

<b>Committee:</b> Development Committee	<b>Date:</b> 5 April 2012	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 8.1
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Planning Application for Consideration	
<b>Case Officer:</b> Jerry Bell		<b>Ref No:</b> PA/11/01426	
		<b>Ward(s):</b> Blackwall and Cubitt Town	

## 1. APPLICATION DETAILS

**NOTE:** The application site falls wholly within the planning functions of the London Thames Gateway Development Corporation (LTGDC). London Borough of Tower Hamlets is a statutory consultee on this application. This report therefore provides a recommendation to Members based on their views previously expressed at Development Committee on the 14<sup>th</sup> of December 2012, which is intended to form the basis for the Borough's observations to LTGDC. The Development Committee is requested to consider the endorsement of this recommendation.

**Location:** Land at Virginia Quay off Newport Avenue, Newport Avenue, London, E14

**Existing Use:** Car park and landscaping

**Proposal:** Erection of 12 storey residential building (measuring 42.6m AOD in height) including basement storage/plant area to provide 23 residential dwellings and associated works comprising access, landscaping, car parking and other works

**Drawing Nos:**

- Drawing nos. 675\_PL\_GA\_099 A; 675\_PL\_GA\_100; 675\_PL\_GA\_101 F; 675\_PL\_GA\_102 F; 675\_PL\_GA\_103 F; 675\_PL\_GA\_104 F; 675\_PL\_GA\_105 F; 675\_PL\_GA\_106 F; 675\_PL\_GA\_107 F; 675\_PL\_GE\_120 F; 675\_PL\_GE\_121 F; 675\_PL\_GE\_122 F; 675\_PL\_GE\_123 F; 675\_PL\_GS\_130 F; 675\_PL\_OS\_001A; 675\_PL\_EX\_002A; 675\_PL\_EX\_003A.
- Design and Access Statement (Dated May 2011)
- Impact Statement (Dated May 2011)
- Impact Statement Summary
- Updated Energy Strategy (Dated 19<sup>th</sup> September 2011)
- Sustainability – Electric Loads (Dated 29<sup>th</sup> September 2011)
- Response to LBTH Housing comments (Dated 19<sup>th</sup> September 2011)

**Applicant:** Cube Developments

**Owner:** Cube Developments

**Historic Building:** N/A

**Conservation Area:** N/A

## 2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1 Considering Members' resolution at the Development Committee meeting of the 14<sup>th</sup> of

### 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	Telephone no. of holder:
Application, plans, adopted UDP (as saved). IPG, LDF Core Strategy and London Plan		020 7364 5009

December 2011, officers have reviewed the application and taken into account all relevant policies and considerations in assessing the proposed scheme for the erection of a 12 storey residential building (measuring 42.6m AOD in height), including basement storage/plant area, to provide 23 residential dwellings and associated works, comprising access, landscaping, car parking and other works. In summary:

The proposal constitutes over-development of the site by virtue of impacts associated with excessive density, these being loss of daylight and sunlight as well as increased overshadowing for existing residents and poor levels of public transport accessibility. The proposal is therefore contrary to policies 3.4 and 3.5 of the London Plan (2011), SP10 of the Core Strategy Development Plan Document (2010), saved policy DEV2 of the Unitary Development Plan (1998), and policy DM3 of Managing Development DPD (proposed submission version 2012).

The proposal provides an unacceptable amount of affordable housing. As such, the proposal does not accord with policies 3.8 and 3.12 of the London Plan (2011), saved policy HSG7 of the Council's Unitary Development Plan (1998), policies HSG2 and HSG3 of the Council's Interim Planning Guidance (2007) and policy SP02 of the Core Strategy Development Plan Document (2010) which seek to ensure that new developments offer a range of housing choices.

### **3. RECOMMENDATION**

- 3.1 That the Committee resolve to **ratify officers views** on the revisions for the reason set out in Section 2 of this report.
- 3.2 If LTGDC are minded to approve the application, it is recommended that officers seek to secure an affordable rent level of £242 for the 4 bed affordable rent unit, as well as a number of conditions relating to:

#### **Conditions**

- 3.3
  - 1) 3 year time limit
  - 2) Development to be built in accordance with approved plans
  - 3) Plant noise levels to be 10dB below background levels at residential properties
  - 4) Submission and approval of Construction Management Plan
  - 5) Cycle storage to be installed prior to occupation and retained for the lifetime of development
  - 6) Submission and approval of landscaping details and management plan
  - 7) Development built and retained in accordance with lifetime homes standards
  - 8) Submission and approval of Secured by Design details
  - 9) Waste storage to be installed prior to occupation and retained for the lifetime of development
  - 10) Submission and approval of Black Redstart survey and incorporation of appropriate habitat measures
  - 11) Submission and approval of rainwater harvesting tank and system, requiring installation prior to occupation and retention for the lifetime of the development
  - 12) Low flow water devices to be installed and retained for the lifetime of development
  - 13) Oil/petrol filters to be installed in drainage off vehicle parking areas
  - 14) Submission and approval of CHP air pollution abatement technology, requiring insulation prior to operation and retention for the lifetime of the development
  - 15) Submission and approval of site waste management plan
  - 16) Submission and approval of details of land contamination, including if relevant details for remediation and verification
  - 17) The disabled parking space shall be marked out as approved drawings and retained for the exclusive use of blue badge holders
  - 18) Any other planning condition(s) considered necessary by the Corporate Director

Development & Renewal.

#### 4. PROPOSAL AND LOCATION DETAILS

##### Background

- 4.1 This request for observations was originally dealt with under delegated authority as officers considered that the application did not raise matters that were of especially borough-wide significance as required under the Part 3 of the Councils constitution. A copy of the officers original response is appended to this report at Appendix D.
- 4.2 Following a public meeting held on the 17<sup>th</sup> November 2011 at the request of Members this development was referred to the Council's Development Committee for ratification of officer's recommendation for approval on the 14<sup>th</sup> of December 2011.
- 4.3 At this meeting, Members voted to formally object to the application on the grounds of the following:
- Overdevelopment in the form of loss of daylight and sunlight;
  - Increased overshadowing;
  - Density, given the low Public Transport Accessibility Level Rating;
  - Concerns over the provision of affordable housing given the proposals fell short of policy requirements;
  - A number of the units fell below the internal space standards required by policy;
  - Inadequate details regarding sunlight, overshadowing, landscaping, energy, water use, air quality, waste, noise and vibration; and
  - Inadequate consultation.

The planning report (Appendix B) and record of minutes from this meeting (Appendix C) are attached to this report.

- 4.4 On the basis of Member's decision, the Council formally responded to the LTGDC on the 21<sup>st</sup> of December 2011 (Attached as Appendix A), for the following reasons:
- 4.5 1. The proposal constitutes over-development of the site by virtue of impacts associated with excessive density, these being loss of daylight and sunlight as well as increased overshadowing for existing residents, poor levels of public transport accessibility and insufficient internal floor areas of some of the residential units. The proposal is therefore contrary to policies 3.4 and 3.5 of the London Plan (2011), SP10 of the Core Strategy Development Plan Document (2010), saved policy DEV2 of the Unitary Development Plan (1998), and policy DEV1 the Interim Planning Guidance (2007).
- 4.6 2. The proposal provides an unacceptable amount of affordable housing and mix of units. As such, the proposal does not accord with policies 3.8 and 3.12 of the London Plan (2011), saved policy HSG7 of the Council's Unitary Development Plan (1998), policies HSG2 and HSG3 of the Council's Interim Planning Guidance (2007) and policy SP02 of the Core Strategy Development Plan Document (2010) which seek to ensure that new developments offer a range of housing choices.
- 4.7 The formal response also recommended that further information be submitted with relation to sunlight, overshadowing, landscaping, energy, water use, air quality, waste, noise and vibration; and that further consultation is carried out, in line with Members comments.
- 4.8 On the 9<sup>th</sup> of February 2012, the application was heard by the LTGDC Planning Committee. Officers recommended the application for Approval, however Members of the board resolved to DEFER the planning application to allow for officers to consider possible reasons for refusal, and prepare a further report on this basis. Minutes of this meeting are attached as

## Appendix E.

- 4.9 Following the committee meeting of the 9<sup>th</sup> of February 2012, the applicants have revised the application, and provided further information to be reconsidered by the LTGDC. Accordingly, these amendments and additional information have been considered by officers against the LBTH Members previous resolution to object to the planning application.

### Revisions

- 4.10 The proposal has been amended by reducing the number of units from 26 to 23, where 9 x 1 bedroom units have been replaced with 6 x 2 bedroom units within the private tenure. Additional information has been provided relating to daylight and sunlight, density and highways.

### Proposal

- 4.11 The application proposes the erection of a 12-storey building containing 23 residential units, together with a basement, landscaping and car parking at street level.

### Site and Surroundings

- 4.12 The application site comprises 0.08 ha, located on the North bank of the River Thames, opposite the O2 Arena, in the London Borough of Tower Hamlets and the London Thames Gateway Development Corporation. The site comprises a car park and landscaping area of the Virginia Quay residential development. The site currently provides 6 car parking spaces and planted areas of landscaping on the fringes of the car park area.
- 4.13 Immediately to the east of the site lies a tree line-lined hard landscaped open space area, associated with the Virginia Quay development, with the Greenwich Meridian running through its centre. Existing residential buildings sit to the north and east of the site.
- 4.14 The Virginia Quay development currently consists of essentially residential use, with buildings up to 12 storeys in height.
- 4.15 To the west of the site is an open area of landscaping and a car park called Blackwell Yard. Further to the west is the Reuters technical centre.
- 4.16 The site is approximately 100m from the East India Dock Docklands Light Railway (DLR) station. The 277 bus route currently stops on Clove Crescent and Saffron Avenue to the North of Aspen Way. A future amendment to the route proposes that the route pass along Blackwall Way.
- 4.17 The subject site is identified as a Flood Protection Area, a Strategic Riverside Walkway and an Area of Archaeological Importance.

### Planning History

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

PA/97/91058 (T97/167 L.D.D.C)	Use of land for residential (C3) accommodation (up to 700 units) educational purposes (D1) and retail/financial & professional/public house/restaurant (A1/A2/A3) uses to a maximum of 750sqm floor space; riverside walkway, landscaping, car parking including vehicular access from Leamouth Road, including details of Phase 1 (residential; 216 units) and Phase 2 (residential; 118 units and restaurant). Granted Planning Permission 04/12/1997
PA/06/01734	Conversion of an existing vacant A3 unit into six residential units with private terraces including the replacement of temporary hoarding with permanent

external walls. Granted Planning Permission 27/04/2007

## 5. POLICY FRAMEWORK

- 5.1 The subject site lies within the boundary of the London Thames Gateway Development Corporation (LTGDC). Under Section 4 of The London Thames Gateway Development Corporation (Planning Functions) Order 2005, the LTGDC is the local planning authority for the planning functions area for the purposes of Part 3 of the Town and Country Planning Act 1990. As such, the London Borough of Tower Hamlets is only able to provide observations to the LTGDC and is not the decision making authority for this planning application.
- 5.2 The purpose of this report is therefore to consider the updated information against the London Borough of Tower Hamlets planning policies and Members decision of the 14<sup>th</sup> of December 2011, and provide a basis for updated observations to LTGDC.

The following policy documents are relevant to the assessment of this application:

- National Planning Policy Framework
- The London Plan Spatial Development Strategy for Greater London (July 2011)
- Core Strategy 2025 Development Plan Document (September 2010)
- Unitary Development Plan 1998 (as saved September 2007)
- Interim Planning Guidance for the purposes of Development Control (October 2007)
- Managing Development: Development Plan Document (Proposed Submission Version January 2012)
- Supplementary Planning Guidance/Documents
- Community Plan – One Tower Hamlets

## 6. CONSULTATION RESPONSE

- 6.1 The views of officers within the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS of the original Committee Report (Appendix B). Noted below are updated comments from internal consultees relevant to this report.

### LBTH Housing

- 6.2
- The affordable housing offer of 35% (by habitable room) is acceptable;
  - The split of affordable tenures is acceptable at 79% affordable rent and 21% intermediate;
  - Proportion of family units is acceptable;
  - 10% of flats should be wheelchair accessible; and
  - Rent levels acceptable for two and three beds. One x four bed unit is above Pod level, however complies with national policy guidance, and is therefore acceptable in national policy terms.

## 7. LOCAL REPRESENTATION

- 7.1 A total of 372 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:

### Consultation response as at 14<sup>th</sup> December 2011

No of individual responses: 69      Objecting: 68      Supporting: 0  
No of petitions received: 1 objecting containing 339 signatories

### Consultation response to further submission

No of individual responses: 4      Objecting: 4      Supporting: 0

No of petitions received: 0

7.2 Whilst only 4 additional letters were received to the re-consultation based on the revisions, the initial representations received at the time the application was reported to committee on the 14<sup>th</sup> of December 2011 **still stand**.

7.3 The following groups or societies have made representations upon the application:

- Virginia Quay Residents Forum

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

#### Design

- The development is taller than the surrounding townscape and out of keeping with the character and nature of the Virginia Quay development
- The proposal would sit over the Prime Meridian – an important landmark
- The proposal should incorporate tree planting
- The proposal development is inaccessible to those with restricted mobility and sensory impairment
- The proposal would increase the risk of anti-social behaviour
- The proposed use of a dark brick and green cladding is out of keeping with the materials used in the adjacent Virginia Quay development

#### Land Use

- The development would add additional unwelcome density to Virginia Quay
- The proposed development has a density in excess of development plan policy standards
- The proposal would result in a loss of public open space
- The existing area of open space is the only one with direct views of the River Thames

#### Amenity

- The proposal would detriment the quality of life of surrounding residents by way of a loss of light and privacy
- The proposal would exacerbate existing poor daylight and sunlight conditions for neighbouring residents
- A number of the proposed units are substandard in terms of floorspace
- The existing nearby child play space is already heavily used
- The proposal would give rise to anti social behaviour on the rooftop amenity space
- The proposal would give rise to adverse microclimate conditions, particularly wind tunnel effects
- Air quality would be detrimentally impacted
- The area suffers from a lack of green space, which this proposal would exacerbate
- There will be amenity impacts during construction, namely noise, dust, run-off, plant storage requirements and vehicular traffic
- The proposal would give rise to a sense of enclosure upon adjacent residents

#### Transportation and Highways

- The development would give rise to further traffic (particularly during construction), increasing the risk of accidents
- The proposal would result in the loss of parking, thereby increasing the amount of unauthorised parking on the estate, which often results in hostility
- Public transport serving the area is already overburdened
- The proposal does not provide for servicing, taxi drop off or delivery access
- The site has a low PTAL rating which precludes such high density development

7.5 The following issues were raised in representations, but they are not considered to be material planning considerations:

- The proposal sets an unacceptable precedent
- The proposal blocks views of the River Thames
- The proposal would affect the value of adjacent properties
- The proposed balconies overhang land outside of the applicant's ownership

7.6 The following procedural issues were raised in representations, and are addressed below:

- There have been a number of procedural matters raised in relation to the determination of this application. LTGDC have responded to these under separate cover.
- Land ownership issues arose during the course of the application, with particular regard to access over the application site to car parking within Wingfield Court. A revised plan has since been submitted, which would ensure access remains.
- The LTGDC should not be allowing revisions to the proposal, following their February committee.

## **8. CONSIDERATION OF ADDITIONAL INFORMATION**

### **Reason for Objection No. 1**

8.1 Reason for objection No. 1 following Member's resolution on the 14<sup>th</sup> of December 2011 is as follows:

8.2 1. The proposal constitutes over-development of the site by virtue of impacts associated with excessive density, these being loss of daylight and sunlight as well as increased overshadowing for existing residents, poor levels of public transport accessibility and insufficient internal floor areas of some of the residential units. The proposal is therefore contrary to policies 3.4 and 3.5 of the London Plan (2011), SP10 of the Core Strategy Development Plan Document (2010), saved policy DEV2 of the Unitary Development Plan (1998), and policy DEV1 the Interim Planning Guidance (2007).

### **Information submitted to overcome Objection**

- 8.3
1. Justification and analysis of development density prepared by DP9, dated 28<sup>th</sup> February 2012;
  2. Update letter from Anstey Horne (Daylight and Sunlight consultants), dated 23<sup>rd</sup> February 2012, providing additional daylight and sunlight information;
  3. Revised mix of housing and floor plans.

### **Officer Assessment of additional information**

#### Overdevelopment/Density

8.4 The subject site falls within an area with a PTAL of 2.

8.5 Policy 3.4 of the London Plan sets out a requirement to optimise housing potential. The policy sets out a matrix for appropriate housing densities given their location, character and accessibility to public transport. Given that the site is set within an urban London location with a Public Transport Accessibility Level (PTAL) of 2 (poor), policy 3.4 seeks a density of between 200-450 habitable rooms per hectare for the application site. This is supported by policies DM3 of the MD DPD, and SP02 of the Core Strategy, which state that the Council will ensure new developments optimise the use of land and that the distribution and density levels of housing will correspond to transport accessibility levels and the wider accessibility of the location.

8.6 Within the applicants' additional submission, they note that the poor categorisation is

predominantly due to methodologies of calculation, with a cut off for bus routes of 640m. There are, however four further bus services accessed from bus stops just beyond the 640m PTAL threshold – these being the 15, D6, D7 and D8.

- 8.7 In close proximity to the site are the East India DLR Station and 277 bus stop, which provide links to Canning Town, Poplar, Bank, Mile End and Hackney.
- 8.8 Whilst the number of units has decreased through the proposed revisions, this has not affected the density of the development, given that the number of habitable rooms proposed remains unchanged. The density of the proposed housing within the development will be 987.5 habitable rooms per hectare. This exceeds the density matrix in policy 3.4 of the London Plan.
- 8.9 Officers previous advice to Members, was that a wide range of factors are relevant when considering whether or not a proposal is unacceptable on density grounds, and that none of those factors were present in relation to the current proposal.
- 8.10 At the Committee meeting of 14<sup>th</sup> December 2011, Members raised concern regarding density and overdevelopment, due to the loss of daylight and sunlight, increased overshadowing, poor levels of public transport accessibility and insufficient internal floor areas.
- 8.11 Officers have considered the further information submitted by the applicants, and the additional information submitted does not materially change the proposal which was put before Members on the 14<sup>th</sup> of December 2012.

