and underutilised sites to achieve national targets. The effective use of land and the range of incentives/interventions to facilitate this are also encouraged in PPS3 'Housing'.
- 9.4 Core Strategy 2010 (Core Strategy) policy SP02 sets Tower Hamlets a target to deliver 43,275 new homes (2,885 a year) from 2010 to 2025. An important mechanism for the achievement of this target is reflected in London Plan 2011 (London Plan) policies 3.3 and 3.4 which seek to maximise the development of sites and thereby the provision of family housing to ensure targets are achieved.
- 9.5 Policy SP12 of the Core Strategy details the vision for Poplar. With specific regard to Bartlett Park, Principle 2 seeks to provide for low to medium density family housing around the park, whilst Priority 2 seeks to expand and improve the size, usability and quality of Bartlett Park to reinforce its role as a large neighbourhood park, alongside providing new green spaces to support housing growth.
- 9.6 There are no specific land use designations in the adopted Unitary Development Plan 1998 (UDP) or Interim Planning Guidance October 2007 (IPG). The application proposes housing, the principle of which has been considered acceptable under PA/10/00161. The provision of an additional 12 units does not change this position and is in accordance with the above mentioned policies.
- 9.7 The proposal, which would deliver 239 homes within a residentially-led mixed use development and would result in a total of 502 new homes across the entire site, is therefore considered to be appropriate and in accordance with the aims of the abovementioned London Plan policies and policies SP02 and SP12 of the Core Strategy. As such the proposed development is considered acceptable in principle.

## Density

- 9.8 The London Plan density matrix within policy 3.4 suggests that densities within urban sites with good transport links should be within the range of 450-700 habitable rooms per hectare. This is reinforced by policy HSG1 of the Interim Planning Guidance and policy SP02 (2) of the Core Strategy (2010) which seek to correspond housing density to public transport accessibility and proximity town centres.
- 9.9 Policy HSG1 of the IPG specifies that the highest development densities, consistent with other Plan policies, will be sought throughout the Borough. The supporting text states that, when considering density, the Council deems it necessary to assess each proposal according to the nature and location of the site, the character of the area, the quality of the environment and type of housing proposed. Consideration is also given to standard of accommodation for prospective occupiers, microclimate, impact on neighbours and associated amenity standards.
- 9.10 The approved density of the site (under PA/10/00161) is 794 habitable rooms per hectare, however this falls to 728 habitable rooms per hectare when taking into account the adjoining 'Church Green' landscaped area (as approved under planning permission reference PA/09/01354) which is to be delivered alongside that scheme.
- 9.11 The addition of 12 units takes the density up to 745 habitable rooms per hectares. Whilst this

is marginally over the density range for an urban site, density only serves an indication of the likely impact of development. Typically high density schemes may have an unacceptable impact on the following areas:

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

9.12 As discussed further below, it is not considered that the proposed scheme gives rise to any of the abovementioned symptoms of overdevelopment. As such, the density is considered acceptable given that the proposal poses no significant adverse impacts and is appropriate to the area context.

### **Design and Conservation**

9.13 Good design is central to all objective of the London Plan and is specifically promoted by the policies contained in Chapter 7. Saved policy DEV1 in the UDP and Policy DEV2 of the Interim Planning Guidance (October 2007) states that developments are required to be of the highest quality design, incorporating the principles of good design.

9.14 These principles are further supported by policy SP10 in the Core Strategy (2010) and policy DM24 of the Managing Development DPD (proposed submission version 2012).

9.15 London Plan policies 7.6 and 7.7 seek to ensure tall buildings are of an appropriate design and located to help create an attractive landmarks and a catalyst for regeneration. These aims are further supported by policy SP10 of the adopted Core Strategy, policy DM26 of the Managing Development DPD (proposed submission version 2012), and DEV27 in Interim Planning Guidance (October 2007)

9.16 Planning Policy Statement 5, London Plan policy 7.9 and policies CON1 and CON2 in the Interim Planning Guidance (October 2007) seek to preserve the character and appearance of conservation areas and the setting of heritage assets. These policies are reinforced by the aims of policy SP10 in the Core Strategy (adopted 2010).

### **The Proposed Scheme**

9.17 The application proposes the erection of two buildings, of up to 10 and 7 storeys in height respectively. This is an increase in height from the consented scheme as outlined in the following diagrams/ plans

9.18

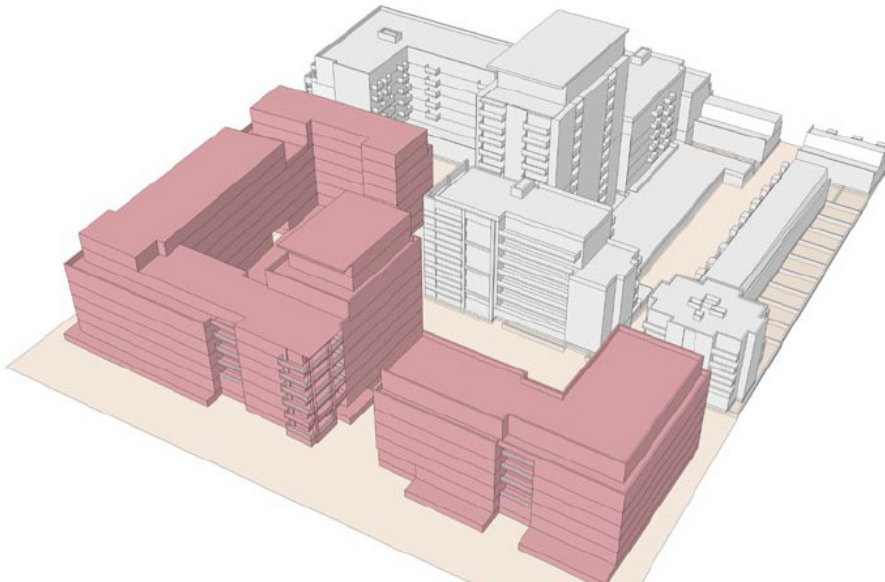
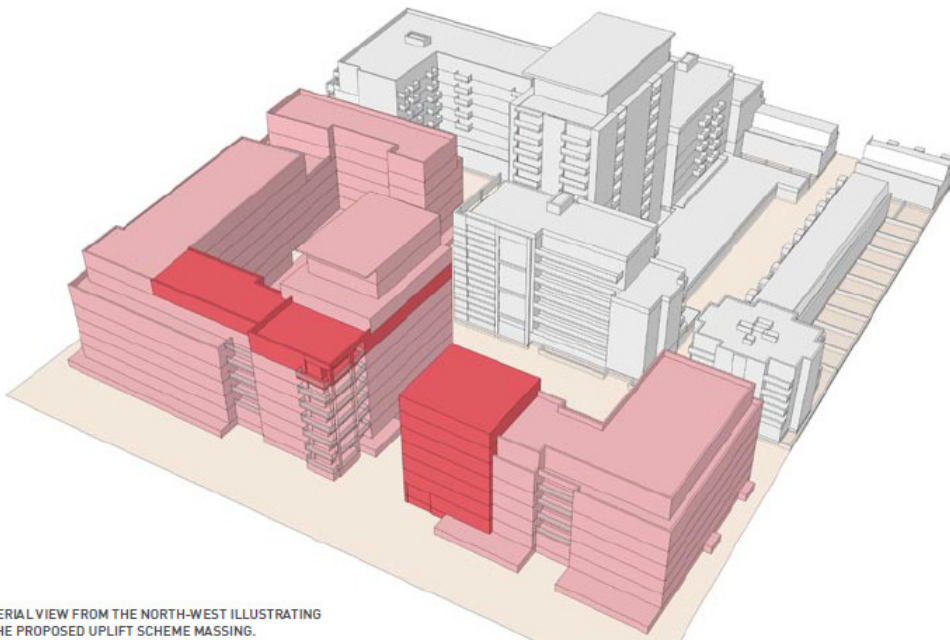