#### Loss of Daylight and Sunlight, and Over-Shadowing

- 8.12 In a letter from Anstey Horne dated 23<sup>rd</sup> February 2012, the results of their initial report are further extrapolated.
- 8.13 Following a detailed assessment on daylight to 280 windows serving 198 rooms, and on sunlight to 231 of the windows that face within 90 degrees of due south, results were as follows:
- 95% adherence to the VSC guidelines on a room by room basis;
  - 91% adherence to the daylight distribution guidelines;
  - 97% adherence to the annual sunlight guidelines; and
  - 98% adherence to the winter sunlight guidelines.
- 8.14 Where there are failures, these mainly occur to windows on neighbouring properties beneath projecting balconies, or adjacent to projecting wings. In this instance the BRE guidance recommends carrying out daylight and sunlight calculations both with and without the balconies in place, to see whether the presence of the balconies, rather than the size of the obstruction, is the main cause of the loss of light. On this basis, Anstey Horne have reiterated the results of the initial study, which concluded that with the balconies removed, the results are improved as follows:
- 98% adherence to the VSC guidance on a room by room basis;
  - 93% adherence to the daylight distribution guidelines;
  - 100% adherence to the annual sunlight guidelines; and
  - 99% adherence to the winter sunlight guidelines.
- 8.15 The letter of clarification from Anstey Horne does not provide new information, but rather summarises the results of their original assessment.
- 8.16 Within the original officers' report, the scheme was supported in terms of daylight, sunlight



and overshadowing impacts. The representation from Anstey Horne does not change officer's position on this. Nevertheless, it is not considered to add anything further which would change Members original views on the proposal.

#### Insufficient Internal Floor Areas

- 8.17 Within the original proposal, 6 of the 1 bedroom, 2 person private residential units fell below the space standards provided in the London Plan, Council's Supplementary Planning Guidance and the London Housing Design Guide.
- 8.18 The applicants have revised the floor plans and mix, in order to address this issue. All 9 x 1 bedroom units that were previously proposed have now been removed and replaced with 6 x 2 bedroom units. Each of the newly provided two bedroom units provides in excess of the minimum guidance (70sqm), with approximately 73sqm of accommodation per unit.
- 8.19 All other units within the development remain unaltered, and therefore, all units within the scheme comply with London Plan, Council's Supplementary Guidance and the LHDG.
- 8.20 Officers are therefore of the view that this reason for objection has been resolved since Member's initially reviewed the scheme on the 14<sup>th</sup> of December 2011.

#### **Conclusion**

- 8.21 Notwithstanding officers recommendation at the Development Committee meeting of the 14<sup>th</sup> of December 2012, Members took the view the proposal was unacceptable. Whilst the scheme has been amended to address Members' concerns over internal floor area, the site density, PTAL and daylight and sunlight impacts have not altered. Accordingly, it is concluded that Members concerns raised on the 14<sup>th</sup> of December 2011 have not been addressed, and the reason for objection No. 1 should be retained in an amended form as worded in Section 2 of this report.

#### **Reason for Objection No. 2**

- 8.22 Reason for objection No. 2 following Member's resolution on the 14<sup>th</sup> of December 2011 is as follows:
- 8.23 2. The proposal provides an unacceptable amount of affordable housing and mix of units. As such, the proposal does not accord with policies 3.8 and 3.12 of the London Plan (2011), saved policy HSG7 of the Council's Unitary Development Plan (1998), policies HSG2 and HSG3 of the Council's Interim Planning Guidance (2007) and policy SP02 of the Core Strategy Development Plan Document (2010) which seek to ensure that new developments offer a range of housing choices.

#### **Information submitted to overcome Objection**

- 8.24
1. Letter from DP9 regarding amended proposal – revised mix of units; and
  2. Revised housing schedule.

#### **Officer Assessment**

##### Proportion of Affordable Housing

- 8.25 This application proposes a level of affordable housing of 35.44%, with a split of 71:29 in favour of rented accommodation.
- 8.26 Whilst this has not altered from the original proposal, officers remain of the view that this is compliant with current policy, and therefore acceptable.



2 bed	18	2	40	25	2	100	50	14	87.5	30
3 bed	4	2	40	30	0	0	25	2	12.5	20
4 bed+	1	1	20	15	0	0	0			
<b>Total</b>	<b>23</b>	<b>5</b>	<b>100</b>	<b>100</b>	<b>2</b>	<b>100</b>	<b>100</b>	<b>16</b>	<b>100</b>	<b>100</b>

- 8.36 Within the affordable rent tenure, 60% of the units are family-sized, which exceeds the policy target of 45%. This is supported.
- 8.37 Within the Intermediate tenure, 100% of units are 2 bed, which fails to comply with a policy target of 25% family units (3 bed and larger). Nevertheless given that the rented tenure, which has a higher demand for family units, exceeds the policy target by 15%, this is considered acceptable on balance.
- 8.38 Within the private tenure, 12.5% of housing is proposed as family units, with 87.5% 2 bedroom units. This is a significant improvement upon the initial mix, through the removal of all one bedroom units from the proposal.
- 8.39 Accordingly, whilst there is an under-provision of family-sized units within the Intermediate and Private tenures, overall the development proposes a good level of family accommodation within the Affordable Rent tenure, where family housing is most in demand. Accordingly, officers consider that the proposed mix of housing is acceptable, and complies with the Council's UDP, Core Strategy and MD DPD policy.

### Conclusion

- 8.40 Considering the original officers report, and further information submitted by the applicants, officers remain of the view that the planning application is acceptable in terms of both the level of affordable housing, and revised mix of housing.
- 8.41 However, the level of affordable housing has not altered since Members resolved to object to the planning application on the 14<sup>th</sup> of December.
- 8.42 Accordingly, it is concluded that Members concerns raised on the 14<sup>th</sup> of December 2011 have not been addressed, and the reason for objection No. 2 should be retained in an amended form as worded in Section 2 of this report.

### Requests for Further Information

- 8.43 At the SDC meeting of the 14<sup>th</sup> of December 2012, Members also raised concern regarding landscaping, energy, water use, air quality, waste, noise and vibration. It was also requested that further consultation should be carried out.
- 8.44 Within the original officers report, these matters were discussed, and had been supported by technical officers within the Council. As a point of reference, Table 3 below sets out the paragraphs in the original report (Appendix B) which discussed each of the topics:

**Table 3**

Issue	Paragraph in 14th December 2011 Committee Report
Energy	8.108 - 8.113
Water Use	8.118 - 8.121
Air Quality	8.48 - 8.50 and 8.128 - 8.130
Waste	8.104 - 8.106 and 8.131 - 8.132
Landscaping	8.91 - 8.94

Noise and Vibration	8.45 - 8.47
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8.45 No further information in respect of the above has been submitted by the applicant and officers remain of the view that the matters specified within Table 3 have either been appropriately dealt with, or could genuinely be assessed via a planning condition. This did not form a substantive reason to object to the proposal and officers advise that a reason for refusal on the basis of Energy, Water Use, Air Quality, Waste, Landscaping or Noise and Vibration would not appropriate.

Additional Consultation

8.46 With relation to additional consultation, the Council has consulted properties within the vicinity of this site, through individual letters, site notices and press notices. Another round of consultation has been carried out following the submission of these most recent revised plans, via neighbour letters and a press notice.

8.47 Accordingly, consultation in excess of the statutory requirement has been carried out by the Council. Considering the level of public interest in the proposal, it is clear that the consultation has been effective.

**9 Conclusions**

9.1 All other relevant policies and considerations have been taken into account. Officers have considered the information submitted with relation to the resolution of Members at the Development Committee meeting of the 14<sup>th</sup> of December 2011. In this respect, Members are asked to ratify the view of officers in this respect, for the reasons set out in Section 2 of this report.

## APPENDIX A – LBTH Formal Response to LTGDC 21 December 2011

Stephen Allen  
London Thames Gateway Development Corporation  
9th Floor, South Quay Plaza  
189 Marsh Wall  
London  
E14 9SH

21<sup>st</sup> December 2011

Development and Renewal

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Dear Stephen,

**Virginia Quay,**

### EXECUTIVE SUMMARY

**The Council has consulted widely on this proposal and the views expressed take into consideration consultation/notification responses from statutory and non-statutory bodies; local residents, interested third parties and internal departments.**

**The following is a summary of the Councils response to the proposal.**

#### Officers' Recommendation

On the 14<sup>th</sup> of December 2011 this planning application was referred to the Council's Development Committee with a recommendation from Officers that Members ratify a previous representation of support sent to the LTGDC dated 3<sup>rd</sup> October 2011. This recommendation was subject to appropriately addressing the following matters of concern identified within the report to committee (attached to this letter):

- Inclusivity and the lack of access for affordable unit occupiers to the roof terrace amenity area
- Confirmation of adequate daylight and sunlight received within the proposed units
- Confirmation of agreement with Virginia Quay owners for residents of the proposed development to use the play area within the Virginia Quay Development.
- The mix of housing fails to provide sufficient family housing within the private tenure
- The unit sizes of some of the 1 bedroom 2 person units fail to meet minimum requirements and therefore provide poor internal amenity.

#### Members' Decision

At the meeting of the 14<sup>th</sup> of December Members unanimously voted to withdraw the previous correspondence dated 3<sup>rd</sup> October 2011, and formally **object** to the application on the grounds of the following:

- Overdevelopment in the form of loss of day light/sunlight
- Increased overshadowing
- The proposed density of the scheme given the low Public Transport Accessibility Level rating.
- Concerns over the provision of affordable housing given the proposals fell short of policy requirements
- That a number of the proposed units fell below the space standards required in policy

- Inadequate details regarding: sunlight, overshadowing, landscaping, energy, water use, air quality, waste, noise and vibration
- Inadequate consultation

I have attached the draft decisions for your record.

### Recommendation

The London Borough of Tower Hamlets therefore formally **object** to the proposed development, for the following reasons:

1. The proposal constitutes over-development of the site by virtue of impacts associated with excessive density, these being loss of daylight and sunlight as well as increased overshadowing for existing residents, poor levels of public transport accessibility and insufficient internal floor areas of some of the residential units. The proposal is therefore contrary to policies 3.4 and 3.5 of the London Plan (2011), SP10 of the Core Strategy Development Plan Document (2010), saved policy DEV2 of the Unitary Development Plan (1998), and policy DEV1 the Interim Planning Guidance (2007).

2. The proposal provides an unacceptable amount of affordable housing and mix of units. As such, the proposal does not accord with policies 3.8 and 3.12 of the London Plan (2011), saved policy HSG7 of the Council's Unitary Development Plan (1998), policies HSG2 and HSG3 of the Council's Interim Planning Guidance (2007) and policy SP02 of the Core Strategy Development Plan Document (2010) which seek to ensure that new developments offer a range of housing choices

### Prior to making a decision, it is recommended that:

- The applicant provide further details regarding the sunlight, overshadowing, landscaping, energy, water use, air quality, waste, noise and vibration; and
- Further consultation is carried out.

I trust the above clarifies the Council's position in respect of the application, but if you require any further information, please do not hesitate to contact me.

Yours sincerely,

Pete Smith  
Development Control

## APPENDIX B – 14 December 2011 Development Committee Officers Report

<b>Committee:</b> Development	<b>Date:</b> 14 <sup>th</sup> December 2011	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 8.2
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Planning Application for Consideration	
<b>Case Officer:</b> Jerry Bell		<b>Ref No:</b> PA/11/01426	
		<b>Ward(s):</b> Blackwall and Cubitt Town	

### 1. APPLICATION DETAILS

**NOTE:** The application site falls wholly within the planning functions of the London Thames Gateway Development Corporation (LTGDC). London Borough of Tower Hamlets is a statutory consultee on this application. This report therefore provides an officer recommendation which is intended to form the basis for the Borough's observations to LTGDC. The Strategic Development Committee is requested to consider the endorsement of this recommendation.

**Location:** Land at Virginia Quay off Newport Avenue, Newport Avenue, London, E14

**Existing Use:** Car park and landscaping

**Proposal:** Erection of 12 storey residential building (measuring 42.6m AOD in height) including basement storage/plant area to provide 26 residential dwellings and associated works comprising access, landscaping, car parking and other works

**Drawing Nos:**

- Drawing nos. 675\_PL\_GA\_099 A, 675\_PL\_GA\_100, 675\_PL\_GA\_101 D, 675\_PL\_GA\_102 C, 675\_PL\_GA\_103 A, 675\_PL\_GA\_104 A, 675\_PL\_GA\_105 A, 675\_PL\_GA\_106 A, 675\_PL\_GE\_120, 675\_PL\_GE\_121, 675\_PL\_GE\_122, 675\_PL\_GE\_123, 675\_PL\_GS\_130, 675\_PL\_05\_001A, 675\_PL\_GA\_107, 675\_PL\_05\_001A, 675\_PL\_05\_002A and 675\_PL\_05\_003A
- Design and Access Statement (Dated May 2011)
- Impact Statement (Dated May 2011)
- Impact Statement Summary
- Updated Energy Strategy (Dated 19<sup>th</sup> September 2011)
- Sustainability – Electric Loads (Dated 29<sup>th</sup> September 2011)
- Response to LBTH Housing comments (Dated 19<sup>th</sup> September 2011)

**Applicant:** Cube Developments

**Owner:** Cube Developments

**Historic Building:** N/A

**Conservation Area:** N/A

### 2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1 LBTH has reviewed the application and taken into account all relevant policies and considerations in assessing the proposed scheme for the erection of a 12 storey residential building (measuring 42.6m AOD in height), including basement storage/plant area, to provide 26 residential dwellings and associated works, comprising access, landscaping, car parking

and other works. In summary:

- The principle of a residential scheme is considered to be appropriate and in accordance with London Plan (2011) policy 3.3, which sets out targets for each Borough and requires Local Authorities to seek the maximum provision of additional housing possible. The proposal is also in accordance with policy SP02 of the Core Strategy (2010) which seeks to deliver new housing and the creation of sustainable places and policy HSG1 of the Council's Interim Planning Guidance (2007) which seeks to ensure the use of land is appropriately optimised.
- The proposal provides an acceptable amount of affordable housing and mix of units. As such, the proposal is in line with Policy 3.11 of the London Plan (2011) and policy SP02 of the Core Strategy Development Plan Document (2010) which seek to ensure that new developments offer a range of housing choices and appropriate affordable housing contributions.

2.2 The Council has no objections in principle to the proposals to erect a residential development of 12 storeys on the site, subject to LTGDC officers appropriately addressing the following matters of concern that officers have identified:

- Inclusivity and the lack of access for affordable unit occupiers to the roof terrace amenity area
- Confirmation of adequate daylight and sunlight received within the proposed units
- Confirmation of agreement with Virginia Quay owners for residents of the proposed development to use the play area within the Virginia Quay Development
- The provision of a shadowing diagram to clarify impact upon Wingfield Court and surrounding properties
- The rent level for 4 bed units should be at or below the Pod research recommended level of £242 per week.

2.3 The following matters also fail to meet policy and where possible should be addressed:

- The mix of housing fails to provide sufficient family housing within the private tenure
- The unit sizes of some of the 1 bedroom 2 person units fail to meet minimum requirements and therefore provide poor internal amenity.

### 3. RECOMMENDATION

3.1 That the Committee resolve to **ratify officers views** on the application for the reasons set out above, subject to the amendments sought.

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

#### Financial Contributions

LTGDC have a tariff approach to the financial contributions required to provide infrastructure and mitigation for the impacts of the development. LBTH accept this approach and does not consider that there are any additional financial contributions required.

#### Non-Financial Contributions

LBTH would seek to ensure that the affordable housing provision is secured through the use of the S106 legal agreement as a planning obligation. As discussed previously, it is also considered that a target rent level is secured in accordance with LBTH's POD research in order to ensure that the affordable housing rent level is affordable to the borough's residents.



Other non-financial contributions should be sort as follows:

- Restriction for all new units on obtaining a Council Parking Permit to park on the highway
- Employment Initiatives to use reasonable endeavours to employ local people during the construction and end user phases of the development.
- Electricity Energy Strategy for the development.

3.2 If LTGDC are minded to approve the application, it is recommended that this is subject to a number of conditions relating to:

### **Conditions**

- 3.3
- 19) 3 year time limit
  - 20) Development to be built in accordance with approved plans
  - 21) Plant noise levels to be 10dB below background levels at residential properties
  - 22) Submission and approval of Construction Management Plan
  - 23) Cycle storage to be installed prior to occupation and retained for the lifetime of development
  - 24) Submission and approval of landscaping details and management plan
  - 25) Development built and retained in accordance with lifetime homes standards
  - 26) Submission and approval of Secured by Design details
  - 27) Waste storage to be installed prior to occupation and retained for the lifetime of development
  - 28) Submission and approval of Black Redstart survey and incorporation of appropriate habitat measures
  - 29) Submission and approval of rainwater harvesting tank and system, requiring installation prior to occupation and retention for the lifetime of the development
  - 30) Low flow water devices to be installed and retained for the lifetime of development
  - 31) Oil/petrol filters to be installed in drainage off vehicle parking areas
  - 32) Submission and approval of CHP air pollution abatement technology, requiring insulation prior to operation and retention for the lifetime of the development
  - 33) Submission and approval of site waste management plan
  - 34) Submission and approval of details of land contamination, including if relevant details for remediation and verification
  - 35) The disabled parking space shall be marked out as approved drawings and retained for the exclusive use of blue badge holders
  - 36) Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal.

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

### **Background**

- 4.1 This request for observations was originally dealt with under delegated authority as officers considered that the application did not raise matters that were of especially wide borough significance as required under the Part 3 of the Councils constitution. A copy of the officers original response is appended to this report at Appendix A.
- 4.2 Following a public meeting held on the 17<sup>th</sup> November 2011 at the request of Members and surrounding residents, a number of matters were discussed including the decision not to refer the matter to the Strategic Development Committee. The Head of Planning and Building Control has now reviewed the position, and whilst officers consider the decision not to refer the matter was lawfully sound, given the level of public interest, and in the interests of transparency, officers have decided to now take the matter to committee for open discussion amongst Members

- 4.3 The London Thames Gateway Development Corporation have agreed to defer making a decision on the application and the matter will now go to their January 2012 committee. This report had been drafted to include a summary the views of residents so that Members are fully conversant with the concerns raised by residents when deciding whether or not to ratify the recommendation. The actual responses will be made available at the committee.

### **Proposal**

- 4.2 The application proposes the erection of a 12-storey building containing 26 residential units, together with a basement, landscaping and car parking at street level.

### **Site and Surroundings**

- 4.3 The application site comprises 0.08 ha, located on the North bank of the River Thames, opposite the O2 Arena, in the London Borough of Tower Hamlets and the London Thames Gateway Development Corporation. The site comprises a car park and landscaping area of the Virginia Quay residential development. The site currently provides 6 car parking spaces and planted areas of landscaping on the fringes of the car park area.
- 4.4 Immediately to the east of the site lies a tree line-lined hard landscaped open space area, associated with the Virginia Quay development, with the Greenwich Meridian running through its centre. Existing residential buildings sit to the north and east of the site.
- 4.5 The Virginia Quay development currently consists of essentially residential use, with buildings up to 12 storeys in height.
- 4.6 To the west of the site is an open area of landscaping and a car park called Blackwell Yard. Further to the west is the Reuters technical centre.
- 4.7 The site is approximately 100m from the East India Dock Docklands Light Railway (DLR) station. The 277 bus route currently stops on Clove Crescent and Saffron Avenue to the North of Aspen Way. A future amendment to the route proposes that the route pass along Blackwall Way.
- 4.8 The subject site is identified as a Flood Protection Area, a Strategic Riverside Walkway and an Area of Archaeological Importance.

### **Planning History**

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

PA/97/91058 (T97/167 L.D.D.C)	Use of land for residential (C3) accommodation (up to 700 units) educational purposes (D1) and retail/financial & professional/public house/restaurant (A1/A2/A3) uses to a maximum of 750sqm floor space; riverside walkway, landscaping, car parking including vehicular access from Leamouth Road, including details of Phase 1 (residential; 216 units) and Phase 2 (residential; 118 units and restaurant). Granted Planning Permission 04/12/1997
PA/06/01734	Conversion of an existing vacant A3 unit into six residential units with private terraces including the replacement of temporary hoarding with permanent external walls. Granted Planning Permission 27/04/2007

## **5. POLICY FRAMEWORK**

- 5.1 The subject site lies within the boundary of the London Thames Gateway Development Corporation (LTGDC). Under Section 4 of The London Thames Gateway Development Corporation (Planning Functions) Order 2005, the LTGDC is the local planning authority for

the planning functions area for the purposes of Part 3 of the Town and Country Planning Act 1990. As such, the London Borough of Tower Hamlets is only able to provide observations to the LTGDC and is not the decision making authority for this planning application.

- 5.2 The purpose of this report is therefore to outline the assessment the planning application in terms of the London Borough of Tower Hamlets' planning policies and provide a basis for observations to LTGDC.

The following policy documents are relevant to the assessment of this application:

- Government Planning Policy Guidance/Statements
- The London Plan Spatial Development Strategy for Greater London (July 2011)
- Core Strategy 2025 Development Plan Document (September 2010)
- Unitary Development Plan 1998 (as saved September 2007)
- Interim Planning Guidance for the purposes of Development Control (October 2007)
- Supplementary Planning Guidance/Documents
- Community Plan – One Tower Hamlets

## **6. CONSULTATION RESPONSE**

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

### **LBTH Accessibility Officer**

- 6.2 No comments received.

### **LBTH Communities, Localities and Culture**

- 6.3 No objections. The following financial contributions are requested:
- £6,804 towards Idea Stores;
  - £24,116 towards Leisure Facilities; and
  - £43,330 towards Open Space

(OFFICER COMMENT: The LTGDC operate a tariff approach to s106 obligations, however are urged to take the above into account)

### **LBTH Crime Prevention Officer**

- 6.4 The scheme should use Secure By Design standards.

### **LBTH Education**

- 6.5 No comments received.

### **LBTH Energy Efficiency**

- 6.6 Energy Comments

1. The applicant has broadly followed the requirements of Policy 5.2 of the London Plan 2011 and the proposals aim to reduce regulated carbon emissions by 25%.
2. Energy Baseline – A Sustainability Statement has been submitted along with the planning application. This states that SAP calculations have been undertaken, however these have not been provided. The applicant should submit the SAP sheets to show the TER and DER of the proposed development to verify the anticipated CO2 reductions of 25%.
3. Be Lean – The scheme has been designed in accordance with Policy 5.3 in seeking

- to minimise energy use through passive design measures including:
- i) Air tightness – maximum air permeability of 5m<sup>3</sup>/h/m<sup>2</sup>;
  - ii) Improved U-values – Walls at 0.20 W/m<sup>2</sup>K, Windows at 1.6 W/m<sup>2</sup>K, Roof at 0.16W/m<sup>2</sup>K, Floor at 1.8 W/m<sup>2</sup>K; and
  - iii) Low energy lighting (75% of all light fittings).
4. Energy efficiency measures are anticipated to result in total site carbon savings of approximately 6%.
  5. Be Clean – The development proposes the installation of a micro CHP system to serve all units within the proposed development. The proposed is a 5.5kWe unit.
  6. Be Green – The development proposals do not incorporate any renewable energy technologies. Policy SP11 of the Tower Hamlets Core Strategy requires all new development to reduce CO<sub>2</sub> emissions through on-site renewable energy provisions. The applicant should seek to incorporate renewable energy technologies where appropriate to ensure compliance with Policy SP11.

### Sustainability Comments

Sustainability: The submitted information details a commitment of the scheme to achieve a Code Level 4 rating. This is considered appropriate for the scheme and can be secured through an appropriate Condition.

### Further Information

The applicant is requested to provide further information with regard to renewable energy technologies, in particular Photovoltaics as these are considered a complimentary technology to the proposed CHP

(OFFICER COMMENT: Additional information has since been provided by the applicant. Energy and sustainability is discussed below within the main body of the report)

### **LBTH Environmental Health**

- 6.7 No objections raised.

### **LBTH Housing**

- 6.8
- The affordable housing offer of 35% (by habitable room) is acceptable;
  - The split of affordable tenures is acceptable at 79% affordable rent and 21% intermediate;
  - 60% of the affordable rented units are family sized which is acceptable;
  - Clarification sought with regard to wheelchair access

(OFFICER COMMENT: Additional information has since been provided by the applicant. These matters are addressed below within the main body of the report)

### **LBTH Transportation & Highways**

- 6.9 No objections:
- The proposed level of car parking is acceptable;
  - The provision of one disabled car parking space for the development and the retention of 6 parking spaces for the proposed development is welcomed;
  - The provision of 29 cycle stands is welcomed, the specification should be secured via condition; and
  - A Construction Management Plan should be secured by condition

(OFFICER COMMENT: Conditions have been recommended to this effect)

## **LBTH Waste Policy & Development**

6.10 No objections: bin store dimensions and capacity are adequate, as is the recycling provision

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

6.11 No objection subject to the imposition of four conditions, as follows:

1. Submission of risk assessment and site investigation;
2. Submission of a verification report;
3. Submission of a remediation strategy if contamination is found; and
4. No infiltration of surface water drainage

(OFFICER COMMENT: Conditions have been recommended to this effect)

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

6.12 The principle of this residential development is acceptable, and in accordance with London Plan policy 3.3 and Lowe Lee Valley Opportunity Area Planning Framework guidance. The following matters require addressing:

- Further information is requested with relation to housing mix and tenure, together with verification of the applicant's financial appraisal to demonstrate that the affordable housing level is the maximum reasonable amount;
- Further information is required in relation to how the scheme demonstrates best practice in residential design quality;
- Further detail regarding the ground floor internal arrangement and amenity space;
- More information upon the size and quality of the on-site child playspace provision;
- Further information is required as to how the scheme would meet Lifetime Homes standard and how the wheelchair accessible units meet the Mayor's Best Practice Guidance;
- Further information required in relation to the CHP plantroom and the use of PV;
- Further information regarding cycle parking and assessment of walking routes

(OFFICER COMMENT: The applicant has since responded to the above issues, as detailed within the main body of the report, below)

### **London City Airport (Statutory Consultee)**

6.13 No safeguarding objection raised. Any cranes or scaffolding above the final height of the building should be consulted upon London City Airport

(OFFICER COMMENT: Should planning permission be granted, LTGDC are recommended to attach an informative to this effect)

### **London Fire and Emergency Planning Authority (Statutory Consultee)**

6.14 No comments received.

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

6.15 No objections in principle, however further information is required with regard to cycle parking. Conditions should be attached requesting the submission of a Travel Plan and Delivery and Servicing Plan.

(OFFICER COMMENT: The applicant has since responded to these requests and do not consider that the submission of a Delivery and Service Plan or a Travel Plan is appropriate to this development)

## **London Borough of Greenwich**

6.16 No objections raised.

### **Thames Water**

6.17 No objection subject to an informative with regard to minimum water pressure provision.

(OFFICER COMMENT: LTGDC are recommended to attach this informative, should planning permission be granted)

### **Tower Hamlets Primary Care Trust**

6.18 No comments received.

## **7. LOCAL REPRESENTATION**

7.1 A total of 372 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: 69      Objecting: 68      Supporting: 0  
No of petitions received: 1 objecting containing 339 signatories

7.2 The following groups or societies have made representations upon the application:

- Virginia Quay Residents Forum

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

### Design

- The development is taller than the surrounding townscape and out of keeping with the character and nature of the Virginia Quay development
- The proposal would sit over the Prime Meridian – an important landmark
- The proposal should incorporate tree planting
- The proposal development is inaccessible to those with restricted mobility and sensory impairment
- The proposal would increase the risk of anti-social behaviour
- The proposed use of a dark brick and green cladding is out of keeping with the materials used in the adjacent Virginia Quay development

### Land Use

- The development would add additional unwelcome density to Virginia Quay
- The proposed development has a density in excess of development plan policy standards
- The proposal would result in a loss of public open space
- The existing area of open space is the only one with direct views of the River Thames

### Amenity

- The proposal would detriment the quality of life of surrounding residents by way of a loss of light and privacy
- The proposal would exacerbate existing poor daylight and sunlight conditions for neighbouring residents

- A number of the proposed units are substandard in terms of floorspace
- The existing nearby child play space is already heavily used
- The proposal would give rise to anti social behaviour on the rooftop amenity space
- The proposal would give rise to adverse microclimate conditions, particularly wind tunnel effects
- Air quality would be detrimentally impacted
- The area suffers from a lack of green space, which this proposal would exacerbate
- There will be amenity impacts during construction, namely noise, dust, run-off, plant storage requirements and vehicular traffic
- The proposal would give rise to a sense of enclosure upon adjacent residents

#### Transportation and Highways

- The development would give rise to further traffic (particularly during construction), increasing the risk of accidents
- The proposal would result in the loss of parking, thereby increasing the amount of unauthorised parking on the estate, which often results in hostility
- Public transport serving the area is already overburdened
- The proposal does not provide for servicing, taxi drop off or delivery access
- The site has a low PTAL rating which precludes such high density development

7.4 The following issues were raised in representations, but they are not considered to be material planning considerations:

- The proposal sets an unacceptable precedent
- The proposal blocks views of the River Thames
- The proposal would affect the value of adjacent properties
- The proposed balconies overhang land outside of the applicant's ownership (at the time of writing, the applicant is providing a revised red-line boundary plan)

7.5 The following procedural issues were raised in representations, and are addressed below:

- There have been a number of procedural matters raised in relation to the determination of this application. LTGDC have responded to these under separate cover.
- Land ownership issues arose during the course of the application, with particular regard to access over the application site to car parking within Wingfield Court. A revised plan has since been submitted, which would ensure access remains

## **8. MATERIAL PLANNING CONSIDERATIONS**

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

1. Land Use
2. Housing
3. Amenity
4. Highways & Transportation
5. Design & Layout
6. Environmental Sustainability
7. Planning Obligations

### **Land Use**

#### Loss of Car Parking and Landscaping

8.2 The subject site is currently occupied by an area of car parking. There are no planning policies that protect the provision of parking, other than requirements for developments to provide disabled parking. The parking spaces to be lost will not result in the loss of any

allocated disabled parking spaces.

- 8.3 Policy 6.13 of the London Plan, policy SP09 of the Core Strategy and policy DEV 19 of the UDP, seek to restrict parking to minimum levels in order to reduce traffic congestion and maximise the use of sustainable transport modes. Restriction of parking is considered to be a tool to reduce the level of private vehicle use and thus improve conditions for cycling and pedestrians. Less private vehicle use and more reliance on sustainable transport modes also serves to improve the environmental conditions, including reduction in the emission of air pollutants and reduction in noise pollution.
- 8.4 While policies seek to require landscaping, biodiversity and contact with nature, the landscaping lost is of minimal value. The development seeks to replace the lost soft landscaping through the provision of living roofs.

#### Principle of Residential Development

- 8.5 The provision of additional housing is supported at the national, regional and local level. PPS3 states that “A flexible, responsive supply of land – managed in a way that makes efficient and effective use of land, including re-use of previously-developed land, where appropriate.” should be applied to the provision of housing. Within the London Plan policy 3.3 sets out targets for each Borough and requires Local Authorities to seek the maximum provision of additional housing possible. At the local level this is supported by policy SP02 of the Core Strategy.
- 8.6 Given the site is located outside a town centre and within an area dominated by other residential properties, the inclusion of residential units within the redevelopment proposal is considered acceptable and would contribute to the provision of additional housing within the Borough, in accordance with policy 3.3 of the London Plan and policy SP02 of the Core Strategy.
- 8.7 Council policy requires provision of affordable housing once a scheme exceeds 10 or more units, as noted in policy SP02 of the Core Strategy and policy HSG3 of the IPG. Therefore, given the scheme provides 26 residential units, these policies are triggered and further regard will be given to this matter below.

### **Housing**

#### Density of Development

- 8.8 Policy 3.4 of the London Plan sets out a requirement to optimise housing potential. The policy sets out a matrix for appropriate housing densities given their location, character and accessibility to public transport. Given that the site is set within an urban London location with a Public Transport Accessibility Level (PTAL) of 2 (poor), policy 3.4 seeks a density of between 200-450 habitable rooms per hectare for the application site. This is supported by policy SP02 of the Core Strategy, which states that the Council will ensure new developments optimise the use of land and that the distribution and density levels of housing will correspond to transport accessibility levels and the wider accessibility of the location.
- 8.9 Policy HSG1 of the IPG seeks to take account of the density matrix provided in Planning Standard 4: Tower Hamlets Density Matrix. This seeks a density of between 200-450 habitable rooms per hectare for the site. Policy HSG1 also requires account to be taken of, amongst other matters, the local context and character, the need to protect and enhance amenity and the provision of other non-residential uses on site.
- 8.10 The density of the proposed housing within the development will be 987.5 habitable rooms per hectare. This would exceed the density matrix in policy 3.4 of the London Plan and that



provided in Planning Standard 4: Tower Hamlets Density Matrix, which policy HSG1 of the IPG seeks to take account of.

- 8.11 While the density is significantly in excess of the matrix levels, it is considered that the development does not exhibit traits of overdevelopment and would sit comfortably within the context. As discussed further below, matters such as sunlight and daylight, servicing, amenity space and living conditions of neighbouring residents are considered acceptable.
- 8.12 Taking account of all of the matters in HSG1, including the expected density range provided by Planning Standard 4: Tower Hamlets Density Matrix, it is considered that the density would be acceptable in terms of policy HSG1 of the IPG. It is therefore considered that the density of the development would be acceptable in terms of policy 3.4 of the London Plan, policy SP02 of the Core Strategy and policy HSG1 of the IPG.

### Housing Mix

- 8.13 Policy SP02 of the Core Strategy requires an overall target of 30% of all new housing to be of a suitable size for families (3 bedrooms or more). This is in accordance with saved policy HSG7 of the UDP, which expects a mix of unit sizes including a proportion of dwellings with between 3 and 6 bedrooms, and policy HSG2 of the IPG which requires a minimum 25% of market housing to comprise of 3 or more bedrooms.
- 8.14 The applicant is seeking to provide mix of dwelling sizes as outlined in Table 1 below:

		Affordable Housing				Market Housing	
		Affordable Rented		Intermediate		Private Sale	
Unit size	Total units	Units	%	Units	%	Units	%
Studio	0	0	0	0	0	0	0
1 bed	9	0	0	0	0	9	47.4
2 bed	12	2	40	2	100	8	42.1
3 bed	4	2	60	0	0	2	10.5
4 bed	1	1		0		0	
5 bed	0	0		0		0	
<b>Total</b>	26	5	100	2	100	19	100

**Table 1 – Housing Mix**

- 8.15 The applicant is proposing a mix of housing sizes that results in a large percentage of 1 and 2 bedroom units. Within the affordable rented portion of the affordable housing there is a significant percentage within the family 3-5 bedroom units. Overall only 19% of the units are family housing, with only 10.5% of the private housing large enough to be considered family housing. The provision of family housing would therefore fail to meet the requirements of policy SP02 of the Core Strategy, saved policy HSG7 of the UDP and policy HSG2 of the IPG.

### Affordable Housing

- 8.16 Policy 3.11 of the London Plan 2011 states that policies should set an overall target for the amount of affordable housing provision over the plan period in their area, based on an assessment of all housing needs and a realistic assessment of supply. It also states that boroughs should take account of regional and local assessments of need, the Mayor of London's strategic target for affordable housing provision that 50% of provision should be affordable and, within that, the London-wide objective of 60% social housing and 40%

intermediate.

- 8.17 This policy is supported by policy SP02 of the CS which states that the Council will seek to achieve a 35% - 50% affordable housing target across the Borough, with a minimum of 35% affordable housing provision being sought on all development of more than 10 housing units. Policy SP02 of the CS seeks a tenure split of 70% social rent to 30% intermediate.
- 8.18 The affordable housing provision for the development is 35.44% by habitable room, which represents a total of 7 affordable units over the various unit sizes. While not meeting the London Plan target of 50%, the development exceeds the minimum 35% required by the policy SP02 of the CS.
- 8.19 The tenure split provided by the development is 71% affordable rent to 29% intermediate. Again, while this falls short of the London-wide tender split objective of the London Plan, it generally accords to the tenure split required by policy SP02 of the CS.
- 8.20 At a local level the provision of affordable housing and tenure split is considered acceptable and would accord with policy SP02 of the CS. While the quantum and tenure split fail to accord to London-wide targets set by the London Plan, it is considered that these are overall London-wide targets and the relatively small scale of units involved in this application is not considered to be detrimental to the achievement of these targets London-wide over all developments.

#### Affordable Housing Rent Model

- 8.21 Under the new national planning policy statement, PPS3, issued in June 2011, the definition of affordable housing has changed and now include social rented, a new product called affordable rented and intermediate housing.
- 8.22 Social rented housing is defined as:
- Rented housing owned and managed by local authorities and registered social landlords, for which guideline target rents are determined through the national rent regime. It may also include rented housing owned or managed by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with the Homes and Communities Agency as a condition of grant.*
- 8.23 Affordable rented housing is defined as:
- Rented housing let by registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is not subject to the national rent regime but is subject to other rent controls that require a rent of no more than 80 per cent of the local market rent.*
- 8.24 Intermediate affordable housing is defined as:
- Housing at prices and rents above those of social rent, but below market price or rents, and which meet the criteria set out above. These can include shared equity products (e.g. HomeBuy), other low cost homes for sale and intermediate rent but does not include affordable rented housing.*
- 8.25 Policy SP02 requires developments to provide 35% affordable housing (subject to viability), and a split of 70:30 between the tenures. The Council has now considered the change in policy in its emerging development management policies and the change in national policy is now a material consideration. The indication from housing officers is that they generally favour retaining the current split of 70% social rent and 30% intermediate tenures. This is because the new affordable rent levels, if taken up to the maximum level of 80% of market

rent have been shown to be unaffordable to local applicants.