Diagram 1: Showing the massing of the consented scheme.

9.19



AERIAL VIEW FROM THE NORTH-WEST ILLUSTRATING  
THE PROPOSED UPLIFT SCHEME MASSING.

Diagram 2: Showing the additional massing of the proposed scheme.



Elevation 1: Showing the Bartlett Park (Lindfield Street elevation) as proposed. The red line outlines the height of the consented scheme.

- 9.20 The proposed scheme has been designed to respect the context of the surrounding area, which comprises a wide variety of housing typologies, such as the three-storey terraced housing on Saracen Street, 2-3 storeys terraced housing on Canton Street, the 14-storey Anglesea House residential block on Lindfield Street, and 4 storey residential blocks to the east on Upper North Street. The site's relationship with the adjacent Bartlett Park is an important consideration. The setting of the park is characterised by low to mid-rise housing immediately adjacent to it, with a number of taller buildings further a field.
- 9.21 The proposed scheme follows the consented site layout which was considered to contribute generously to the existing public open space in the area, and establishes routes through the site to improve permeability in all directions. The proposed areas described as Festival Avenue and Central Square would be publicly accessible open spaces, well overlooked by new residential accommodation. In addition, there will be series of semi private open spaces contributing to residential amenity. The building entrances are well positioned and the proposed ground floor units have adequate defensible space. The level of amenity space provision is discussed in greater detail within the Amenity section of this report.
- 9.22 Block D has been moved forward by approximately 0.7m to align it with the rest of the site. Similarly Block C has been brought forward by approximately 1.6 metres to provide more space for the existing London Plane trees.
- 9.23 In terms of built form, the siting, mass and bulk of the development is considered to be an appropriate response to the park setting, and the scale of the adjoining development. With regard to the setting of Bartlett Park, the building line has also been set back by between 12 and 17 metres from the site's boundary with Lindfield Street. This provides a green buffer zone between the site and the park whilst also continuing the building line created by the adjacent residential blocks to the east.
- 9.24 The perimeter buildings within blocks C and D are proposed to be of a red brick construction with a uniform parapet line and consistent frontage, in keeping with adjacent block in Hind Grove. The upper storey is proposed to be set back, whilst the parapet line on the corner of block D rises by one storey to provide architectural detailing and assist in marking this corner as the location of the main thoroughfare through the site. The proposed park frontage can be seen in diagrams 3 and 4 below and is considered to be in keeping with the setting of Bartlett Park.

9.25



**Diagram 3: CGI view of consented scheme from Bartlett Park.**

9.26



**Diagram 4: CGI view of proposed scheme from Bartlett Park.**

### Conservation

9.27

The application site is located within the Lansbury Conservation Area. In 1948, Lansbury was chosen as the site of the 'Live Architecture' Exhibition of the 1951 Festival of Britain. The idea was to create a 'live' exhibition that used real building projects as exhibits of the latest ideas in architecture, town planning and building science. Lansbury was the first comprehensive post-war housing redevelopment in the east-end of London. The plan was to redevelop an initial 30 acres of war damaged and derelict property in order to regenerate the area and to create opportunities for new public housing "fit for heroes". Lansbury was very much a planning-led project. The plan included a cross section of different types of

development, comprising of housing, a shopping centre, a market place, schools, churches, church hall and a small amenity park.

- 9.28 The Lansbury Estate remains a notable showcase of the ideas of early post-war development which resulted in the orderly arrangement of community buildings and dwellings. It demonstrates a different trend in post-war council house design and lay out, from that which existed pre-war. The Lansbury Conservation Area Character Appraisal and Management Guidelines document (LBTH, 2007), notes the character of the conservation area as *“The houses and flats are grouped into closes and squares of different sizes in Lansbury and are linked with open and landscaped land. This adds to the visual interest and distinct uniform character of Lansbury”*.
- 9.29 With regard to height and massing, the Character Appraisal and Management Guidelines document states: *“The residential buildings are predominantly low-rise in scale and range between 2 to 4 storeys throughout the Lansbury Conservation Area. The occasional higher flats exist to the west of the Conservation Area, but generally do not rise above 6 storeys, as restricted by the LCC at the initial stages of planning Lansbury. Yet, the first post-Festival developments at Lansbury, built in the mid-late 1950s are high-rise mixed developments, with a prevalence of 11 storey blocks and 4 storey maisonettes”*.
- 9.30 With particular regard to the former Blessed John Roche School site, the Character Appraisal and Management Guidelines document states: *“There is potential for redevelopment to the north-western part of the Lansbury Conservation Area, namely The Blessed John Roche Catholic School site and its immediate surrounds. A high quality, sensitive new building could restore a sense of pride to the junction at Canton Street, Upper North Street and Grundy Street, opposite to the St Mary and St Joseph Roman Catholic Church. The site’s current unkempt condition is unsatisfactory. An appropriate development which is consistent and respectful to the historic character of the area is desirable”*.
- 9.31 As discussed above, the proposed additional mass is considered to be an appropriate response to the park setting and the scale of the adjoining development. The scheme adds to the variety of building typologies and massing found in the conservation area, whilst respecting the immediate context. The scheme also continues the use of open and landscaped areas, by providing significant public realm improvements, such as Church Green, set-back building lines and extensive landscaping and tree planting in and around the site.
- 9.32 It is therefore considered that the proposal preserves the character of the Lansbury Conservation Area and provides an appropriate high-quality, sensitive new development as required within the Council’s Lansbury Conservation Area Character Appraisal and Management Guidelines document (LBTH, 2007). Conditions have been attached requiring full details of all external materials, landscaping treatments and elevation details of each building to ensure the highest possible and the most appropriate level of design quality.