- 8.26 Tower Hamlets has commissioned a housing consultancy called the Pod Partnership to research market rent levels in different areas of the borough and to carry out affordability analyses. Pod established that 80% of average market rent in the E14 area was £239 for one beds, £319 for two beds, £447 for three beds and £387 for four beds units. The affordability analyses for all areas of the boroughs led to the conclusion that rents would only be affordable to local people if they were kept at or below 65% of market rent for one beds, 55% for two beds and 50% for three beds and larger properties.
- 8.27 These adjusted percentage levels for the E14 area would be £194 for one beds, £219 for two beds, £279 for three beds and £242 for 4 bed units. The affordable rents proposed by this applicant is at £187.50 for a two bedroom home, £275 for a three bedroom home and £300 for a 4 bedroom Wheelchair home. This is below the affordable rent levels of 80% of the market rate and below the Pod research level for this postcode area. The 2 bed units are below our affordability tolerances as is the 3 bedroom units, however the rent on the 4 bed property is above our tolerances and therefore not deemed affordable.
- 8.28 The Council does not support the rents on the 4 bed units and would seek to ensure that rent levels remain locally affordable with a restriction placed in the s106 agreement setting a maximum monetary level that can be charged for each size unit. It is suggested that this would be able to rise year on year by the Retail Price Index (RPI) + 0.5%.

### **Amenity of Adjoining Occupiers and the Surrounding Area**

#### Daylight and Sunlight

- 8.29 Policy SP10 of the Core Strategy, saved policy DEV2 of the UDP and policy DEV1 of the IPG seek to protect the amenity of surrounding existing and future residents, as well as the amenity of the surrounding public realm, including sunlight and daylight.
- 8.30 The applicant has provided a Daylight and Sunlight Report in support of their application, outlining the daylight and sunlight received by the buildings adjacent the development site, including the consented scheme to the west on the Blackwall Yard site. It has assessed the impact on the daylight and sunlight levels against the latest guidance provided in the "Site layout planning for daylight and sunlight: A good guide to practice" by P Littlefair (2011) providing the results of the effect on daylight in terms of the tests use in the BRE guidelines.
- 8.31 The daylight and sunlight report shows that there is a loss of daylight to some of the neighbouring residential buildings. However, levels are not significant, given the urban context. The retained level of daylight Average Daylight Factor is considered to be sufficiently close to the BRE Guidelines as to be acceptable.
- 8.32 Likewise, in relation to sunlight, the majority of windows within surrounding developments will meet the BRE Guidelines and those which do not will be sufficiently close to be considered acceptable on balance.
- 8.33 It is therefore considered that the proposed development would accord with policy SP10 of the Core Strategy, saved policy DEV2 of the UDP and policy DEV1 of the IPG, in terms of daylight and sunlight.

#### Privacy

- 8.34 By seeking to protect the amenity of surrounding existing and future residents, policy SP10 of the Core Strategy, saved policy DEV2 of the UDP and policy DEV1 of the IPG also seek to protect neighbouring occupiers from the effects of overlooking from new developments

and reduction in terms of privacy.

- 8.35 The proposed development is separated a minimum distance of 15.8m from Wingfield Court and a minimum distance of 24m from Studley Court. No windows to habitable rooms within the proposed development face directly towards Wingfield Court. Therefore there is no direct overlooking from window to window. The windows looking to the east towards Studley Court would be separated from habitable windows of the residential properties in Studley Court by a distance greater than 18m, which is the distance that the Council's UDP states reduces inter-visibility to a degree acceptable to most people.
- 8.36 On the north side of the fourth floor of the development is a roof terrace. The roof terrace would be set back 1.3m from the north façade of the development and would, at the closest point, be a minimum of 17m from the closest habitable window within Wingfield Court. This would have a impact on the privacy of units on the levels around the 4<sup>th</sup> floor level, but given that the acceptable 18m distance is only breached in the corner of the roof terrace, the level of impact on privacy is not considered significant.
- 8.37 It is therefore considered that the proposed development would not result in any unacceptable impacts in terms of overlooking or privacy and would accord with policy SP10 of the Core Strategy, saved policy DEV2 of the UDP and policy DEV1 of the IPG, in terms of overlooking and privacy.

#### Outlook

- 8.38 When considering amenity, the outlook from developments must also be considered. Policy SP10 of the Core Strategy, saved policy DEV2 of the UDP and policy DEV1 of the IPG also seek to control development in terms of unacceptably restricting outlook from an existing development. It must be noted that "outlook" is different from a "view" and that policy SP10 of the Core Strategy, saved policy DEV2 of the UDP and policy DEV1 of the IPG do not seek to protect private views from residences.
- 8.39 Given the separation distances of the proposed building from the existing developments, the proposed development not considered to impact significantly on the outlook of the existing developments and would be in accordance with policy SP10 of the Core Strategy, saved policy DEV2 of the UDP and policy DEV1 of the IPG, in term of protecting outlook from existing developments.

#### Wind Microclimate

- 8.40 Planning guidance contained within the London Plan 2011 places great importance on the creation and maintenance of a high quality environment for London. Policy 7.7 of the London Plan 2008, requires that tall buildings should not affect their surroundings adversely in terms of microclimate and wind turbulence.
- 8.41 Wind microclimate is therefore an important factor in achieving the desired planning policy objective. Policy DEV1 of the IPG also identifies microclimate as an important issue stating that:

*"Development is required to protect, and where possible seek to improve, the amenity of surrounding and existing and future residents and building occupants as well as the amenity of the surrounding public realm. To ensure the protection of amenity, development should: ...not adversely affect the surrounding microclimate."*

- 8.42 The applicant has provided a wind micro-climate assessment detailing the wind micro-climate around the proposed building. The report concludes that the conditions around the

proposed development are likely to be similar to the existing, in the 'standing' or 'strolling' range, in terms of the Lawson Comfort Criteria.

- 8.43 The conclusion also states, taking into the grouping effect with the consented Blackwell Yard scheme, the proposed development is likely to have a positive impact off-site on the east side and non-significant elsewhere.
- 8.44 It is therefore considered that the development would not create significant adverse wind micro-climate conditions for adjacent areas and would be acceptable in terms policies 7.6 and 7.7 of the London Plan, policy SP10 of the Core Strategy, saved policy DEV2 of the UDP and policy DEV1 of the IPG, in relation to wind micro-climate.

#### Noise and Vibration

- 8.45 In protecting the amenity of the surrounding area policy SP03 of the CS, policies DEV2 and DEV 50 of the UDP and policy DEV1 and DEV 10 of the IPG also require the noise and vibration nuisance from a development to be minimised.
- 8.46 The application makes no reference to any plant associated with the development and therefore provides no specific details of any proposed noise and vibration levels. While it is unlikely that the proposed C3 uses would require the installation of significant plant equipment, it is considered that a condition of consent could ensure that details of noise and vibration impacts of any proposed plant or ventilations systems would be submitted to the Local Planning Authority for approval prior to installation. This would ensure that any acoustic attenuation required would be installed to mitigate the impact on the adjoining occupiers and surrounding area.
- 8.47 As such it is considered that the with the recommended condition of consent imposed the proposed development would accord with policy SP03 of the CS, policies DEV2 and DEV 50 of the UDP and policy DEV1 and DEV 10 of the IPG and not adversely impact on adjacent properties in terms of noise and vibration.

#### Construction

- 8.48 It is acknowledged that the proposed development would result in some disruption to the amenity of the area and highway network due to the construction effects of the proposed development, however these will be temporary in nature.
- 8.49 Demolition and construction is already controlled by requirements to adhere to numerous other legislative standards, such as Building Act 1984, Environmental Protection Act (EPA) 1990, Environment Act 1995 and Air Quality Regulations 2000 and Health and Safety at Work Act 1974. However, PPS23 makes provision for the inclusion of conditions of consent to mitigate effects of construction.
- 8.50 It is therefore recommended that if approved a condition of consent is included, which would require the submission of a Construction Management Plan in order to ensure that the best practice examples are followed to avoid, remedy and mitigate the effects of construction.

### **Highways & Transportation**

#### Trip Generation

- 8.51 Policies 6.1 and 6.3 of the London Plan, policy SP09 of the Core Strategy, policy T16 of the UDP and policy DEV17 of the IPG seek to restrain unnecessary motor-vehicle trip generation, integrate development with transport capacity and promote sustainable transport and the use of public transport systems.

- 8.52 The subject site is located within an area where the Public Transport Accessibility Level (PTAL) of 2 indicates limited access to public transport. However, the East India Dock DLR is located approximately 110m from the site. This will mean that the DLR, which connects to major shopping and service centres at Stratford, Canary Wharf and the City, is easily accessible to future occupiers and that the development would be appropriately situated to encourage occupiers and visitors to use the public transport, rather than less sustainable modes of transport, such as private cars.
- 8.53 The development creates 26 additional C3 residential units, which would not result in a significant impact in terms of peak time trip generation. The applicant's Transport Assessment shows that there is sufficient capacity on the DLR network to accommodate the expected increase in use requirement.
- 8.54 It is therefore considered that the development is appropriately serviced by public transport and the scale of development and proposed use is appropriate for the transport capacity of the area. The development is considered to accord with policies 6.1 and 6.3 of the London Plan, policy SP09 of the Core Strategy, policy T16 of the UDP and policy DEV17 of the IPG in terms of integrating development with transport capacity.

#### Vehicle Parking

- 8.55 Policies 6.1, 6.11 and 6.13 of the London Plan seek to reduce traffic congestion and vehicle use by minimising vehicle parking within developments and promoting use of public transport. This is supported by policy SP09 of the Core Strategy and policy DEV19 of the IPG.
- 8.56 The application site is currently a car park. 6 of the spaces on the site are not controlled by the applicant. In order to re-provide these spaces the development provides 7 car parking spaces. These being the 6 spaces in re-provision for the existing spaces and an additional disabled car parking space for the proposed development.
- 8.57 Parking Standards provided in the London Plan and the IPG both set out maximum standards, encouraging minimal parking to be provided, if any. The only exception to this is parking for Blue Badge holders (disabled parking). Both the London Plan and the IPG parking standards require 1 disabled parking bay to be provided.
- 8.58 In order to minimise the use of private motor vehicles, reduce motor vehicle traffic, prevent increased stress on the permit parking bays and promote sustainable transport use, it is considered that the future occupants should be prevented from obtaining parking permits for on-street parking. In order to achieve this, it is recommended within the S106 there is a clause restricting the issuing of parking permits to the future occupiers be imposed on any approval.
- 8.59 With the imposition of a clause in the S106 restricting the issuing of on street parking permits and that there is no parking, other than 1 disabled parking space, provided onsite, it is considered that the development would appropriately reduce traffic congestion and vehicle use by minimising vehicle parking within developments and promote the use of public transport and would accord with policies 6.1, 6.11 and 6.13 of the London Plan, policy SP09 of the Core Strategy and policy DEV19 of the IPG.

#### Cycle Parking and Facilities

- 8.60 Policy 6.9 of the London Plan, policy SP09 of the Core Strategy and policy DEV16 of the IPG seek to provide better facilities and a safer environment for cyclists.
- 8.61 The proposals within the development aim to provide provision for 1 cycle space per unit.

These will be provided in dedicated storage areas within the core of the development block. They are therefore only accessible to residents. A further 3 cycle spaces or 10% is provided at to the east of the building, for the purpose of visitors' cycle storage.

- 8.62 This provision is in accordance with Council's standards and therefore considered to provide adequate cycle storage. A condition of consent is recommended to ensure the cycle storage is retained within the development for the lifetime of the use.
- 8.63 Given that the development provides adequate cycle storage provision, it is considered that the development would be acceptable in terms of policy 6.9 of the London Plan, policy SP09 of the Core Strategy and policy DEV16 of the IPG.

#### Delivery and Servicing

- 8.64 Policies 6.1, 6.11 and 6.14 of the London Plan, policies SP08 and SP09 of the Core Strategy, policies T16 and T26 of the UDP and policy DEV17 of the IPG seek to minimise the impacts on the highway network and promote efficient and sustainable arrangements for deliveries and servicing.
- 8.65 The site is located off Newport Avenue, a privately owned and maintained road. The site is located some distance from Council administered adopted public highway. Therefore, servicing is not considered to impact on the safety and efficiency of the public highway. The reversing of a vehicle into the parking area for servicing and waste collection is not considered ideal, as it would raise safety concerns, but this is not a unique situation. In terms of the site constraints, due to the relatively narrow nature of the site it is unlikely that onsite servicing would be able to be accomplished without reversing in any case.
- 8.66 As such, it is considered that the servicing of the development would be acceptable in terms of policies 6.1, 6.11 and 6.14 of the London Plan, policies SP08 and SP09 of the Core Strategy, policies T16 and T26 of the UDP and policy DEV17 of the IPG.

#### Revised Ground Floor Plan and Parking Layout

- 8.67 Further to the publication of the previous LTGDC report upon this application, it has been brought to the attention of LTGDC and LBTH that the proposed ground floor car park layout would preclude vehicular access to Wingfield Court.
- 8.68 Accordingly, the applicant has submitted a revised parking layout which maintains the vehicular access point to Wingfield Court whilst also retaining 6 parking spaces for the proposed development, one of which is a disabled space and associated with the proposed development, with the remaining 5 allocated to existing off-site residential occupiers.

### **Design and Layout**

#### Mass and Scale

- 8.69 Policies 7.1, 7.4, 7.5 and 7.6 of the London Plan, policies SP02, SP10 and SP12 of the Core Strategy, policies DEV1, DEV2 and DEV3 of the UDP and policies DEV1 and DEV2 of the IPG seek to ensure developments are of appropriate mass and scale to integrate with the surrounding environment and protect the amenity of the surrounding environment and occupiers.
- 8.70 The applicant participated in a pre-application process in which they reduced the height of the development from 17 storeys to 12 storeys. The height is considered in keeping with the height of the immediately adjacent existing buildings in the Virginia Quay development, which are 10 to 12 storeys in height. The 12 storey height is also significantly shorter than the approved 27 storey scheme to the west at Blackwall Yard.

- 8.71 The portion of the building closes to the adjacent Wingfield Court is kept to a lower 4 storey height in order to allow light to and outlook from the existing units. In addition the narrow profile of the building allows maximum consideration to the outlook to the south, towards the river.
- 8.72 Overall the scale, mass and profile of the proposed scheme is considered to be in keeping with that of the immediate surrounds and would maintain the character of the area. It is considered the proposed development would accord with Policies 7.1, 7.4, 7.5 and 7.6 of the London Plan, policies SP02, SP10 and SP12 of the Core Strategy, policies DEV1, DEV2 and DEV3 of the UDP and policies DEV1 and DEV2 of the IPG, in terms of scale and mass.

#### Appearance and Materials

- 8.73 Policies 7.1, 7.4 and 7.6 of the London Plan, policies SP02, SP10 and SP12, policies DEV1, DEV2 and DEV3 of the UDP and policies DEV1 and DEV2 of the IPG, also seek to ensure development is high quality in design, including materials and appearance.
- 8.74 Through the pre-application process the materials have been considered and proposed as a coherent high quality material palette. The use of the dark brick as the predominant material has created a building of homogenous character which complements the existing dominant building material of stock brick, yet sets the building apart from the existing Virginia quay development. The coloured panels break up the scale of the building and add relief and interest to the scale of the building.
- 8.75 Overall the materials proposed are supported as high quality and would ensure an appropriate appearance of the building within the existing environment, in accordance with policies 7.1, 7.4 and 7.6 of the London Plan, policies SP02, SP10 and SP12, policies DEV1, DEV2 and DEV3 of the UDP and policies DEV1 and DEV2 of the IPG.

#### Internal Amenity

##### *Flat Sizes*

- 8.76 Policy 3.5 of the London Plan, policy SP02 of the Core Strategy, policy HSG13 of the UDP and policy DEV2 of the IPG seek to ensure that adequate dwelling sizes and room sizes are provided to ensure appropriate living conditions for future occupiers. The London Plan provides minimum standards for overall dwelling sizes, while the Council's "Supplementary Planning Guidance Note – Residential Space" provides both minimum dwelling sizes as well as minimum room sizes.
- 8.77 In addition to these documents, the interim edition of the Mayor of London's London Housing Design Guide (LHDG) August 2010 provides guidance on housing size and room sizes. The London Plan states that this will form the basis of the proposed Housing SPD. It is therefore considered to carry considerable weight in terms of consideration of what are acceptable standards.
- 8.78 The proposed room sizes and overall flat sizes are in most cases appropriate, exceeding the minimum standards provided by the London Plan, the Council's Supplementary Planning Guidance and the LHDG. However, 6 of the 1 bedroom (2 person) private flats fall below the space standards provided in the London Plan, Council's Supplementary Planning Guidance and the LHDG.
- 8.79 It is therefore considered that the proposed development fails to provide acceptable internal space for the amenity of the future residents in accordance with policy 3.5 of the London Plan, policy SP02 of the Core Strategy, policy HSG13 of the UDP and policy DEV2 of the



IPG.

### *Daylight and Sunlight*

- 8.80 Policy 3.5 of the London Plan, policy SP02 of the Core Strategy and policy DEV2 of the IPG also seek to ensure development are designed to provide appropriate living conditions in term of Daylight and sunlight received by the proposed development.
- 8.81 The applicant has failed to provide details of the daylight and sunlight levels that would be received by the proposed new development. It is therefore not possible to confirm that adequate levels of daylight and sunlight would be received by the development to ensure that the living conditions of future residents are acceptable.
- 8.82 It is therefore considered that the details of the level of daylight and sunlight should be ascertained prior to the approval of the application. Daylight and sunlight levels should meet the minimum guidelines for appropriate living conditions outlined in the BRE guidance document "Site layout planning for daylight and sunlight: A good guide to practice" by P Littlefair (2011)".

### *Overshadowing*

- 8.83 The applicant has not provided details of the levels of permanent and transient overshadowing that would be created as a result of the proposed development. As such, it is not possible to ascertain whether the proposal would adhere to the relevant standards as contained within the "Site layout planning for daylight and sunlight: A good guide to practice" by P Littlefair (2011)".

### Play Areas and External Amenity Space

- 8.84 Policy 3.5 of the London Plan, policy SP02 of the Core Strategy, policy HSG16 of the UDP and policy HSG7 of IPG and promote the good design and the provision of amenity spaces within developments. Furthermore, policy 3.6 of the London Plan, policy SP02 of the Core Strategy, policy O9 of the UDP and policy HSG7 of the IPG require the provision of appropriate child play space within residential developments.
- 8.85 Policy HSG7 of the IPG provides details of the Council's private and communal amenity space requirements. All ground floor units comprising 3 bedrooms or greater should be provided with a minimum 50m<sup>2</sup> of private amenity space. Units comprising 2 or more bedrooms should be provided with a minimum of 10m<sup>2</sup> of private amenity space and 1 bedroom units should be provided with a minimum of 6m<sup>2</sup> of private amenity space. In addition to the private amenity space, all developments comprising of 10 or more units should also provide 50m<sup>2</sup> of communal amenity space, plus 5m<sup>2</sup> for ever additional 5 units thereafter.
- 8.86 In terms of the private amenity space provision only 3 one bedroom private units and the top floor private three bedroom unit meet the private amenity space standards required by policy HSG7 of IPG. However, the communal amenity space provided significantly exceeds the 65m<sup>2</sup> required, with the provision of 127m<sup>2</sup> at ground floor level and 80m<sup>2</sup> at the fourth floor roof terrace level.
- 8.87 The GLA Supplementary Planning Guidance "Providing for Children and Young People's Play and Informal Recreation" clearly sets out the appropriate level of play space for developments. It details that on-site playable space should be provided for under 5 year olds within 100m walking distance from residential units, facilities within 400m walking distance for 5-11 year olds and within 800m for 12+ year olds.
- 8.88 From the information submitted by the applicant in response to GLA Stage I comments, the

play space provision will be made for under 5 year olds on site and an agreement with the managing agent for the Virginia Quay development has been made to allow use of the MUGA and play area within the Virginia Quay for children over 5 years old. This play area and MUGA is located within 100m of the site and considered to provide acceptable play space.