#### Setting of adjacent listed building

- 9.33 The application site is also located directly to the north of the Grade II listed Church of St Mary and St Joseph. The consented scheme was considered in relation to the setting of the Grade II listed Church and was considered to preserve the setting of this building. Given the additional height and massing is located furthest from the Church, it is considered that this remains the case.
- 9.34 It is therefore considered that the proposal preserves the setting of the Grade II listed Church of St Mary and Joseph.

#### Design Conclusion

- 9.35 Overall, the proposal is acceptable in design terms. The proposal provides a high quality development that would contribute to housing need. The design approach is considered to be an appropriate response to the park setting and the character of the surrounding area and the quality of the area and the proposed open space and access routes through the development are considered to be a positive feature. The varied built form within the proposal, together with the extensive communal open spaces and landscaping would preserve the character and appearance of the surrounding Lansbury Conservation Area, whilst the retained Church Green and sensitive design of the perimeter buildings would preserve the setting of the adjacent Grade II listed church.

### **Housing**

- 9.36 Under planning permission PA/10/00161, planning permission has been granted for 490 dwellings on the entire site, divided into four blocks A, B, C and D.
- 9.37 A total of 263 dwellings are approved in Blocks A and B, and a total of 227 dwellings have been approved on Blocks C and D.
- 9.38 The proposed scheme seeks to increase the number of units on Blocks C and D by 12.
- 9.39 Given that building works on Blocks C and D have not commenced, the applicant is reapplying for the 227 dwellings already approved, as well as the proposed uplift of 12 dwellings. This takes the total number of units proposed on Blocks C and D to 239 and takes the total number of dwellings on the entire site to 502.
- 9.40 Policy 3.3 of the London Plan (2011) seeks to increase London's supply of housing, requiring Boroughs to exceed housing targets, and for new developments offer a range of housing choices, in terms of the mix of housing sizes and types and provide better quality accommodation for Londoners.
- 9.41 Policy SP02 of the LBTH Core Strategy (2010) seeks to deliver 43,275 new homes (equating to 2,885 per year) from 2010 to 2025 in line with the housing targets set out in the London Plan. The aim is to focus the majority of new housing in the eastern part of the borough, in a number of identified places and '*Poplar Riverside*' is identified as one of such places.

### Affordable Housing

- 9.42 Policies 3.10, 3.11 and 3.12 of the London Plan (2011) define Affordable Housing, and seek the maximum reasonable amount of affordable housing taking into account site specific circumstances and the need to have regard to financial viability assessments, public subsidy and potential for phased re-appraisals.
- 9.43 Policy SP02 of LBTH's Core Strategy (2010) seeks to maximise all opportunities for affordable housing on each site, in order to achieve a 50% affordable housing target across the Borough, with a minimum of 35% affordable housing provision being sought.
- 9.44 The scheme as consented (PA/10/00161) provided a total of 148 affordable units, which equated to 35% by habitable room.
- 9.45 When taking to account the additional uplift of twelve units and the provision of two additional shared ownership units, the overall provision of affordable housing falls to 34.5%. Given the high number of affordable units which are to be delivered upfront (in Blocks A and B), and the submitted viability assessment which demonstrates that additional affordable housing is unviable, it is considered that this provision is acceptable.

### Housing Mix

- 9.46 Pursuant to policy 3.8 of the London Plan, new residential development should offer genuine housing choice, in particular a range of housing size and type.
- 9.47 Saved Policy HSG7 of LBTH's Unitary Development Plan (1998) requires new housing to provide a mix of unit sizes where appropriate, including a substantial proportion of family dwellings of between 3 and 6 bedrooms.
- 9.48 Policy DM3 (part 7) of the Managing Development DPD (2012) requires a balance of housing types including family homes. Specific guidance is provided on particular housing types and is based on the Council's most up to date Strategic Housing Market Assessment (2009).
- 9.49 The following table outlines the total number of units and their breakdown within the Affordable and Private Housing sections. Given, the majority of affordable housing is to be delivered up front in Blocks A and B, the table outlines all the units across the site.



		Affordable Housing						Private Housing		
		Social Rent			Intermediate			Market Sale		
Unit size	Total units	units	%	LBTH target %	units	%	LBTH target %	Units	%	LBTH Target %
Studio	22	0			0			22		
1 bed	162	19	20%	30%	26	46%	25%	117	34% *	50%
2 bed	220	33	35%	25%	20	36%	50%	167	47%	30%
3 bed	83	27	28%	30%	10	18%	25%	46	13%	20%
4+ bed	15	15	15%	15%	0			0		
<b>TOTAL</b>	<b>502</b>	<b>94</b>	<b>100</b>	<b>100</b>	<b>56</b>	<b>100</b>		<b>352</b>	<b>100</b>	<b>100</b>

**Table 1: Unit Mix**

\* The figure Includes the 22 market sale studios.

9.51 The fundamental nature of the scheme is as approved in 2010, with the introduction of the additional uplift units. The mix for the uplift is as follows:

- 9.52
- 2 x studios;
  - 3 x 1 Bedroom units;
  - 4 x 2 Bedroom units; and
  - 3 x 3 Bedroom units.

9.53 Pursuant to Policy HSG7 of the LBTH UDP (1998), new housing developments should provide a mix of unit sizes where appropriate, including a substantial proportion of family dwellings of between 3 and 6 bedrooms. On developments of 30 dwellings or more, family dwellings should normally be in the form of family houses with private gardens.

9.54 According to policy HSG2 of the IPG, the family housing provision in the social rented, intermediate and private sale components should be 45%, 25% and 25% respectively. As detailed above within Table 1, the scheme is proposing 44%, 18% and 13% family housing in the social rented, intermediate and private sale units respectively.

9.55 Policy SP02 of the Core Strategy (2010) also seek to secure a mixture of small and large housing, requiring an overall target of 30% of *all* new housing to be of a size suitable for families (three-bed plus), including 45% of new social rented homes to be for families.

9.56 The scheme proposes 44% family housing within the social rent tenure. However the amount of family housing for private and intermediate does not meet the IPG target of 25% (proposed 12%). Nevertheless, the level of social rented family units meets policy, and the majority of the housing remains as approved in the 2010 consent. The proposal makes a significant contribution towards the provision of family housing within the Borough and on balance, is therefore considered acceptable.