- 8.89 The proposed development would fail to accord with policy SP02 of the Core Strategy, policy HSG16 of the UDP and policy HSG7 of IPG in that it would provide sufficient private amenity space. However, given the quantity of communal amenity space proposed in the development it is considered that on balance the amenity space provision would be acceptable, provided all units can access the roof terrace amenity space.
- 8.90 In terms of the provision of play space within the development and the area, this is considered acceptable, subject to details being provided of the provision of the under 5 year old onsite and the agreement with the management of Virginia Quay to allow access to the MUGA and play area within the Virginia Quay development.

#### Landscaping

- 8.91 Policies 5.10 and 5.11 of the London Plan and policy SP04 of the Core Strategy seek to ensure that development contributes to the greening of the urban environment. Policy DEV12 of the UDP and policy DEV13 of the IPG also require the provision of landscaping within a development.
- 8.92 The applicant is proposing to incorporate the development into the surrounding landscaping by reproducing the existing hard landscaping approach up to the edge of the development. Low planting and grass is provided at areas of the ground level landscaping including an area of lawn in the communal amenity space. Much of landscaped amenity space to the west side of the development will be landscaped in Grass Crete permeable paving. In addition areas of roof at various levels incorporate elements of a living building by the inclusion of Sedum planting.
- 8.93 Some of the materials proposed have been included in the Design Statement for the application. These appear to be acceptable. However, details of planting proposed and maintenance of the landscaping has not been provided.
- 8.94 It is recommended that a condition of consent is imposed on the application if granted, which will ensure that a robust landscaping plan is submitted for approval. With such a condition imposed it is considered that the development would acceptably accord with policies 5.10 and 5.11 of the London Plan, policy SP04 of the Core Strategy, policy DEV12 of the UDP and policy DEV13 of the IPG.

#### Access and Inclusivity

- 8.95 Policies 3.8 and 7.2 of the London Plan, policy SP02 of the Core Strategy, policy DEV1 of the UDP and policies DEV3 and HSG9 of the IPG seek to ensure the development is accessible and that housing is appropriate for changing needs of residents.
- 8.96 The design statement states that the main entrance level and entrance to the ground floor flat will be set at the existing datum level at the northern part of the existing steps to create a seamless and level access to the building. Step free access will also be provided externally to the ground floor communal amenity area.
- 8.97 The ground floor unit and 2 two bedroom units on the first floor have been designed to be accessible to wheelchairs. The building is served by two 8 person lifts from the independent affordable and private residential reception entrance lobbies. The lift providing access to the private units will be accessible in emergency to the wheelchair units on the first floor. It is

recommended that a condition of consent is included requiring that the retention of this ability is imposed on the application, to ensure it will be available for the life of the development.

- 8.98 All accommodation should be built to Lifetime Homes Standards. It is therefore recommended that a condition of consent requiring that the development is built to Lifetime Homes Standards is imposed.
- 8.99 The proposal has one main entrance which then splits into two separate entrance lobbies, one for private and one for affordable. The single entry point to the building is supported as providing inclusiveness. However, there is a fourth floor roof terrace that provides some of the amenity space for the development. This space is only accessible to the private units. It is considered that this is not inclusive, as this area of communal amenity space is only accessible to those in the private units and the affordable units are excluded from this area. It is considered that the lift core and stair well servicing the affordable tenures should be extended to provide access to the fourth floor roof terrace also.
- 8.100 With such a change and the recommended conditions imposed, it is considered that the development would provide adequate access, adaptable to the changing needs of residents and would be appropriately inclusive, in accordance with policies 3.8 and 7.2 of the London Plan, policy SP02 of the Core Strategy, policy DEV1 of the UDP and policies DEV3 and HSG9 of the IPG.

#### Security and Safety

- 8.101 Policy 7.3 of the London Plan, policy DEV1 of the UDP and policy DEV4 of the IPG seek to ensure that developments are safe and secure.
- 8.102 No details of how the development will meet the secured by design standards have been provided. In order to ensure that the development maximises the safety of residents, details of how the development meets secured by design standards should be submitted for approval and it is recommended that this is required by condition.
- 8.103 With such a condition imposed on the permission it is considered that the development would adequately provide a safe and secure environment and accord with policy 7.3 of the London Plan, policy DEV1 of the UDP and policy DEV4 of the IPG.

#### Waste Storage

- 8.104 Policy 5.17 of the London Plan, policy SP05 of the Core Strategy, policy DEV56 of the UDP and policy DEV15 of the IPG require developments to make suitable waste and recycling provision within the development.
- 8.105 The Council's Waste Management team have reviewed the waste storage provision and consider that it will be acceptable for the level of estimated waste and recycling that would be generated by the development. The storage area is easily accessible to the servicing area and would not require waste to be transported significant distances from the storage points to collection vehicles. To ensure that the waste storage areas are retained it is recommended a condition of consent is imposed if permission for the development is granted.
- 8.106 With such a condition imposed ensuring that the waste storage facilities are retained for the lifetime of the development, it is considered that appropriate provisions for waste and recycling facilities are provided within the development in accordance with policy 5.17 of the London Plan, policy SP05 of the Core Strategy, policy DEV56 of the UDP and policy DEV15 of the IPG.

## **Environmental Sustainability**

- 8.107 The London Plan 2011 has a number of policies aimed at tackling the increasingly threatening issue of climate change and the impacts of human habitation on the natural environment. London is particularly vulnerable to matters of climate change due to its location, population, former development patterns and access to resources. Policies within the Core Strategy, UDP and IPG also seek to reduce the impact of development on the environment, promoting sustainable development objectives.

### Energy

- 8.108 Policies 5.2, 5.3, 5.4 and 5.7 of the London Plan, policy SP11 of the Core Strategy and policies DEV5 and DEV6 of the IPG require development to incorporate energy efficient design and utilise low carbon and renewable energy technology in order to minimise the carbon emissions associated with the development.
- 8.109 The applicant has employed an energy strategy approach in accordance with the GLA energy hierarchy. The total provision of the Lean, Clean and Green measures leads to a 25.90% improvement against the notional or target ADL1A compliant building.
- 8.110 Although the applicant has met the 25% carbon dioxide required by policy 5.2 of the London Plan, the applicant has failed to provide any renewable energy technology. Policy SP11 of the Core Strategy requires all new developments to provide 20% reduction of carbon dioxide emissions through onsite renewable energy generation where feasible.
- 8.111 The use of CHP for space and water heating makes many of the renewable energy technologies inappropriate, as the heat requirement is already provided. However, the applicant has stated that they have excluded any provision of electricity producing renewable technology, such as photovoltaics (PV) as the CHP technology produces excess electrical demand for the site. As such the PV would have no benefit to the occupiers and would have a significant cost.
- 8.112 This case would only occur if the electrical energy production from the CHP technology is used by the building rather than feed back into the grid. Confirmation has been sort from the applicant as to how this will happen, given the legislation around electricity sales in the UK.
- 8.113 This should be secured in a S106 legal agreement, to ensure the full benefits of the carbon dioxide reduction strategy are achieved. If secured by S106 it is considered that the development would be acceptable in accordance with policies 5.2, 5.3, 5.4 and 5.7 of the London Plan, policy SP11 of the Core Strategy and policies DEV5 and DEV6 of the IPG, in terms of energy efficiency.

### Biodiversity

- 8.114 Policy 7.19 of the London Plan, policy SP04 of the Core Strategy and Policy DEV5 of the IPG require development to protect and enhance biodiversity.
- 8.115 The applicant has not provided any information on the environmental quality of the site. However, a site visit to the site confirms that the site will have little ecological value. The applicant does however acknowledge that black redstarts have been sighted within the local area.
- 8.116 It is considered that the application proposals will improve the biodiversity value of the site, through the provision of soft landscaping and sedum roofs. The applicant has indicated that a condition requiring a black redstart survey to be undertaken prior to the commencement of development and other measures to be incorporated into the scheme in order to ensure

that the measures are implemented could be imposed on any approval. It is recommended that such a condition is imposed to ensure appropriate mitigation. This could lead to the sedum roof proposed on the top level of the development to be changed to a brown roof, appropriate for Black Redstart habitat.

- 8.117 With such a condition imposed, it is considered that the development would be acceptable in terms of policy 7.19 of the London Plan, policy SP04 of the Core Strategy and Policy DEV5 of the IPG.

#### Water Use

- 8.118 Policy 5.15 of the London Plan, policy DEV69 of the UDP and policy DEV7 of the IPG, seek to ensure appropriate minimisation of water use within developments.
- 8.119 The applicant has submitted a Sustainability Statement providing details of the design intent for the development. The document states that the development will have a rainwater harvesting tank in the basement allowing for sustainable drainage and attenuation as well as reuse of water for irrigation of external areas.
- 8.120 No further detail is provided of how this will operate or even is the provision shown on the plans. It is therefore considered that a condition of consent should be imposed to require detail of how this will operate to be submitted and approved and retention and use of the approved water recycling system. It is also considered that low flow devices should be installed and retained in all residential units and a condition should be imposed to ensure this.
- 8.121 With such conditions imposed, it is considered that the development would appropriately mitigate water usage in accordance with policy 5.15 of the London Plan, policy DEV69 of the UDP and policy DEV7 of the IPG.

#### Drainage and Flood Protection

- 8.122 Policies 5.12, 5.13 and 5.14 of the London Plan, policy SP04 of the Core Strategy, policy DEV46 of the UDP and policies DEV7, DEV8 and DEV21 of the IPG, seek to ensure development has suitable flood protection, flood protection of other sites is not reduced and that sustainable drainage is used to ensure that storm water run-off rates are reduced and water quality is maintained.
- 8.123 The applicant has undertaken a comparison between ground levels at the site and the relevant River Thames tidal flood water level and confirmed that this indicates that the site is located within Flood Zone 1, which means that there is a low risk of flooding. The probability of flooding at the site is very low as the site is defended against tidal flooding to a very high standard. The results of the SFRA show that the residual risk at the site following a breach in the flood defences would be negligible.
- 8.124 Furthermore, because the site does not result in the alteration to any flood protection defences or result in a reduction in the level of flood water storage capability, the development is not considered to raise the risk of flooding of other developments.
- 8.125 The proposed development is reducing the number of parking spaces from 15 to 7. This will in effect reduce the contamination of the runoff surface. In order to maintain the quality of water discharged from the site it is recommended that oil/petrol filters are fitted into drainage from vehicle parking areas. This should be secured by condition of consent.
- 8.126 A rainwater harvesting tank is being provided in the basement, allowing for sustainable drainage and attenuation, as well as water re-use. The development is not creating an increase of hard landscaping, but instead is proposing sedum roofs, which will attenuate

rainwater, and deliver a larger amount of soft landscaping, to that of the existing site conditions, resulting in greater overall site permeability. It is considered that these measures will significantly reduce the total run-off and the run-off rate.

- 8.127 Subject to the recommended conditions the scheme is considered to satisfy policies 5.12, 5.13 and 5.14 of the London Plan, policy SP04 of the Core Strategy, policy DEV46 of the UDP and policies DEV7, DEV8 and DEV21 of the IPG and ensure development has suitable flood protection, ensure flood protection of other sites is not reduced and ensure that sustainable drainage is used to ensure that storm water run-off rates are reduced and water quality is maintained.

#### Air Quality

- 8.128 Policy 7.14 of the London Plan, policy SP03 of the Core Strategy and policy DEV11 of the IPG seek to ensure that air quality is protected. Air pollution has an impact on human health, biodiversity, crops and forests, materials, buildings and cultural heritage. Air Quality testing has identified that the whole of the London Borough of Tower Hamlets has poor air quality. As such, London Borough of Tower Hamlets is an air quality control zone.
- 8.129 Given that combustion engine vehicles are a significant contributor to poor air pollution, through emissions from combustion engines, the reduction in vehicle parking spaces is considered to contribute towards measures for improving air quality. Minimisation of parking spaces will result in a reduction in the use of private motor vehicles, thereby reducing emission rates.
- 8.130 However, although no details have been provided, the development has potential to create additional levels of air pollution emissions through the use of a CHP system. As such, in order to minimise the emission levels from the CHP system, it is recommended a condition is imposed to require the installation of abatement technology to minimise the air pollution emissions.
- 8.130 With the recommended condition imposed, it is considered the development would be acceptable in terms of 7.14 of the London Plan, policy SP03 of the Core Strategy and policy DEV11 of the IPG, with respect to air quality.

#### Construction Waste and Recycling

- 8.131 Policy 5.18 of the London Plan 2011 requires developments to follow the principles of the waste hierarchy and that reuse and recycling of waste reduces the unnecessary landfilling of waste. This is supported by policy SP05 of the Core Strategy.
- 8.132 The applicant has not provided detail of how the principles of the waste hierarchy will be followed in during the construction period. It is therefore recommended a condition of consent should require a Site Waste Management Plan to be submitted detailing the particulars in relation to the development to ensure that the development is implemented in accordance with the principles of the waste hierarchy and that reuse and recycling of waste reduces the unnecessary landfilling of waste. If development is undertaken in accordance with an appropriate Site Waste Management Plan the development would be considered to be in accordance with policy 5.18 of the London Plan and policy SP05 of the Core Strategy.

#### Land Contamination

- 8.133 Policy 5.21 of the London Plan, policy DEV51 of the UDP and policy DEV22 of the IPG, seek to ensure that land that is potentially contamination is appropriately tested and any contamination issues addressed to ensure that the land is appropriately addressed prior to development. This include ensuring that pathways for contaminants to enter ground water and surface water are not creates as well as ensuring that the soil onsite does not cause a

safety risk to those that come into contact with it.

- 8.134 The site, while previously developed, is currently primarily hard surfaced. Given that there is a historic use of the site for industrial purposes associated with the wharf, the site is considered potentially contaminated. No detail of testing of the site for land contamination has been submitted with the application and it is considered that a condition should be imposed to ensure that the potential contamination of the land is tested. If found to be contaminated the condition should require appropriate mitigation.
- 8.135 With such a condition imposed, the development would be considered acceptable in terms of policy 5.21 of the London Plan, policy DEV51 of the UDP and policy DEV22 of the IPG.

### **Planning Obligations**

- 8.136 Policy DEV 4 of the UDP and policy IMP1 of the IPG provide ability for the Council to seek planning obligations to secure onsite or offsite provisions or financial contributions in order to mitigate the impacts of a development.

### Financial Contributions

- 8.137 LTGDC have a tariff approach to the financial contributions required to provide infrastructure and mitigation for the impacts of the development. LBTH accept this approach and does not consider that there are any additional financial contributions required.

### Non-Financial Contributions

- 8.138 LBTH would seek to ensure that the affordable housing provision is secured through the use of the S106 legal agreement as a planning obligation. As discussed previously, it is also considered that a target rent level is secured in accordance with LBTH's POD research in order to ensure that the affordable housing rent level is affordable to the borough's residents.
- 8.139 Other non-financial contributions should be sort as follows:
- Restriction for all new units on obtaining a Council Parking Permit to park on the highway
  - Employment Initiatives to use reasonable endeavours to employ local people during the construction and end user phases of the development.
  - Electricity Energy Strategy for the development.

## **9. Conclusions**

- 9.1 All other relevant policies and considerations have been taken into account. Members are asked to ratify officer views for the reasons set out in RECOMMENDATION section of this report, subject to the matters of concern being addressed beforehand.

# **APPENDIX C – Agreed record of Development Committee minutes 14 December 2011**

**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE DEVELOPMENT COMMITTEE**

**HELD AT 7.00 P.M. ON WEDNESDAY, 14 DECEMBER 2011**

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

## **Members Present:**

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

## **Other Councillors Present:**

Mayor Lutfur Rahman  
Councillor Abdul Asad  
Councillor Alibor Choudhury

## **Officers Present:**

Jerry Bell	(Strategic Applications Manager Development and Renewal)
Jen Pepper	(Affordable Housing Programme Manager, Development and Renewal)
Pete Smith	(Development Control Manager, Development and Renewal)
Fleur Brunton	(Senior Lawyer - Planning Chief Executive's)
Benson Olaseni	(Deputy Team Leader, Development and Renewal)
Mandip Dhillon	(Planning Officer, Development and Renewal)
Zoe Folley	(Committee Officer, Democratic Services Chief Executive's)

Please note that the order of business was varied by resolution of the Committee, however for ease of reference the decisions taken are set out below in the order detailed on the agenda.



**1. APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillor Helal Abbas.

**2. DECLARATIONS OF INTEREST**

<b>Councillor</b>	<b>Item(s)</b>	<b>Type of interest</b>	<b>Reason</b>
Councillor Md. Maium Miah	8.2	Personal	Lived in the Ward concerned.  Had received correspondence from interested parties.
Kosru Uddin	8.2	Personal	Had received correspondence from interested parties.  Council Representative on the Thames Gateway Development Corporation Planning Committee.  Ward Member for Bow East
Marc Francis	7.1	Personal	Had received correspondence from interested parties.  Had received correspondence from interested parties.
	8.2	Personal	Had received correspondence from interested parties.
Helal Uddin	8.2	Personal	

**3. UNRESTRICTED MINUTES**

The Committee **RESOLVED**

That the unrestricted minutes of the meeting of the Committee held on 16<sup>th</sup> November 2011 be agreed as a correct record and signed by the Chair.

#### **4. RECOMMENDATIONS**

The Committee **RESOLVED** that:

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

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

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

#### **6. DEFERRED ITEMS**

Nil Items.

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

##### **7.1 Old Ford Lock, 51 Dace Road, London (PA/11/01263)**

Pete Smith (Development Control Manager, Planning Services) introduced the report concerning Old Ford Lock, 51 Dace Road, London

The Chair then invited registered speakers to address the meeting.

Francis Luke spoke in objection to the application. Mr Luke reported that he lived near the Old Ford lock around 35 meters from the proposed mast. He considered that the area was largely residential. The view that it was largely industrial was out of date. Over 1000 people lived in the area and the signals from the mast would travel directly over them. Whilst the permission was for a year, the applicant could seek to extend it or could attempt to stay their longer on their own accord. The residents would then be subjected to a lengthy enforcement process trying to get the mast removed. The application should be rejected.

In reply from Members about the perceived health risks, Mr Luke considered that it was a large mast. He felt sure that the signals would affect him and his family.

Mr Bryan Passmore spoke on behalf of Vodaphone the applicant. He reported that the mast would cover the west of the Olympic Stadium. The Olympics were expected to produce an unprecedented demand for information. The coverage was required to delivery this. The mast would be shared by a number of operators. The applicant had held regular meetings with LOCOG to facilitate the project. Alternative sites around the Olympic Park and the surrounding area had been looked at and discounted as they did not offer adequate coverage. This was the only suitable location within the search area. It would preserve and fit in well with the area.