Social Rented/ Intermediate Shared Ownership and Housing Mix

9.57 The following table summarises the affordable housing social rented/intermediate split proposed against the London Plan, Core Strategy and Managing Development DPD.

Tenure	The Proposal	London Plan	CS 2010	MD DPD 2012
Social Rent	69%	70%	70%	70%
Intermediate	31%	30%	30%	30%
Total	100%	100%	100%	100%

**Table 2: Social Rent/Intermediate Split**

9.58 The proposed tenure split is therefore broadly compliant with the London Plan, Managing Development DPD and the Core Strategy, and is considered to be acceptable.

Wheelchair Housing and Lifetime Homes

9.59 Policy HSG9 'Accessible and Adaptable Homes' of the Interim Planning Guidance requires housing to be designed to Lifetime Homes Standards including 10% of all housing to be designed to a wheelchair accessible or "easily adaptable" standard. A total of 10% will be provided in the proposed scheme, in compliance with this policy.

Floorspace Standards

9.60 Policy HSG13 in the Unitary Development Plan 1998 requires all new development to provide adequate internal space. This is further supported by policy SP02 in the Core Strategy (2010). Policy 3.5 of the London Plan (2011) sets the minimum standards that should be applied to new residential dwellings. This is reinforced by policy DM4 of the Managing Development DPD (proposed submission version 2012).

9.61 Whilst some minor changes are proposed to the existing units (to facilitate access to the additional units), they are broadly as per the standards approved in 2010 and are considered acceptable.

9.62 Table 3 below sets out the floorspace for the proposed additional 12 units

Unit	Unit Type	Proposed Unit Size (sqm)	Mayor's Minimum Standards (sqm)	Conform
C2-17:	Studio	38	37	Yes
C2-18	1 bed 2 people	49	50	No – 1sqm short
C2-14:	Studio	38	37	Yes
C2-15	1 bed 2 people	49	50	No – 1sqm short
D1-46	3 bed 5 people	88	86	Yes
D1-52	3 bed 5 people	86	86	Yes
D1-47	2 bed 4 people	81	70	Yes
D2-29	2 bed 4 people	74	70	Yes
D2-32	3 bed 5 people	94	86	Yes
D2-31	1 bed 2 people	47	50	No – 3sqm short
D1-53	2 bed 4 people	79	70	Yes
D1-56	2 bed 4 people	73	70	Yes

**Table 3: uplift space standards**

9.63 The majority of units meet and in some cases exceed the Mayor's Minimum standards, and although three units exhibit minor shortfalls.

9.64 Given the overall benefits of the scheme, and that the units proposed are similar in size to

those approved under the 2010 application, on balance it is considered that they are acceptable.

### Amenity Space

- 9.65 Policy HSG7 in the Interim Planning Guidance (2007), SP02 (6) in the Core Strategy (2010) and DM4 of the Managing Development DPD (proposed submission version 2012) seek adequate external amenity space for new dwellings.
- 9.66 Table 4, below, indicates the amenity space required is in accordance with policy DM4 of the Managing Development DPD (proposed submission version 2012). This is based on the amenity space proposed in Blocks C and D.

Units	Total	Minimum Standard (sqm)	Required Provision (sqm)
Studio	15	5	75
1 Bed	67	5	335
2 Bed 3 people	29	6	174
2 Bed 4 people	83	7	581
3 Bed 5/6 people	49	8	360
<b>TOTAL</b>	<b>239</b>		<b>1525</b>
<b>Communal amenity</b>		50sqm for the first 10 units, plus a further 1sqm for every additional 1 units	<b>279 sqm.</b>
<b>Total Housing Amenity Space Requirement</b>			<b>1804</b>

Table 4: Managing Development DPD (proposed submission version 2012), Blocks C and D

- 9.67 The proposed development provides private amenity space for all but one unit, a one-bedroom unit in Block D. This equates to 99.5% of units having adequate private amenity space in the form of balconies and decks. Private communal amenity space is provided in the form of landscaped podiums and roof gardens. As detailed below in table 5, the private and communal amenity space provision exceeds policy requirements.

	LBTH Policy Requirement	London Plan Policy Req't	Proposed within scheme
<b>Private Amenity Space</b>	1525 sq.m	N/A	<b>1712s q.m</b> of private communal podiums and roof terraces
<b>Communal Open Space</b>	279 sq.m	N/A	and <b>411sq.m</b> of designated child play space. The proposal also includes <b>1618sq.m</b> of landscaped public realm
<b>Child Play Space</b>	328sq.m	328sq.m	

**Table 5: Proposed Amenity Space**

- 9.68 Policy DM4 of the Managing Development also requires 328sq.m of child play space for this development. This is in accordance with the requirements set out in policy 3.6 of the London Plan (2011) As detailed above in table 5, the application proposes 411sq.m of designated child play space in this phase which exceeds this requirement. A condition on the design and specification of the play space/equipment is recommended.
- 9.69 It should also be noted that the earlier scheme (PA/10/00161) also included 6,470sq.m of

landscaped public realm, being the central square, the large green buffer zone to the north between the building edge and Lindfield Street, and pedestrianised spaces between buildings. Furthermore, as detailed above within the relevant planning history, planning permission has been granted for the landscaping of 'Church Green' in the south-east corner of the site which was previously located within the school grounds and inaccessible to the public. The delivery of this area alongside the proposed development will be secured within the s106 agreement and will provide a further 1,603sq.m of public amenity space. It is therefore considered that the proposal satisfies the requirements of both the London Plan and the Managing Development DPD.

## **Transport**

- 9.70 Pursuant to regional policy, The London Plan (2011), 6.1 'Strategic Approach to Transport', and 6.3 'Assessing effects of development on transport capacity', seek to ensure developments are located in areas of high public transport accessibility. In addition also seeks to promote patterns and forms of development that reduce the need for travel by car.
- 9.71 Policy 6.9 of the London Plan (2011) seeks to significantly increase cycling in London, whilst policy 6.10 encourages walking, and policy 6.11 seeks to tackle congestion. Policy 6.13 seeks to ensure an appropriate balance is struck between promoting new development and preventing excessive parking provision that can undermine cycling, walking and public use.
- 9.72 Both the Unitary Development Plan and the Interim Planning Guidance contain a number of policies which encourage the creation of a sustainable transport network which minimises the need for car travel, and supports movements by walking, cycling and public transport.. Policies SP08 and SP09 of the adopted Core Strategy (2011) broadly seek to deliver an accessible, efficient and sustainable transport network.
- 9.73 The site is relatively well served by public transport, with the southern half of the site having a Public Transport Accessibility Level (PTAL) of '4' and northern half that of '3' (1 being the lowest and 6 being the highest). Langdon Park and All Saints DLR stations are located approximately 675m from the site to the north east and south east respectively. The nearest Underground Station is Canary Wharf, which lies approximately 1.2km to the south. A major bus route runs along East India Dock Road (A13) to the south and additional services are available from Cordelia Street to the east of the site and from Burdett Road to the west.

## Vehicular Parking

- 9.74 The proposal includes a total of 92 car parking spaces in these phases, with a total of 169 across the entire site, 2 of which are allocated for car club usage (located in Block A) and 19 allocated for disabled vehicle users. No additional parking is proposed as a result of the uplift of 12 units. Also proposed are 36 motorcycle spaces across the site. The car parking is located within basement and surface level car parks underneath the proposed buildings. Access to the car parks will be gained from Upper North Street, Canton Street and Hind Grove, with access through the site from Hind Grove to Upper North Street being restricted to refuse vehicles and emergency service vehicles controlled through the use of collapsible bollards.
- 9.75 The proposed quantum of parking overall on site exceeds DM22 (and Appendix 2) of the Managing Development DPD proposed submission version which suggests a maximum of 110 parking spaces across the site. However, neither TfL nor the Council's Highways department objected to the level of parking proposed in this or the previous application.
- 9.76 Furthermore, when the car parking proposed is taken into account with the additional 12 residential units, the parking levels per unit reduce from the approved scheme.
- 9.77 A car-free agreement would prevent future residents from applying for on-street parking

permits. There are also parking restrictions in place on the surrounding highway network.

- 9.78 Considering that the proposed uplift of 12 units will not increase the level of parking beyond that of the approved 2010 consent, officers are satisfied that the development will not have an unduly detrimental impact upon the freeflow of traffic.

#### Cycle Parking

- 9.79 The 2010 scheme included a total of 756 cycle parking spaces (720 residential and 36 publically accessible).
- 9.80 This application proposes a reduction in the cycle parking from 720 residential spaces to 711. This has arisen from the need to increase the size of the refuse store on the ground floor to Block C.
- 9.81 The 711 residential spaces proposed overall exceed the 600 required under policy 6.9 (and table 6.3) of the London Plan (2011) and are therefore considered acceptable.

#### Servicing and Refuse Collection

- 9.82 Under PA/10/00161 a detailed refuse strategy was submitted, which proposed that refuse collection will take place on site, with the exception of Block D, which will be serviced on-street from Upper North Street. Refuse vehicle entry to the site from the public highway is limited to the existing cross-over on Hind Grove, the relocated cross-over on Upper North Street and the southern entrance 'mews' off Canton Street. The Council's waste section raised no objections to this arrangement. The proposed uplift is not altering this requirement and as such, servicing and refuse collection is acceptable.

#### S106 Contributions

- 9.83 Under PA/10/00161, £255,000 has been secured for transport infrastructure and public realm improvements via the s106 agreement to ensure that the development can be accommodated within the existing transport network. This is broken down as follows:
- £105,000 towards footway improvements
  - £135,000 towards traffic calming measures
  - £15,000 towards street lighting and street furniture improvements in the area

The proposed uplift is not envisaged to have a further impact on the transport infrastructure to require further mitigation.

#### Trip Generation

- 9.84 The submitted Environmental Statement includes a transport and access section, which details the trip generation of the proposed development. TfL (under the previous scheme) and the Council's Highways department have analysed the methods of assessment and deemed them acceptable. Furthermore, the proposed traffic generation would not have a detrimental effect on the existing highway network, public transport networks or traffic movements within the area.

#### Conclusions

- 9.85 The proposals are considered acceptable in highways terms in accordance with policies 6.1, 6.3, 6.9, 6.10, 6.13 of the London Plan (2011), saved policies DEV1 and T16 in the Unitary Development Plan 1998, policies DEV17, DEV18 and DEV19 of the Council's Interim Planning Guidance (2007) policy SP08 in the Core Strategy (2010) and policies DM20 and DM22 of the Managing Development DPD (proposed submission version 2012). A Travel

Plan, Servicing Management Strategy, Construction Logistics Plan and the car free agreement are to be secure by planning conditions and via the S.106 agreement if planning permission is approved.

## **Amenity**

### Daylight and Sunlight

- 9.86 Policy DEV2 of the UDP seeks to ensure that the adjoining buildings are not adversely affected by a material deterioration of their daylighting and sunlighting conditions. Supporting paragraph 4.8 states that policy DEV2 is concerned with the impact of development on the amenity of residents and the environment.
- 9.87 Policy DEV1 of the IPG states that development is required to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm. The policy includes the requirement that development should not result in a material deterioration of the sunlighting and daylighting conditions of surrounding habitable rooms. This is supported by policy SP10 of the Core Strategy (2010) and policy DM25 of the Managing Development DPD (proposed submission version 2012).
- 9.88 The main bulk of the proposal has been assessed by the Councils Environmental Health daylight and sunlight officer under PA/10/00161.
- 9.89 The physical alterations to the proposal constitute minor additions on the northernmost elements of the scheme
- 9.90 The applicants updated ES demonstrates that the additional mass would not have an unduly detrimental impact upon surrounding residential occupants, nor upon future occupiers of the development in terms of daylight and sunlight impacts, and the proposal would satisfy the standards in the BRE guidelines 2011.
- 9.91 It is therefore considered that the proposed development would not have an unduly detrimental impact upon the sunlight or daylight received by the proposed, or surrounding residential developments. Additionally, the proposed development would not result in an unduly detrimental impact upon surrounding areas of amenity space in terms of overshadowing.

### Air Quality

- 9.92 Environmental Health made no representations during consultation, however it is considered that the uplift of 12 units will not give rise to any additional concerns. A condition requiring the submission and approval of a Construction Management Plan, which should detail measures to reduce dust escape from the site during construction is recommended.

### Noise and Vibration

- 9.93 Appropriate and reasonable mitigation measures have been identified to safeguard internal living areas from unacceptable levels of noise, these were agreed by the Environmental Health Team under PA/10/00161.
- 9.94 In terms of noise emitted by the proposed development and its impact upon nearby and future residents, conditions have been attached to ensure any plant, machinery or extraction systems to be installed incorporates adequate noise attenuation measures. A condition limiting the maximum amount of noise during construction has also been attached.

### Overlooking

- 9.95 Whilst it is acknowledged that the taller elements of the proposal are a number of storeys higher than both existing properties in the area, and other buildings within the proposed development, the separation distances are significant and therefore would not result in a loss of amenity for existing or future occupiers by way of overlooking.