In reply to Members, Mr Passmore considered that this was a complex project. It was necessary to begin work on the project in January 2012 to allow enough time to properly install the mast.

Mandip Dhillon (Planning Officer) presented the detailed report. Ms Dhillon explained the site and surrounding uses, including the location of the residential properties. She also highlighted the outcome of the local consultation generating 23 objections. The applicant had carried out a full assessment of the area and were of the view that there were no other suitable sites in the defined search area other than the site proposed. Officers did not consider that the scheme would affect pedestrian access, given the reductions in the foot path and that it would impact on the conservation area. There was a condition to ensure that the mast would be removed no later than 31<sup>st</sup> December 2012 and that at which time, the site would be reinstated to its former standard.

In terms of the health issues, the applicant had submitted an up to date radiation certificate to demonstrate that the radiation levels were safe as required by policy. Therefore the scheme was satisfactory on these grounds. Officers also clarified the need for the preparation time to allow for the mast to be installed and tested before use.

In response, Members sought assurances that the time limit was enforceable given experiences with temporary permissions elsewhere overrunning. To avoid this, it was asked if the time period for the permission could be reduced to the lowest practical.

Accordingly, Councillor Marc Francis moved an amendment to the recommendation, seconded by Councillor Kosru Uddin reducing the time period for the permission to 1<sup>st</sup> March 2012 to 31<sup>st</sup> October 2012 (from 1<sup>st</sup> January 2012 to 31<sup>st</sup> December 2012). On a vote of 5 in favour 0 against and 1 abstention, this was **AGREED**.

On a unanimous vote the Committee **RESOLVED**

1. That planning permission be **GRANTED** for the installation of a 25m temporary lattice mast, complete with 12 antennas and four dish antennas, associated radio equipment cabinets within a secure compound, for a period not exceeding 1<sup>st</sup> March 2012 to 31<sup>st</sup> October 2012 (as amended by the Committee) subject the imposition of the conditions and informatives set out in the report; and
2. That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the matters set out in the report.

## **8. OTHER PLANNING MATTERS**

### **8.1 Appeals Report**

Pete Smith, (Development Control Manager) presented the report. The report provided details of appeals, decisions and new appeals lodged against the Authority's Planning decisions.

#### **RESOLVED**

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

### **8.2 Land at Virginia Quay off Newport Avenue, Newport Avenue, London, E14**

Special Reasons for Urgency Agreed.

Pete Smith (Development Control Manager, Planning Services) introduced the report concerning Land at Virginia Quay off Newport Avenue, Newport Avenue, London, E14. Mr Smith reminded

Members that the application fell within the planning functions of the London Thames Gateway Development Corporation (LTGDC) therefore it was not for decision by the Authority.

However the Council as a statutory consultee had been invited to make observations on the application. The Committee were therefore asked to consider and endorse Officers recommendations on the application to form the Council's observations.

The Chair then invited registered speakers to address the meeting.

Cliff Prior spoke in objection to the proposal. He stated that 650 residents of the area had signed the petition against the scheme. The proposed was far too great for the site, twice in excess of policy requirements. The number of family sized homes and room sizes were inadequate and fell short of policy requirements. There would be inadequate amenity space. The scheme was out of character. The right to light report shows breaches the in the minimum levels. Mr Prior referred to other new developments in the area. In his opinion only two of which included affordable housing. Together with these developments, the proposal would create a sense of overdevelopment.

There were also no parking or deliveries spaces or room for reversing. The site had a poor Public Transport Level Assessment rating. (PTLA) Unauthorised parking was a problem in this area and often a source of hostility. Therefore, this proposal would put additional pressure on parking and could generate further conflict.

In reply to Members, Mr Prior commented on the consultation undertaken with residents. He was of the opinion that everyone who lived by the site objected to the scheme. According to the report, a number of the units exceeded the affordability threshold. Therefore were not affordable.

Dr. Mubeen Khan spoke in objection to the scheme. He also expressed concern over lack of parking, overshadowing, density, and loss of trees. He referred to a previous permission for the site which he considered provided greater amenity space and tree planting. He expressed concern that the original use and Section 106 Agreement could be changed. He questioned the policy and exceptional circumstances justifying this. There was also a lack of children's facilities in the area and often fights over car parking spaces given the car free nature of area. Currently the green spaces were used by children. However it was now proposed that the some of the amenity space (roof terraces) only be used by the private units reducing community space.

Councillor Gloria Thienel spoke in opposition to the scheme welcoming the opportunity to voice her views at the Committee. She expressed objection at the design, overdevelopment of the area as the population had already reached its maximum potential. It would block views to Greenwich. The new development would also place additional pressure on existing infrastructure, (schools, health services etc) already stretched to full capacity. There would be little improvements in such services to cope with this. The Councillor asked the Committee to oppose the application.

Tim Holtham spoke in support of the scheme. The developers had engaged extensively with the local community as well as LBTH and the Greater London Authority in preparing the plans since 2010. There was a need for affordable housing in the Lower Lea Valley area. A region identified in the London Plan as an area to provide more affordable housing. The areas population was also set to rise as recognised in Council policy. Therefore, the proposal would assist in meeting these demands. The plans also sought to mitigate impact on views and amenity. Parking would be kept to a minimum in line with policy. Mr Holtham also highlighted the plans for amenity space. Overall the scheme would provide much needed new homes, be environmentally friendly and sustainable, and make a positive contribution to the area.

In response to Members, Mr Holtham acknowledged that that there was a mixed response to the consultation. Whilst most of the surrounding residents were opposed to the scheme, those living further away were quite supportive. The Applicant was currently still in discussions with LTGDC about the affordability of the social housing. The feedback from residents had been taken into account in designing the scheme. As a result it had been designed to address the objections as far

a possible. A key safeguard was the adequate distances between buildings and the fact that the roof terrace would be set back to prevent overlooking and loss of sunlight. The design was in keeping with the area. The architectural quality was very high.

Mr Jerry Bell (Strategic Applications Manager, Planning Services) presented the detailed report. He reminded Members that the request for observations was originally dealt with by Officers under delegated powers in line with the Constitution. However at the request of Members and residents, Officers had since reviewed this decision and had decided to take the request to Committee for open discussion.

Whilst Officers had already submitted a response, should the Committee agree differently, it would be withdrawn and replaced by the Committees.

Mr Bell explained in detail the scheme including the layout, the location and nature of the surrounds, current use of the site and the location of the community space. Mr Bell explained the benefits of the scheme including 35% affordable units in line with policy. Overall officers were of the view that the scheme in principle was acceptable but were recommending a number of additional conditions as set out in the report.

In response, the Committee raised a number of questions covering the following issues:

- The decision to deal with the matter under delegated powers.
- Adequacy of the affordable housing given the breaches in policy.
- Affordability of the rents for such units (particularly the 4 bed unit) given it exceeded the accepted threshold.
- Lack of family sized units.
- The density in view of the modest PTLA rating.
- Inadequate information.
- That some of the properties fell short of the Space Standards in the London Plan.
- Clarification of the loss of light to surrounding properties.

Officers then responded to the questions from Members.

The request was initially dealt with under delegated authority as Officers considered that the scheme did not raise any Borough wide issues of significance. However on request, the Service Head had decided to exercise discretionary powers in taking the matter to Committee for open discussion.

In considering the density range, it was necessary to take into account the overall impact of the scheme when considering its acceptability. Whilst there would be some impact, it was not considered great enough to refuse the scheme.

In relation to the affordable rents, the figures in the report were correct. In conducting the research, the rent levels for 3 bed units came out higher than for 4. This anomaly was due to the fact that the 4 bed units were located in less affluent areas.

Officers also confirmed that a sun/daylight report had been submitted. They explained the results of the testing on the properties affected. Whilst there would be some reduction in light, the overall impact was considered acceptable in line with the required standards.

Overall the shortfalls of the scheme were not great enough to warrant a refusal. Given this and the need for affordable housing in the area, Officers were of the view that in principle the scheme was acceptable.

In summary, the Committee welcomed the opportunity to make observations on this application. It was also requested that a threshold be set for referring requests for observations to the

Committee. It was **Agreed** that this be referred to the Constitutional Working Party for consideration.

On a unanimous vote it was **RESOLVED**

(1) That the Development Committee formally object to the application made by the London Thames Gateway Development Corporation (LTGDC) at Land at Virginia Quay off Newport Avenue, Newport Avenue, London, E14 for the Erection of 12 storey residential building (measuring 42.6m AOD in height) including basement storage/plant area to provide 26 residential dwellings and associated works comprising access, landscaping, car parking and other works

(2) That such formal objection be made on the grounds of:

- Overdevelopment in the form of loss of day light/sunlight.
- Increased overshadowing.
- The proposed density of the scheme given the low Public Transport Accessibility Level rating.
- Concerns over the provision of affordable housing given the proposals fell short of policy requirements.
- That a number of the proposed units fell below the space standards required in policy.
- Inadequate details regarding: sunlight, overshadowing, landscaping, energy, water use, air quality, waste, noise and vibration.
- Inadequate consultation.

The meeting ended at 8.50 p.m.

Chair,  
Development Committee

## APPENDIX D – September/October Delegated response letter and report

Stephen Allen  
London Thames Gateway Development Corporation  
9th Floor, South Quay Plaza  
189 Marsh Wall  
London  
E14 9SH

03 October 2011

### Development and Renewal

Mulberry Place (AH)  
5 Clove Crescent  
London E14 1BY

Tel     **020 7364 5362**  
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[devon.rollo@towerhamlets.gov.uk](mailto:devon.rollo@towerhamlets.gov.uk)

Dear Stephen,

### **Land at Virginia Quay, off Newport Avenue, London - Planning Application Number PA/11/01426**

I write in relation to the above application providing comments on behalf of London Borough of Tower Hamlets (LBTH). Attached is the officer's report detailing the full assessment of the application, with neighbours representations and specialist consultee responses attached.

LBTH has reviewed the application and taken into account all relevant policies and considerations in assessing the proposed scheme for the erection of a 12 storey residential building (measuring 42.6m AOD in height), including basement storage/plant area, to provide 26 residential dwellings and associated works, comprising access, landscaping, car parking and other works.

The Council has no objections in principle to the proposals to erect a residential development of 12 storeys on the site, subject to appropriately addressing the following matters of concern that officers identify:

- Inclusivity and the lack of access for affordable unit occupiers to the roof terrace amenity area
- Confirmation of adequate daylight and sunlight received within the proposed units
- Confirmation of agreement with Virginia Quay owners for residents of the proposed development to use the play area within the Virginia Quay Development.

The following matters also fail to meet policy and where possible should be addressed

- The mix of housing fails to provide sufficient family housing within the private tenure
- The unit sizes of some of the 1 bedroom 2 person units fail to meet minimum requirements and therefore provide poor internal amenity.

The Council also seeks the following conditions to be imposed on any approval of planning permission:

- 3 year time limit
- Development to be built in accordance with approved plans
- Plant noise levels to be 10dB below background levels at residential properties
- Submission and approval of Construction Management Plan

- Cycle storage to be installed prior to occupation and retained for the lifetime of development
- Submission and approval of landscaping details and management plan
- Development built and retained in accordance with lifetime homes standards
- Submission and approval of Secured by Design details
- Waste storage to be installed prior to occupation and retained for the lifetime of development
- Submission and approval of Black Redstart survey and incorporation of appropriate habitat measures
- Submission and approval of rainwater harvesting tank and system, requiring installation prior to occupation and retention for the lifetime of the development
- Low flow water devices to be installed and retained for the lifetime of development
- Oil/petrol filters to be installed in drainage off vehicle parking areas
- Submission and approval of CHP air pollution abatement technology, requiring insulation prior to operation and retention for the lifetime of the development
- Submission and approval of site waste management plan
- Submission and approval of details of land contamination, including if relevant details for remediation and verification
- The disabled parking space shall be marked out as approved drawings and retained for the exclusive use of blue badge holders

I trust the above clearly states the Council's position in respect of the application, but if you require any further information, please do not hesitate to contact me.

Yours sincerely,

Jerry Bell  
**Strategic Applications Manager**



<b>London Borough of Tower Hamlets</b>		<b>File Reference:</b>	PA/11/01426
<b>Directorate of Development and Renewal</b>		<b>Case officer:</b>	Devon Rollo
		<b>Date:</b>	22/09/2011
		<b>Deputy Team leader:</b>	Simon Ryan
<b>Delegated Officer Report</b>		<b>Manager:</b>	Jerry Bell
		<b>Application Expiry Date:</b>	Subject to PPA with LTGDC

**PROPOSAL:** Erection of 12 storey residential building (measuring 42.6m AOD in height) including basement storage/plant area to provide 26 residential dwellings and associated works comprising access, landscaping, car parking and other works.

**LOCATION:** Land at Virginia Quay off Newport Avenue, Newport Avenue, London, E14

**CHECKLIST**

(1) Has statutory CONSULTATION and neighbour NOTIFICATION been properly carried out?	Yes
(a) Evidence of site notice and site visit on file?	Yes
(2) Has the application been properly ADVERTISED in the press?	Yes (d)
(a) the decision would not conform to the provisions of the Development Plan	(e) affects a listed building
(b) was accompanied by an EIA	(f) is of wide public interest
(c) would affect a public right of way	(g) affects a conservation area
(d) is a major/strategic development	
(3) What date did the consultation period expire for the application?	22/08/2011
(4) Is the application subject to Referral to the MAYOR of London?	Yes
(5) Is it necessary to consult Secretary of State before determining this application?	NO (none of the below apply)  (a) Circular 02/2009T&CP (Consultation) (England) Direction 2009 applies
(6) Do the matters considered in this report raise any unique HUMAN RIGHTS issues?	NO

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## REPORT

### **SITE AND SURROUNDS**

The application site comprises 0.08 ha, located on the North bank of the River Thames, opposite the O2 Arena, in the London Borough of Tower Hamlets and the London Thames Gateway Development Corporation. The site comprises a car park and landscaping area of the Virginia Quay residential development. The site currently provides 6 car parking spaces and planted areas of landscaping on the fringes of the car park area.

Immediately to the east of the site lies a tree line-lined hard landscaped open space area, associated with the Virginia Quay development, with the Greenwich Meridian running through its centre. Existing residential buildings sit to the north and east of the site.

The Virginia Quay development currently consists of essentially residential use, with buildings up to 12 storeys in height.

To the west of the site is an open area of landscaping and a car park called Blackwell Yard. Further to the west is the Reuters technical centre.

The site is approximately 100m from the East India Dock Docklands Light Railway (DLR) station. The 277 bus route currently stops on Clove Crescent and Saffron Avenue to the North of Aspen Way. A future amendment to the route proposes that the route pass along Blackwall Way.

The subject site is identified as a Flood Protection Area, a Strategic Riverside Walkway and an Area of Archaeological Importance.

### **RELEVANT PLANNING HISTORY**

PA/97/91058 (T97/167 L.D.D.C) - Use of land for residential (C3) accommodation (up to 700 units) educational purposes (D1) and retail/financial & professional/public house/restaurant (A1/A2/A3) uses to a maximum of 750sqm floor space; riverside walkway, landscaping, car parking including vehicular access from Leamouth Road, including details of Phase 1 (residential; 216 units) and Phase 2 (residential; 118 units and restaurant).

Granted Planning Permission 04/12/1997

PA/06/01734 - Conversion of an existing vacant A3 unit into six residential units with private terraces including the replacement of temporary hoarding with permanent external walls.

Granted Planning Permission 27/04/2007

### **CONSULTATIONS**

#### Representations

The representations received to consultation are appended to this report in Appendix One. 47 objections and 2 petitions have been received.

#### Internal/External Consultation Responses

Comments received from internal and external consultees are appended to this report in Appendix Two.

### **RELEVANT PLANNING POLICY**

The subject site lies within the boundary of the London Thames Gateway Development Corporation (LTGDC). Under Section 4 of The London Thames Gateway Development Corporation (Planning Functions) Order 2005, the LTGDC is the local planning authority for the planning functions area for the purposes of Part 3 of the Town and Country Planning Act 1990.

As such, the London Borough of Tower Hamlets is only able to provide observations to the LTGDC and is not the decision making authority for this planning application.

The purpose of this report is therefore to outline the assessment the planning application in terms of the London Borough of Tower Hamlets' planning policies and provide a basis for observations to

LTGDC.

The following policy documents are relevant to the assessment of this application:

- Government Planning Policy Guidance/Statements
- The London Plan Spatial Development Strategy for Greater London (July 2011)
- Core Strategy 2025 Development Plan Document (September 2010)
- Unitary Development Plan 1998 (as saved September 2007)
- Interim Planning Guidance for the purposes of Development Control (October 2007)
- Supplementary Planning Guidance/Documents
- Community Plan – One Tower Hamlets

## **MATERIAL PLANNING CONSIDERATIONS**

### **Principle of the Land Use**

#### Loss of Car Parking and Landscaping

The subject site is currently occupied by an area of car parking. There are no planning policies that protect the provision of parking, other than requirements for developments to provide disabled parking. The parking spaces to be lost will not result in the loss of any allocated disabled parking spaces.

Policy 6.13 of the London Plan, policy SP09 of the Core Strategy and policy DEV 19 of the UDP, seek to restrict parking to minimum levels in order to reduce traffic congestion and maximise the use of sustainable transport modes. Restriction of parking is considered to be a tool to reduce the level of private vehicle use and thus improve conditions for cycling and pedestrians. Less private vehicle use and more reliance on sustainable transport modes also serves to improve the environmental conditions, including reduction in the emission of air pollutants and reduction in noise pollution.

While policies seek to require landscaping, biodiversity and contact with nature, the landscaping lost is of minimal value. The development seeks to replace the lost soft landscaping through the provision of living roofs.

#### Principle of Residential Development

The provision of additional housing is supported at the national, regional and local level. PPS3 states that “*A flexible, responsive supply of land – managed in a way that makes efficient and effective use of land, including re-use of previously-developed land, where appropriate.*” should be applied to the provision of housing. Within the London Plan policy 3.3 sets out targets for each Borough and requires Local Authorities to seek the maximum provision of additional housing possible. At the local level this is supported by policy SP02 of the Core Strategy.

Given the site is located outside a town centre and within an area dominated by other residential properties, the inclusion of residential units within the redevelopment proposal is considered acceptable and would contribute to the provision of additional housing within the Borough, in accordance with policy 3.3 of the London Plan and policy SP02 of the Core Strategy.

Council policy requires provision of affordable housing once a scheme exceeds 10 or more units, as noted in policy SP02 of the Core Strategy and policy HSG3 of the IPG. Therefore, given the scheme provides 26 residential units, these policies are triggered and further regard will be given to this matter below.