### Micro-Climate

- 9.96 Planning guidance contained within the London Plan 2011 places great importance on the creation and maintenance of a high quality environment for London. Policy 7.6 (Architecture) of the London Plan 2011, requires that “development ‘not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate. This is particularly important for tall buildings”. Wind microclimate is therefore an important factor in achieving the desired planning policy objective.
- 9.97 Under PA/10/00161, the applicant has assessed the likely impact of the proposed development on the wind climate, by placing an accurate model of the proposed building in a wind tunnel. The assessment has focused on the suitability of the site for desired pedestrian users on the roof gardens, major entrances, walkways, public amenity areas and other wind sensitive locations. The conclusion of the wind tunnel assessment is that all locations within the site will experience wind conditions appropriate to their proposed use and that no mitigation is required. There will also be negligible impact on wind conditions surrounding the site. The Council’s Environmental Health department have raised no objections on the grounds of microclimate. The proposed additional massing to the development will not give rise to any additional microclimate concerns.
- 9.98 It is therefore considered that the proposed development would be acceptable in terms of the impact on microclimate conditions surrounding the development and would not significantly impact on the pedestrian amenity on the site in accordance with London Plan policy 7.6, policy SP10 (Creating distinct and durable places) of the Core Strategy DPD (2010) and policy DEV1 (Amenity) of the Interim Planning Guidance.

### **Energy Efficiency and Sustainability**

- 9.99 At a strategic level, the climate change policies as set out in Chapter 5 of the London Plan 2011 and London Borough of Tower Hamlets Core Strategy (SO24 and SP11) collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 9.100 The London Plan sets out the Mayor of London’s energy hierarchy which is to:
- Use Less Energy (Be Lean);
  - Supply Energy Efficiently (Be Clean); and
  - Use Renewable Energy (Be Green).
- 9.101 The London Plan 2011 includes the target to achieve a minimum 25% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy (Policy 5.2).
- 9.102 Policy SO3 of the Core Strategy (2010) seeks to incorporate the principle of sustainable development, including limiting carbon emissions from development, delivering decentralised energy and renewable energy technologies and minimising the use of natural resources. The London Borough of Tower Hamlets Core Strategy Policy SP11 requires all new developments to provide a 20% reduction of carbon dioxide emissions through on-site renewable energy generation.

- 9.103 Policy DM29 of the draft Managing Development DPD (2012) requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. At present the current interpretation of this policy is to require all residential developments to achieve a Code for Sustainable Homes Level 4 rating.
- 9.104 The following is the Energy Efficiency approach to the entire site (including phases C and D of this application)

Approaches		Reduction in Carbon Dioxide Emissions
"Be Lean" - Energy Efficiency Measures		11%
"Be Clean"	CHP	21.5%
"Be Green"	Solar collectors and air source heat pumps	0.3%
<b>TOTAL</b>		<b>32.8%</b>

**Table 6: Energy Efficiency**

Be lean

- 9.105 As detailed above in table 6, the scheme has been designed in accordance with Policies 5.2 and 5.3 of the London Plan in seeking to minimise energy use through passive design measures to achieve approximately 11% CO<sub>2</sub> savings.

Be Clean

- 9.106 Decentralised energy is proposed through the provision of a site wide community heating system. The system will be fed by a gas fired CHP unit in the communal energy centre located in the basement plant area of Block B. The unit is proposed with a 200kW electrical power output and 233 kW heat output. The CHP community system is anticipated to reduce CO<sub>2</sub> emissions by approximately 21.5% over the enhanced baseline scheme. In addition, a single energy centre has been approved in Block B with an internal area of 220sq.m to supply the communal heat network.

Be Green

- 9.107 Technically, this scheme does not propose any renewable Energy and as such, would be not be policy compliant. However, the Renewable Energy proposed for this development overall has already been secured for the 15 affordable houses in Block B. Given this is an uplift scheme, it is not considered reasonable to renegotiate the Energy Strategy which is already under implementation.

Sustainability

- 9.108 Policy 5.3 of the London Plan seeks development to meet the highest standards of sustainable design and construction. A minimum of Code for Sustainable Homes Level 3 rating is proposed for all of the units in the development.
- 9.109 A condition will be imposed requesting the developer to target Code Level 4, with a minimum of 12 units designed to achieve this target. This has been agreed by the applicant and will ensure that the additional units are policy DM29 (Managing Development DPD)



compliant.

#### Climate Change adaptation

- 9.110 The London Plan promotes five principles in Chapter 5 to promote and support the most effective adaptation to climate change. These are to minimise overheating and contribute to heat island effects; minimise solar gain in summer; contribute to flood risk reduction, including applying sustainable drainage; minimising water use; and protect and enhance green infrastructure.
- 9.111 The proposal includes green roofs, a rainwater harvesting system, sustainable urban drainage and water efficient and low flow fittings.

#### Conclusion

- 9.112 The Council's Energy Efficiency team have reviewed the proposed energy strategy and are satisfied, subject to the attachment of conditions to secure its implementation.
- 9.113 In light of the above, it is considered that the proposed energy strategy is acceptable.

### **S106 Agreement**

#### Planning obligations/S106

- 9.114 As set out in Circular 05/2005, planning obligations should only be sought where they meet the 5 key tests. Obligations must be:
- (i) Relevant to planning;
  - (ii) Necessary to make the proposed development acceptable in planning terms;
  - (iii) Directly related to the proposed development;
  - (iv) Fairly and reasonably related in scale and kind to the proposed development; and
  - (v) Reasonable in all other respects.
- 9.115 Regulation 122 of CIL Regulations 2010 brings into law policy tests for planning obligations which can only constitute a reason for granting planning permission where they meet they are
- (a) Necessary to make the development acceptable in planning terms;
  - (b) Directly related to the development; and
  - (c) Are fairly and reasonably related in scale and kind to the development.
- 9.116 This is further supported by Saved Policy DEV4 of the UDP (1998) and Policy IMP1 of the Council's IPG (2007) policy SP13 in the Core Strategy (2010) which seek to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development.
- 9.117 The Council's Supplementary Planning Document on Planning Obligations was adopted in January 2012. This SPD provides the Council's guidance on the policy concerning planning obligations set out in policy SP13 of the adopted Core Strategy. The document also set out the Borough's key priorities being:
- Affordable Housing
  - Employment, skills, training and enterprise
  - Community facilities
  - Education

The Borough's other priorities include:

- Health
- Sustainable Transport
- Environmental Sustainability
- Public Realm

9.118 As outlined in section 4 of this report, the mitigation for the spatial constraints of the development have already been agreed under planning application PA/10/00161. Given this scheme is currently in the process of being implemented, it is not considered necessary nor reasonable to re-negotiate an alternative approach to the section 106 already secured.

9.119 The following financial obligations have been agreed in principle with the applicant. They have also been agreed by Planning Contributions Overview Panel.

#### Open Space

9.120 An additional contribution of £18,456 towards the provision of and improvement of open space has been requested in line with the Planning Obligations Supplementary Planning Document.

#### Sports and Recreation

9.121 In line with the Planning Obligations SPD a contribution of £9,381 is sought alleviate any additional pressures on local leisure facilities as a result of the additional population increase.

#### Community Facilities

9.122 With respect to the Idea Stores/Archives and Libraries and Leisure – a contribution of £2,918 is sought based on the SPD.

#### Highways and Transportation

9.123 Given a contribution £255,000 has already been secured towards traffic calming measures, street lighting and footway improvement works, under the site wide scheme (PA/10/00161), it is considered that no further mitigation is required.

9.124 This is also the case for the Travel Plan monitoring.

#### Tree Replacements

9.125 A sum of £43,500 to re-provide the 10 felled mature London Planes within the vicinity of the application site has already been secured. Given the proposal is for 12 new units, it is considered that no further contribution is required.

#### Education

9.126 According to the Planning Obligations SPD the proposed mix of 12 units consisting of only two intermediate units, does not give rise to any additional primary or secondary school places. As such, no further education contribution has been sought for.

#### Health

9.127 The SPD requires all major developments to contribute towards health facilities. Contributions will be calculated using HUDU model which calculates the cost of increased demand on local facilities based on the proposed increase in population.

- 9.128 A contribution of £145,346 is sought, to contribute towards health facilities, this includes £16,484 towards the cost of a health centre and a revenue contribution of £128,863. It is considered that the revenue contribution is not justified given the number of new units proposed (12) and as such a contribution of £16,484 is proposed.

Sustainable Travel

- 9.129 In line with the SPD an additional contribution of £347 is sought towards cycle route and infrastructure. The sum will facilitate cycle route / cycle infrastructure improvements which have been identified as part of Tower Hamlet’s Cycle Route Implementation and Stakeholder Plan (CRISP).
- 9.130 It is considered that the above obligations, which have been agreed in principle with the applicant, satisfy the three tests set out in the Community Infrastructure Regulations 2010.

Enterprise and Employment

- 9.131 The SPD requires developments to exercise reasonable endeavours to ensure that 20% of the construction phase workforce will be for local residents of Tower Hamlets, to be supported through the Skillsmatch Construction Services. In addition, the SPD requires that 20% of the goods/services procured during the construction phase should be achieved by businesses in Tower Hamlets.
- 9.132 A contribution of £2073 is also secured towards the training and skills needs of local residents in accessing job opportunities created through the construction phase of all new development and a contribution towards end use phase of commercial developments.

**The Additional Contributions and Obligations**

- 9.133 The applicant has proposed a ‘pro-rata’ contribution of £72,410 which is based on the total contribution secured on PA/10/000161. After taking the £49,659 based on the Planning Obligations SPD there is a surplus of £22,751.
- 9.134 Given the contributions sought are line with the adopted SPD, this surplus is considered ‘In-Kind’ as it is not necessary to make the development acceptable in planning terms.
- 9.135 Officer’s consider that this surplus should be allocated for Education first based on the pro rata amount secured under PA/10/00161, with the remaining sum dividend on a pro-rata amount between Construction Phase Skills & Training and towards the Bartlett Park Master Plan as requested by CLC in line with the Councils Priorities. This is shown in the following table:

9.136

Priorities	In kind contribution
Education	£18,739
Open Space	£2,367
Employment & Enterprise: (41%)	£1,645

Table showing ‘In Kind’ contributions.

- 9.137 Education is one of the Mayor key priorities as outlined in the adopted Core Strategy. The ‘In kind’ contribution could go towards secondary school places, given these were not secured in the site wide s106.
- 9.138 In the 2010 scheme there was no financial contribution to Employment and Enterprise.

Therefore, given a contribution towards Employment and Enterprise is required for 12 units, it seems logical that a contribution would have been required for the rest of the units. Therefore, it seems reasonable that this additional contribution is allocated towards this area and mitigate any additional impact.

#### **10.0 Localism Act (amendment to S70(2) of the TCPA 1990)**

10.1 Section 70(1) of the Town and Country Planning Act 1990 (as amended) entitles the local planning authority (and on appeal by the Secretary of State) to grant planning permission on application to it. From 15th January 2012, Parliament has enacted an amended section 70(2) as follows:

10.2 In dealing with such an application the authority shall have regard to:

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

10.3 Section 70(4) defines "local finance consideration" as:

- a) 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
- b) Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

10.4 In this context "grants" might include:

- a) Great Britain Building Fund: the £400m "Get Britain Building" Fund and government-backed mortgage indemnity guarantee scheme to allow housebuyers to secure 95% mortgages;
- b) Regional Growth Funds;
- c) New Homes Bonus;
- d) Affordable Homes Programme Funding.

a. These issues now need to be treated as material planning considerations when determining planning applications or planning appeals.

b. (Officer Comment): Officers are satisfied that the current report to Committee, when viewed alongside previous reports presented has had regard to the provision of the development plan. As regards local finance considerations, the proposed S.106 package has been detailed in full which complies with the relevant statutory tests, adequately mitigates the impact of the development and provides necessary infrastructure improvements.

10.5 As regards Community Infrastructure Levy considerations, following the publication of the Inspector's Report into the Examination in Public in respect of the London Mayor's Community Infrastructure Levy, Members are reminded that it is likely that the London mayoral CIL is intended to become operational from 1 April 2012 and will not be payable on this scheme, as long as the planning permission is issued by 31st March 2012. The likely CIL payment associated with this development would be in the region of £203,000 and could impact on the future s.106 obligations.