### **Housing Provision**

#### Density of Development

Policy 3.4 of the London Plan sets out a requirement to optimise housing potential. The policy sets out a matrix for appropriate housing densities given their location, character and accessibility to public transport. Given that the site is set within an urban London location with a Public Transport Accessibility Level (PTAL) of 2 (poor), policy 3.4 seeks a density of between 200-450 habitable rooms per hectare for the application site. This is supported by policy SP02 of the Core Strategy, which states that the Council will ensure new developments optimise the use of land and that the distribution and density levels of housing will correspond to transport accessibility levels and the wider accessibility of the location.

Policy HSG1 of the IPG seeks to take account of the density matrix provided in Planning Standard 4: Tower Hamlets Density Matrix. This seeks a density of between 200-450. habitable rooms per hectare for the site. Policy HSG1 also requires account to be taken of, amongst other matters, the local context and character, the need to protect and enhance amenity and the provision of other non-residential uses on site.

The density of the proposed housing within the development will be 987.5 habitable rooms per hectare. This would exceed the density matrix in policy 3.4 of the London Plan and that provided in Planning Standard 4: Tower Hamlets Density Matrix, which policy HSG1 of the IPG seeks to take account of.

While the density is significantly in excess of the matrix levels, it is considered that the development does not exhibit traits of overdevelopment and would sit comfortably within the context. As discussed further below, matters such as sunlight and daylight, servicing, amenity space and living conditions of neighbouring residents are considered acceptable.

Taking account of all of the matters in HSG1, including the expected density range provided by Planning Standard 4: Tower Hamlets Density Matrix, it is considered that the density would be acceptable in terms of policy HSG1 of the IPG.

It is therefore consider that the density of the development would be acceptable in terms of policy 3.4 of the London Plan, policy SP02 of the Core Strategy and policy HSG1 of the IPG.

Housing Mix

Policy SP02 of the Core Strategy requires an overall target of 30% of all new housing to be of a suitable size for families (3 bedrooms or more). This is in accordance with saved policy HSG7 of the UDP, which expects a mix of unit sizes including a proportion of dwellings with between 3 and 6 bedrooms, and policy HSG2 of the IPG which requires a minimum 25% of market housing to comprise of 3 or more bedrooms.

The applicant is seeking to provide mix of dwelling sizes as outlined in Table 1 below.

		Affordable Housing				Market Housing	
		Social Rented		Intermediate		Private Sale	
Unit size	Total units	Units	%	Units	%	Units	%
Studio	0	0	0	0	0	0	0
1 bed	9	0	0	0	0	9	47.4
2 bed	12	2	40	2	100	8	42.1
3 bed	4	2	60	0	0	2	10.5
4 bed	1	1		0		0	
5 bed	0	0		0		0	
<b>Total</b>	<b>26</b>	<b>5</b>	<b>100</b>	<b>2</b>	<b>100</b>	<b>19</b>	<b>100</b>

Table 1 – Housing Mix

The applicant is proposing a mix of housing sizes that results in a large percentage of 1 and 2 bedroom units. Within the social rented portion of the affordable housing there is a significant percentage within the family 3-5 bedroom units. Overall only 19% of the units are family housing, with only 10.5% of the private housing large enough to be considered family housing.

The provision of family housing and would fail to meet the requirements of policy SP02 of the Core Strategy, saved policy HSG7 of the UDP and policy HSG2 of the IPG.

Affordable Housing

Policy 3.11 of the London Plan 2011 states that policies should set an overall target for the amount of affordable housing provision over the plan period in their area, based on an assessment of all housing needs and a realistic assessment of supply. It also states that boroughs should take account of regional and local assessments of need, the Mayor of London’s strategic target for affordable housing provision that 50% of provision should be affordable and, within that, the London-wide objective of 60% social housing and 40% intermediate.

This policy is supported by policy SP02 of the CS which states that the Council will seek to achieve a 35% - 50% affordable housing target across the Borough, with a minimum of 35% affordable housing provision being sought on all development of more than 10 housing units. Policy SP02 of the CS seeks a tenure split of 70% social rent to 30% intermediate.

The affordable housing provision for the development is 35.44% by habitable room, which represents a total of 7 affordable units over the various unit sizes. While not meeting the London Plan target of 50%, the development exceeds the minimum 35% required by the policy SP02 of the CS.

The tenure split provided by the development is 71% social rent to 29% intermediate. Again, while this falls short of the London-wide tender split objective of the London Plan, it generally accords to the tenure split required by policy SP02 of the CS.

At a local level the provision of affordable housing and tenure split is considered acceptable and would accord with policy SP02 of the CS. While the quantum and tenure split fail to accord to London-wide targets set by the London Plan, it is considered that these are overall London-wide targets and the relatively small scale of units involved in this application is not considered to be detrimental to the achievement of these targets London-wide over all developments.

#### Affordable Housing Rent Model

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

Social rented housing is defined as:

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

Affordable rented housing is defined as:

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

Intermediate affordable housing is defined as:

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

Policy SP02 requires developments to provide 35% affordable housing (subject to viability), and a split of 70:30 between the tenures. The Council has not had the opportunity to reconsider or vary this policy in light of the new definitions in PPS3 at this stage but the change in national policy is a material consideration. The indication from housing officers is that they generally favour retaining the current split of 70% social rent and 30% intermediate tenures. This is because the new affordable rent levels, if taken up to the maximum level of 80% of market rent have been shown to be unaffordable to local applicants.

Tower Hamlets has commissioned a housing consultancy called the Pod Partnership to research market rent levels in different areas of the borough and to carry out affordability analyses. Pod established that 80% of average market rent in the E14 area was £239 for one beds, £319 for two beds, £447 for three beds and £387 for four beds units. The affordability analyses for all areas of the boroughs led to the conclusion that rents would only be affordable to local people if they were kept at or below 65% of market rent for one beds, 55% for two beds and 50% for three beds and larger properties.

These adjusted percentage levels for the E14 area would be £194 for one beds, £219 for two beds, £279 for three beds and £242 for 4 bed units. The affordable rents proposed by this applicant is at £187.50 for a two bedroom home, £275 for a three bedroom home and £300 for a 4 bedroom Wheelchair home. This is below the affordable rent levels of 80% of the market rate. The 2 bed units are below our affordability tolerances as is the 3 bedroom units, however the rent on the 4 bed property is above our tolerances and therefore not deemed affordable.

Council does not support the rents on the 3 bed units and would seek to ensure that rent levels remain locally affordable with a restriction placed in the s106 agreement setting a maximum monetary level that can be charged for each size unit. It is suggested that this would be able to rise year on year by the Retail Price Index (RPI) + 0.5%.

## **Amenity of Adjoining Occupiers and the Surrounding Area**

### Daylight and Sunlight

Policy SP10 of the Core Strategy, saved policy DEV2 of the UDP and policy DEV1 of the IPG seek to protect the amenity of surrounding existing and future residents, as well as the amenity of the surrounding public realm, including sunlight and daylight.

The applicant has provided a Daylight and Sunlight Report in support of their application, outlining the daylight and sunlight received by the buildings adjacent the development site, including the consented scheme to the west on the Blackwall Yard site. It has assessed the impact on the daylight and sunlight levels against the latest guidance provided in the "Site layout planning for daylight and sunlight: A good guide to practice" by P Littlefair (2011) providing the results of the effect on daylight in terms of the tests use in the BRE guidelines.

The daylight and sunlight report shows that there is a loss of daylight to some of the neighbouring residential buildings. However, levels are not significant, given the urban context. The retained level of daylight Average Daylight Factor is considered to be sufficiently close to the BRE Guidelines as to be acceptable.

Likewise, in relation to sunlight, the majority of windows within surrounding developments will meet the BRE Guidelines and those which do not will be sufficiently close to be considered acceptable on balance.

It is therefore considered that the proposed development would accord with policy SP10 of the Core Strategy, saved policy DEV2 of the UDP and policy DEV1 of the IPG, in terms of daylight and sunlight.

### Privacy

By seeking to protect the amenity of surrounding existing and future residents, policy SP10 of the Core Strategy, saved policy DEV2 of the UDP and policy DEV1 of the IPG also seek to protect neighbouring occupiers from the effects of overlooking from new developments and reduction in terms of privacy.

The proposed development is separated a minimum distance of 15.8m from Wingfield Court and a minimum distance of 24m from Studley Court. No windows to habitable rooms within the proposed development face directly towards Wingfield Court. Therefore there is no direct overlooking from window to window. The windows looking to the east towards Studley Court would be separated from habitable windows of the residential properties in Studley Court by a distance greater than 18m, which is the distance that the Council's UDP states reduces inter-visibility to a degree acceptable to most people.

On north side of the fourth floor of the development is a roof terrace. The roof terrace would be set back 1.3m from the north façade of the development and would, at the closest point, be a minimum of 17m from the closest habitable window within Wingfield Court. This would have an impact on the privacy of units on the levels around the 4<sup>th</sup> floor level, but given that the acceptable 18m distance is only breached in the corner of the roof terrace, the level of impact on privacy is not considered significant.

It is therefore considered that the proposed development would not result in any unacceptable impacts in terms of overlooking or privacy and would accord with policy SP10 of the Core Strategy, saved policy DEV2 of the UDP and policy DEV1 of the IPG, in terms of overlooking and privacy.

### Outlook

When considering amenity, the outlook from developments must also be considered. Policy SP10 of the Core Strategy, saved policy DEV2 of the UDP and policy DEV1 of the IPG also seek to control development in terms of unacceptably restricting outlook from an existing development. It must be noted that "outlook" is different from a "view" and that policy SP10 of the Core Strategy, saved policy

DEV2 of the UDP and policy DEV1 of the IPG do not seek to protect private views from residences.

Given the separation distances of the proposed building from the existing developments, the proposed development not considered to impact significantly on the outlook of the existing developments and would be in accordance with policy SP10 of the Core Strategy, saved policy DEV2 of the UDP and policy DEV1 of the IPG, in term of protecting outlook from existing developments.

#### Wind Microclimate

Planning guidance contained within the London Plan 2010 places great importance on the creation and maintenance of a high quality environment for London. Policy 7.7 of the London Plan 2008, requires that tall buildings should not affect their surroundings adversely in terms of microclimate and wind turbulence.

Wind microclimate is therefore an important factor in achieving the desired planning policy objective. Policy DEV1 of the IPG also identifies microclimate as an important issue stating that:

*“Development is required to protect, and where possible seek to improve, the amenity of surrounding and existing and future residents and building occupants as well as the amenity of the surrounding public realm. To ensure the protection of amenity, development should: ...not adversely affect the surrounding microclimate.”*

The applicant has provided a wind micro-climate assessment detailing the wind micro-climate around the proposed building. The report concludes that the conditions around the proposed development are likely to be similar to the existing, in the ‘standing’ or ‘strolling’ range, in terms of the Lawson Comfort Criteria.

The conclusion also states, taking into the grouping effect with the consented Blackwell Yard scheme, the proposed development is likely to have a positive impact off-site on the east side and non-significant elsewhere.

It is therefore considered that the development would not create significant adverse wind micro-climate conditions for adjacent areas and would be acceptable in terms policies 7.6 and 7.7 of the London Plan, policy SP10 of the Core Strategy, saved policy DEV2 of the UDP and policy DEV1 of the IPG, in relation to wind micro-climate.

#### Noise and Vibration

In protecting the amenity of the surrounding area policy SP03 of the CS, policies DEV2 and DEV 50 of the UDP and policy DEV1 and DEV 10 of the IPG also require the noise and vibration nuisance from a development to be minimised.

The application makes no reference to any plant associated with the development and therefore provides no specific details of any proposed noise and vibration levels. While it is unlikely that the proposed C3 uses would require the installation of significant plant equipment, it is considered that a condition of consent could ensure that details of noise and vibration impacts of any proposed plant or ventilations systems would be submitted to the Local Planning Authority for approval prior to installation. This would ensure that any acoustic attenuation required would be installed to mitigate the impact on the adjoining occupiers and surrounding area.

As such it is considered that the with the recommended condition of consent imposed the proposed development would accord with policy SP03 of the CS, policies DEV2 and DEV 50 of the UDP and policy DEV1 and DEV 10 of the IPG and not adversely impact on adjacent properties in terms of noise and vibration.

#### Construction

It is acknowledged that the proposed development would result in some disruption to the amenity of the area and highway network due to the construction effects of the proposed development, however these will be temporary in nature.

Demolition and construction is already controlled by requirements to adhere to numerous other legislative standards, such as Building Act 1984, Environmental Protection Act (EPA) 1990, Environment Act 1995 and Air Quality Regulations 2000 and Health and Safety at Work Act 1974. However, PPS23 makes provision for the inclusion of conditions of consent to mitigate effects of

construction.

It is therefore recommended that if approved a condition of consent is included, which would require the submission of a Construction Management Plan in order to ensure that the best practice examples are followed to avoid, remedy and mitigate the effects of construction.

## **Traffic and Servicing**

### Trip Generation

Policies 6.1 and 6.3 of the London Plan, policy SP09 of the Core Strategy, policy T16 of the UDP and policy DEV17 of the IPG seek to restrain unnecessary motor-vehicle trip generation, integrate development with transport capacity and promote sustainable transport and the use of public transport systems.

The subject site is located within an area where the Public Transport Accessibility Level (PTAL) of 2 indicates limited access to public transport. However, the East India Dock DLR is located approximately 110m from the site. This will mean that the DLR, which connects to major shopping and service centres at Stratford, Canary Wharf and the City, is easily accessible to future occupiers and that the development would be appropriately situated to encourage occupiers and visitors to use the public transport, rather than less sustainable modes of transport, such as private cars.

The development creates 26 additional C3 residential units, which would not result in a significant impact in terms of peak time trip generation. The applicant's Transport Assessment shows that there is sufficient capacity on the DLR network to accommodate the expected increase in use requirement.

It is therefore considered that the development is appropriately serviced by public transport and the scale of development and proposed use is appropriate for the transport capacity of the area. The development is considered to accord with policies 6.1 and 6.3 of the London Plan, policy SP09 of the Core Strategy, policy T16 of the UDP and policy DEV17 of the IPG in terms of integrating development with transport capacity.

### Vehicle Parking

Policies 6.1, 6.11 and 6.13 of the London Plan seek to reduce traffic congestion and vehicle use by minimising vehicle parking within developments and promoting use of public transport. This is supported by policy SP09 of the Core Strategy and policy DEV19 of the IPG.

The application site is currently a car park. 6 of the spaces on the site are not controlled by the applicant. In order to re-provide these spaces the development provides 7 car parking spaces. These being the 6 spaces in re-provision for the existing spaces and an additional disabled car parking space for the proposed development.

Parking Standards provided in the London Plan and the IPG both set out maximum standards, encouraging minimal parking to be provided, if any. The only exception to this is parking for Blue Badge holders (disabled parking). Both the London Plan and the IPG parking standards require 1 disabled parking bay to be provided.

In order to minimise the use of private motor vehicles, reduce motor vehicle traffic, prevent increased stress on the permit parking bays and promote sustainable transport use, it is considered that the future occupants should be prevented from obtaining parking permits for on-street parking. In order to achieve this, it is recommended within the S106 there is a clause restricting the issuing of parking permits to the future occupiers be imposed on any approval.

With the imposition of a clause in the S106 restricting the issuing of on street parking permits and that there is no parking, other than 1 disabled parking space, provided onsite, it is considered that the development would appropriately reduce traffic congestion and vehicle use by minimising vehicle parking within developments and promote the use of public transport and would accord with policies 6.1, 6.11 and 6.13 of the London Plan, policy SP09 of the Core Strategy and policy DEV19 of the IPG.

### Cycle Parking and Facilities

Policy 6.9 of the London Plan, policy SP09 of the Core Strategy and policy DEV16 of the IPG seek to provide better facilities and a safer environment for cyclists.



The proposals within the development aim to provide provision for 1 cycle space per unit. These will be provided in dedicated storage areas within the core of the development block. They are therefore only accessible to residents. A further 3 cycle spaces or 10% is provided at to the east of the building, for the purpose of visitors' cycle storage.

This provision is in accordance with Council's standards and therefore considered to provide adequate cycle storage. A condition of consent is recommended to ensure the cycle storage is retained within the development for the lifetime of the use.

Given that the development provides adequate cycle storage provision, it is considered that the development would be acceptable in terms of policy 6.9 of the London Plan, policy SP09 of the Core Strategy and policy DEV16 of the IPG.

#### Delivery and Servicing

Policies 6.1, 6.11 and 6.14 of the London Plan, policies SP08 and SP09 of the Core Strategy, policies T16 and T26 of the UDP and policy DEV17 of the IPG seek to minimise the impacts on the highway network and promote efficient and sustainable arrangements for deliveries and servicing.

The site is located off Newport Avenue, a privately owned and maintained road. The site is located some distance from Council administered adopted public highway. Therefore, servicing is not considered to impact on the safety and efficiency of the public highway. The reversing of a vehicle into the parking area for servicing and waste collection is not considered ideal, as it would raise safety concerns, but this is not a unique situation. In terms of the site constraints, due to the relatively narrow nature of the site it is unlikely that onsite servicing would be able to be accomplished without reversing in any case.

As such, it is considered that the servicing of the development would be acceptable in terms of policies 6.1, 6.11 and 6.14 of the London Plan, policies SP08 and SP09 of the Core Strategy, policies T16 and T26 of the UDP and policy DEV17 of the IPG

### **Design and Layout of the Development**

#### Mass and Scale

Policies 7.1, 7.4, 7.5 and 7.6 of the London Plan, policies SP02, SP10 and SP12 of the Core Strategy, policies DEV1, DEV2 and DEV3 of the UDP and policies DEV1 and DEV2 of the IPG seek to ensure developments are of appropriate mass and scale to integrate with the surrounding environment and protect the amenity of the surrounding environment and occupiers.

The applicant participated in a pre-application process in which they reduced the height of the development from 17 storeys to 12 storeys. The height is considered in keeping with the height of the immediately adjacent existing buildings in the Virginia Quay development, which are 10 to 12 storeys in height. The 12 storey height is also significantly shorter than the approved 27 storey scheme to the west at Blackwall Yard.

The portion of the building closest to the adjacent Wingfield Court is kept to a lower 4 storey height in order to allow light to and outlook from the existing units. In addition the narrow profile of the building allows maximum consideration to the outlook to the south, towards the river.

Overall the scale, mass and profile of the proposed scheme is considered to be in keeping with that of the immediate surrounds and would maintain the character of the area. It is considered the proposed development would accord with Policies 7.1, 7.4, 7.5 and 7.6 of the London Plan, policies SP02, SP10 and SP12 of the Core Strategy, policies DEV1, DEV2 and DEV3 of the UDP and policies DEV1 and DEV2 of the IPG, in terms of scale and mass.

#### Appearance and Materials

Policies 7.1, 7.4 and 7.6 of the London Plan, policies SP02, SP10 and SP12, policies DEV1, DEV2 and DEV3 of the UDP and policies DEV1 and DEV2 of the IPG, also seek to ensure development is high quality in design, including materials and appearance.