10.6 With regards grants, the Great Britain Building Fund is part of the government's housing strategy published on the 21 November 2011 designed to tackle the housing shortage, boost the economy, create jobs and give first time buyers the opportunity to get on the housing ladder. Officers are satisfied that the development provides the types of units in the form single occupancy flats within the private and intermediate tenure, and range of unit

sizes to accommodate the differing financial constraints of future potential occupier and therefore the proposal supports this initiative

- 10.7 The Regional Growth Fund (RGF) is now a £2.4bn fund operating across England from 2011 to 2015. It supports projects and programmers that lever private sector investment to create economic growth and sustainable employment. It aims particularly to help those areas and communities which were dependent on the public sector to make the transition to sustainable private sector-led growth and prosperity. Whilst there is no evidence to suggest that this development is directly linked into this initiative, officers can confirm that best endeavors have been secured through the S.106 agreement to ensure that at least 20% of the those job opportunities will benefit residents of the borough during the construction process, and are also satisfied that a financial payment to provide silks and training can also lead to greater opportunities for local residents to secure sustainable employment.
- 10.8 With regards to the New Home Bonus. The New Homes Bonus was introduced by the Coalition Government during 2010 as an incentive to local authorities to encourage housing development. The initiative provides unring-fenced finance to support local infrastructure development. The New Homes Bonus is based on actual council tax data which is ratified by the CLG, with additional information from empty homes and additional social housing included as part of the final calculation. It is calculated as a proportion of the Council tax that each unit would generate over a rolling six year period.
- 10.9 Using the DCLG's New Homes Bonus Calculator, and assuming that the scheme is implemented/occupied without any variations or amendments, this development is likely to generate approximately £272,455 within the first year and a total of £1,634,733 over a rolling six year period. This is indicative and assumes zero empty homes. There is no policy or legislative requirement to discount the new homes bonus against the s.106 contributions, and therefore this initiative does not affect the financial viability of the scheme.
- 10.10 The Affordable Homes Programme 2011-15 (AHP) aims to increase the supply of new affordable homes in England. Throughout 2011-15, Homes and Communities Agency (HCA) aims to invest £4.5bn in affordable housing through the Affordable Homes Programme and existing commitments from the previous National Affordable Housing Programme. The majority of the new programme will be made available as Affordable Rent with some for affordable home ownership, supported housing and in some circumstances, social rent.
- 10.11 However developments that secure affordable housing through s.106 agreements (as is the case for this proposal) are highly unlikely to receive grant from the HCA as they seek to reserve funding for Registered Social Landlords who specialise in providing affordable housing.

## **11.0 Other Planning Issues**

### Biodiversity

- 11.1 The scheme incorporates a number of biodiversity enhancement measures. A number of green roofs are proposed which will incorporate planting of species that attract insects which provide a food source for bats. Bat bricks and boxes are also proposed. A condition is attached which will ensure that biodiversity measures are maximised.

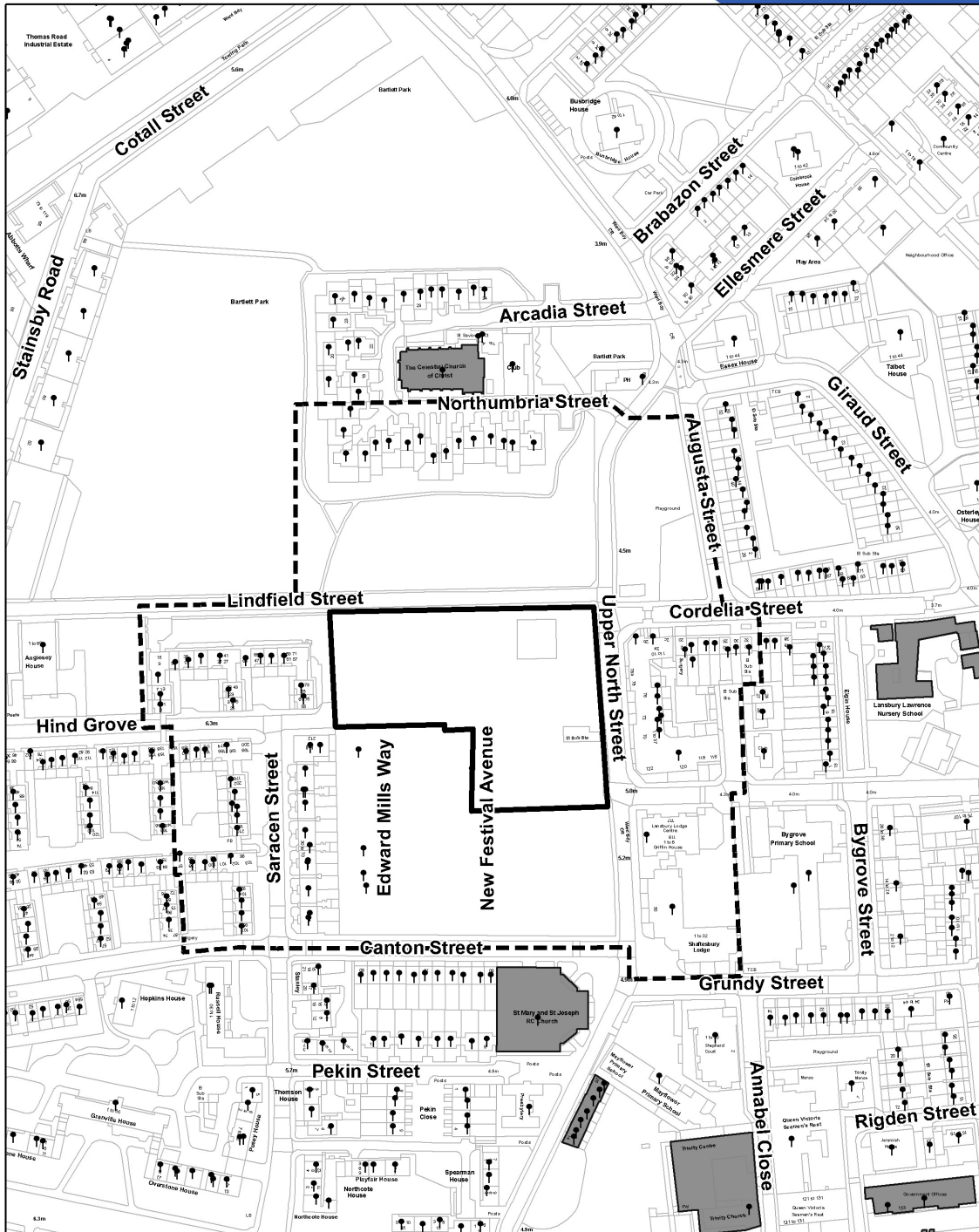
### Environmental Statement

- 11.2 The Environmental Statement and further information/clarification of points in the ES have been assessed as satisfactory by Council's independent consultants Land Use Consultants and Council Officers. Mitigation measures required are to be implemented through conditions and/ or Section 106 obligations.

## **12.0 Conclusions**

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

# Planning Application Site Map



Planning Application Site Boundary

Locally Listed Buildings

Land Parcel Address

Consultation Area

Statutory Listed Buildings

0 30 m



1:2,500

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

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