Through the pre-application process the materials have been considered and proposed as a coherent high quality material palette. The use of the dark brick as the predominant material has created a building of homogenous character which complements the existing dominant building material of stock brick, yet sets the building apart from the existing Virginia Quay development. The

coloured panels break up the scale of the building and add relief and interest to the scale of the building.

Overall the materials proposed are supported as high quality and would ensure an appropriate appearance of the building within the existing environment, in accordance with policies 7.1, 7.4 and 7.6 of the London Plan, policies SP02, SP10 and SP12, policies DEV1, DEV2 and DEV3 of the UDP and policies DEV1 and DEV2 of the IPG.

### Internal Amenity

#### Flat Sizes

Policy 3.5 of the London Plan, policy SP02 of the Core Strategy, policy HSG13 of the UDP and policy DEV2 of the IPG seek to ensure that adequate dwelling sizes and room sizes are provided to ensure appropriate living conditions for future occupiers. The London Plan provides minimum standards for overall dwelling sizes, while the Council's "Supplementary Planning Guidance Note – Residential Space" provides both minimum dwelling sizes as well as minimum room sizes.

In addition to these documents, the interim edition of the Mayor of London's London Housing Design Guide (LHDG) August 2010 provides guidance on housing size and room sizes. The London Plan states that this will form the basis of the proposed Housing SPD. It is therefore considered to carry considerable weight in terms of consideration of what are acceptable standards.

The proposed room sizes and overall flat sizes are in most cases appropriate, exceeding the minimum standards provided by the London Plan, the Council's Supplementary Planning Guidance and the LHDG. However, 6 of the 1 bedroom 2 person private flats fall below the space standards provided in the London Plan, Council's Supplementary Planning Guidance and the LHDG.

It is therefore considered that the proposed development fails to provide acceptable internal space for the amenity of the future residents in accordance with policy 3.5 of the London Plan, policy SP02 of the Core Strategy, policy HSG13 of the UDP and policy DEV2 of the IPG.

#### Daylight and Sunlight

Policy 3.5 of the London Plan, policy SP02 of the Core Strategy and policy DEV2 of the IPG also seek to ensure development are designed to provide appropriate living conditions in terms of Daylight and sunlight received by the proposed development.

The applicant has failed to provide details of the daylight and sunlight levels that would be received by the proposed new development. It is therefore not possible to confirm that adequate levels of daylight and sunlight would be received by the development to ensure that the living conditions of future residents are acceptable.

It is therefore considered that the details of the level of daylight and sunlight should be ascertained prior to the approval of the application. Daylight and sunlight levels should meet the minimum guidelines for appropriate living conditions outlined in the BRE guidance document "Site layout planning for daylight and sunlight: A good guide to practice" by P Littlefair (2011).

### Play Areas and External Amenity Space

Policy 3.5 of the London Plan, policy SP02 of the Core Strategy, policy HSG16 of the UDP and policy HSG7 of IPG and promote the good design and the provision of amenity spaces within developments. Furthermore, policy 3.6 of the London Plan, policy SP02 of the Core Strategy, policy O9 of the UDP and policy HSG7 of the IPG require the provision of appropriate child play space within residential developments.

Policy HSG7 of the IPG provides details of the Council's private and communal amenity space requirements. All ground floor units comprising 3 bedrooms or greater should be provided with a minimum 50m<sup>2</sup> of private amenity space. Units comprising 2 or more bedrooms should be provided with a minimum of 10m<sup>2</sup> of private amenity space and 1 bedroom units should be provided with a minimum of 6m<sup>2</sup> of private amenity space. In addition to the private amenity space, all developments comprising of 10 or more units should also provide 50m<sup>2</sup> of communal amenity space, plus 5m<sup>2</sup> for every additional 5 units thereafter.

In terms of the private amenity space provision only 3 one bedroom private units and the top floor private three bedroom unit meet the private amenity space standards required by policy HSG7 of IPG. However, the communal amenity space provided significantly exceeds the 65m<sup>2</sup> required, with

the provision of 127m<sup>2</sup> at ground floor level and 80m<sup>2</sup> at the fourth floor roof terrace level.

The GLA Supplementary Planning Guidance “Providing for Children and Young People’s Play and Informal Recreation” clearly sets out the appropriate level of play space for developments. It details that on-site playable space should be provided for under 5 year olds within 100m walking distance from residential units, facilities within 400m walking distance for 5-11 year olds and within 800m for 12+ year olds.

From the information submitted by the applicant in response to GLA Stage I comments, the play space provision will be made for under 5 year olds on site and an agreement with the managing agent for the Virginia Quay development has been made to allow use of the MUGA and play area within the Virginia Quay for children over 5 years old. This play area and MUGA is located within 100m of the site and considered to provide acceptable play space.

The proposed development would fail to accord with policy SP02 of the Core Strategy, policy HSG16 of the UDP and policy HSG7 of IPG in that it would provide sufficient private amenity space. However, given the quantity of communal amenity space proposed in the development it is considered that on balance the amenity space provision would be acceptable, provided all units can access the roof terrace amenity space.

In terms of the provision of play space within the development and the area, this is considered acceptable, subject to details being provided of the provision of the under 5 year old onsite and the agreement with the management of Virginia Quay to allow access to the MUGA and play area within the Virginia Quay development.

#### Landscaping

Policies 5.10 and 5.11 of the London Plan and policy SP04 of the Core Strategy seek to ensure that development contributes to the greening of the urban environment. Policy DEV12 of the UDP and policy DEV13 of the IPG also require the provision of landscaping within a development.

The applicant is proposing to incorporate the development into the surrounding landscaping by reproducing the existing hard landscaping approach up to the edge of the development. Low planting and grass is provided at areas of the ground level landscaping including an area of lawn in the communal amenity space. Much of landscaped amenity space to the west side of the development will be landscaped in Grass Crete permeable paving.

In addition areas of roof at various levels incorporate elements of a living building by the inclusion of Sedum planting.

Some of the materials proposed have been included in the Design Statement for the application. These appear to be acceptable. However, details of planting proposed and maintenance of the landscaping has not been provided.

It is recommended that a condition of consent is imposed on the application if granted, which will ensure that a robust landscaping plan is submitted for approval. With such a condition imposed it is considered that the development would acceptably accord with policies 5.10 and 5.11 of the London Plan, policy SP04 of the Core Strategy, policy DEV12 of the UDP and policy DEV13 of the IPG.

#### Access and Inclusivity

Policies 3.8 and 7.2 of the London Plan, policy SP02 of the Core Strategy, policy DEV1 of the UDP and policies DEV3 and HSG9 of the IPG seek to ensure the development is accessible and that housing is appropriate for changing needs of residents.

The design statement states that the main entrance level and entrance to the ground floor flat will be set at the existing datum level at the northern part of the existing steps to create a seamless and level access to the building. Step free access will also be provided externally to the ground floor communal amenity area.

The ground floor unit and 2 two bedroom units on the first floor have been designed to be accessible to wheelchairs.

The building is served by two 8 person lifts from the independent affordable and private residential reception entrance lobbies. The lift providing access to the private units will be accessible in

emergency to the wheelchair units on the first floor. It is recommended that a condition of consent is included requiring that the retention of this ability is imposed on the application, to ensure it will be available for the life of the development.

All accommodation should be built to Lifetime Homes Standards. It is therefore recommended that a condition of consent requiring that the development is built to Lifetime Homes Standards is imposed.

The proposal has one main entrance which then splits into two separate entrance lobbies, one for private and one for affordable. The single entry point to the building is supported as providing inclusiveness. However, there is a fourth floor roof terrace that provides some of the amenity space for the development. This space is only accessible to the private units. It is considered that this is not inclusive, as this area of communal amenity space is only accessible to those in the private units and the affordable units are excluded from this area. It is considered that the lift core and stair well servicing the affordable tenures should be extended to provide access to the fourth floor roof terrace also.

With such a change and the recommended conditions imposed, it is considered that the development would provide adequate access, adaptable to the changing needs of residents and would be appropriately inclusive, in accordance with policies 3.8 and 7.2 of the London Plan, policy SP02 of the Core Strategy, policy DEV1 of the UDP and policies DEV3 and HSG9 of the IPG.

### Security and Safety

Policy 7.3 of the London Plan, policy DEV1 of the UDP and policy DEV4 of the IPG seek to ensure that developments are safe and secure.

No details of how the development will meet the secured by design standards have been provided. In order to ensure that the development maximises the safety of residents, details of how the development meets secured by design standards should be submitted for approval and it is recommended that this is required by condition.

With such a condition imposed on the permission it is considered that the development would adequately provide a safe and secure environment and accord with policy 7.3 of the London Plan, policy DEV1 of the UDP and policy DEV4 of the IPG.

### Waste Storage

Policy 5.17 of the London Plan, policy SP05 of the Core Strategy, policy DEV56 of the UDP and policy DEV15 of the IPG require developments to make suitable waste and recycling provision within the development.

Council's Waste Management team have reviewed the waste storage provision and consider that it will be acceptable for the level of estimated waste and recycling that would be generated by the development. The storage area is easily accessible to the servicing area and would not require waste to be transported significant distances from the storage points to collection vehicles.

To ensure that the waste storage areas are retained it is recommended a condition of consent is imposed if permission for the development is granted.

With such a condition imposed ensuring that the waste storage facilities are retained for the lifetime of the development, it is considered that appropriate provisions for waste and recycling facilities are provided within the development in accordance with policy 5.17 of the London Plan, policy SP05 of the Core Strategy, policy DEV56 of the UDP and policy DEV15 of the IPG.

### **Environmental Sustainability**

The London Plan 2011 has a number of policies aimed at tackling the increasingly threatening issue of climate change and the impacts of human habitation on the natural environment. London is particularly vulnerable to matters of climate change due to its location, population, former development patterns and access to resources. Policies within the Core Strategy, UDP and IPG also seek to reduce the impact of development on the environment, promoting sustainable development objectives.

### Energy

Policies 5.2, 5.3, 5.4 and 5.7 of the London Plan, policy SP11 of the Core Strategy and policies DEV5 and DEV6 of the IPG require development to incorporate energy efficient design and utilise

low carbon and renewable energy technology in order to minimise the carbon emissions associated with the development.

The applicant has employed an energy strategy approach in accordance with the GLA energy hierarchy. The total provision of the Lean, Clean and Green measures leads to a 25.90% improvement against the notional or target ADL1A compliant building.

Although the applicant has met the 25% carbon dioxide required by policy 5.2 of the London Plan, the applicant has failed to provide any renewable energy technology. Policy SP11 of the Core Strategy requires all new developments to provide 20% reduction of carbon dioxide emissions through onsite renewable energy generation where feasible.

The use of CHP for space and water heating makes many of the renewable energy technologies inappropriate, as the heat requirement is already provided. However, the applicant has stated that they have excluded any provision of electricity producing renewable technology, such as photovoltaics (PV) as the CHP technology produces excess electrical demand for the site. As such the PV would have no benefit to the occupiers and would have a significant cost.

This case would only occur if the electrical energy production from the CHP technology is used by the building rather than feed back into the grid. Confirmation has been sort from the applicant as to how this will happen, given the legislation around electricity sales in the UK.

This should be secured in a S106 legal agreement, to ensure the full benefits of the carbon dioxide reduction strategy are achieved. If secured by S106 it is considered that the development would be acceptable in accordance with policies 5.2, 5.3, 5.4 and 5.7 of the London Plan, policy SP11 of the Core Strategy and policies DEV5 and DEV6 of the IPG, in terms of energy efficiency.

#### Biodiversity

Policy 7.19 of the London Plan, policy SP04 of the Core Strategy and Policy DEV5 of the IPG require development to protect and enhance biodiversity.

The applicant has not provided any information on the environmental quality of the site. However, a site visit to the site confirms that the site will have little ecological value. The applicant does however acknowledge that black redstarts have been sighted within the local area.

It is considered that the application proposals will improve the biodiversity value of the site, through the provision of soft landscaping and sedum roofs. The applicant has indicated that a condition requiring a black redstart survey to be undertaken prior to the commencement of development and other measures to be incorporated into the scheme in order to ensure that the measures are implemented could be imposed on any approval. It is recommended that such a condition is imposed to ensure appropriate mitigation. This could lead to the sedum roof proposed on the top level of the development to be changed to a brown roof, appropriate for Black Redstart habitat.

With such a condition imposed, it is considered that the development would be acceptable in terms of policy 7.19 of the London Plan, policy SP04 of the Core Strategy and Policy DEV5 of the IPG.

#### Water Use

Policy 5.15 of the London Plan, policy DEV69 of the UDP and policy DEV7 of the IPG, seek to ensure appropriate minimisation of water use within developments.

The applicant has submitted a Sustainability Statement providing details of the design intent for the development. The document states that the development will have a rainwater harvesting tank in the basement allowing for sustainable drainage and attenuation as well as reuse of water for irrigation of external areas.

No further detail is provided of how this will operate or even is the provision shown on the plans. It is therefore considered that a condition of consent should be imposed to require detail of how this will operate to be submitted and approved and retention and use of the approved water recycling system. It is also considered that low flow devices should be installed and retained in all residential units and a condition should be imposed to ensure this.

With such conditions imposed, it is considered that the development would appropriately mitigate water usage in accordance with policy 5.15 of the London Plan, policy DEV69 of the UDP and policy

DEV7 of the IPG.

#### Drainage and Flood Protection

Policies 5.12, 5.13 and 5.14 of the London Plan, policy SP04 of the Core Strategy, policy DEV46 of the UDP and policies DEV7, DEV8 and DEV21 of the IPG, seek to ensure development has suitable flood protection, flood protection of other sites is not reduced and that sustainable drainage is used to ensure that stormwater run-off rates are reduced and water quality is maintained.

The applicant has undertaken a comparison between ground levels at the site and the relevant River Thames tidal flood water level and confirmed that this indicates that the site is located within Flood Zone 1, which means that there is a low risk of flooding. The probability of flooding at the site is very low as the site is defended against tidal flooding to a very high standard. The results of the SFRA show that the residual risk at the site following a breach in the flood defences would be negligible.

Furthermore, because the site does not result in the alteration to any flood protection defences or result in a reduction in the level of flood water storage capability, the development is not considered to raise the risk of flooding of other developments.

The proposed development is reducing the number of parking spaces from 15 to 7. This will in effect reduce the contamination of the runoff surface. In order to maintain the quality of water discharged from the site it is recommended that oil/petrol filters are fitted into drainage from vehicle parking areas. This should be secured by condition of consent.

A rainwater harvesting tank is being provided in the basement, allowing for sustainable drainage and attenuation, as well as water re-use. The development is not creating an increase of hard landscaping, but instead is proposing sedum roofs, which will attenuate rainwater, and deliver a larger amount of soft landscaping, to that of the existing site conditions, resulting in greater overall site permeability. It is considered that these measures will significantly reduce the total run-off and the run-off rate.

Subject to the recommended conditions the scheme is considered to satisfy policies 5.12, 5.13 and 5.14 of the London Plan, policy SP04 of the Core Strategy, policy DEV46 of the UDP and policies DEV7, DEV8 and DEV21 of the IPG and ensure development has suitable flood protection, ensure flood protection of other sites is not reduced and ensure that sustainable drainage is used to ensure that stormwater run-off rates are reduced and water quality is maintained.

#### Air Quality

Policy 7.14 of the London Plan, policy SP03 of the Core Strategy and policy DEV11 of the IPG seek to ensure that air quality is protected. Air pollution has an impact on human health, biodiversity, crops and forests, materials, buildings and cultural heritage. Air Quality testing has identified that the whole of the London Borough of Tower Hamlets has poor air quality. As such, London Borough of Tower Hamlets is an air quality control zone.

Given that combustion engine vehicles are a significant contributor to poor air pollution, through emissions from combustion engines, the reduction in vehicle parking spaces is considered to contribute towards measures for improving air quality. Minimisation of parking spaces will result in a reduction in the use of private motor vehicles, thereby reducing emission rates.

However, although no details have been provided, the development has potential to create additional levels of air pollution emissions through the use of a CHP system. As such, in order to minimise the emission levels from the CHP system, it is recommended a condition is imposed to require the installation of abatement technology to minimise the air pollution emissions.

With the recommended condition imposed, it is considered the development would be acceptable in terms of 7.14 of the London Plan, policy SP03 of the Core Strategy and policy DEV11 of the IPG, with respect to air quality.

#### Construction Waste and Recycling

Policy 5.18 of the London Plan 2011 requires developments to follow the principles of the waste hierarchy and that reuse and recycling of waste reduces the unnecessary landfilling of waste. This is supported by policy SP05 of the Core Strategy.

The applicant has not provided detail of how the principles of the waste hierarchy will be followed in

during the construction period. It is therefore recommended a condition of consent should require a Site Waste Management Plan to be submitted detailing the particulars in relation to the development to ensure that the development is implemented in accordance with the principles of the waste hierarchy and that reuse and recycling of waste reduces the unnecessary landfilling of waste. If development is undertaken in accordance with an appropriate Site Waste Management Plan the development would be considered to be in accordance with policy 5.18 of the London Plan and policy SP05 of the Core Strategy.

#### Land Contamination

Policy 5.21 of the London Plan, policy DEV51 of the UDP and policy DEV22 of the IPG, seek to ensure that land that is potentially contaminated is appropriately tested and any contamination issues addressed to ensure that the land is appropriately addressed prior to development. This includes ensuring that pathways for contaminants to enter ground water and surface water are not created as well as ensuring that the soil onsite does not cause a safety risk to those that come into contact with it.

The site, while previously developed, is currently primarily hard surfaced. Given that there is a historic use of the site for industrial purposes associated with the wharf, the site is considered potentially contaminated. No detail of testing of the site for land contamination has been submitted with the application and it is considered that a condition should be imposed to ensure that the potential contamination of the land is tested. If found to be contaminated the condition should require appropriate mitigation.

With such a condition imposed, the development would be considered acceptable in terms of policy 5.21 of the London Plan, policy DEV51 of the UDP and policy DEV22 of the IPG.

#### **Planning Obligations**

Policy DEV 4 of the UDP and policy IMP1 of the IPG provide ability for the Council to seek planning obligations to secure onsite or offsite provisions or financial contributions in order to mitigate the impacts of a development.

#### Financial Contributions

LTGDC have a tariff approach to the financial contributions required to provide infrastructure and mitigation for the impacts of the development. LBTH accept this approach and does not consider that there are any additional financial contributions required.

#### Non-Financial Contributions

LBTH would seek to ensure that the affordable housing provision is secured through the use of the S106 legal agreement as a planning obligation. As discussed previously, it is also considered that a target rent level is secured in accordance with LBTH's POD research in order to ensure that the affordable housing rent level is affordable to the borough's residents.

Other non-financial contributions should be set as follows:

- Restriction for all new units on obtaining a Council Parking Permit to park on the highway
- Employment Initiatives to use reasonable endeavours to employ local people during the construction and end user phases of the development.
- Electricity Energy Strategy for the development.

#### **CONCLUSION**

LBTH has reviewed the application and taken into account all relevant policies and considerations in assessing the proposed scheme for the erection of a 12 storey residential building (measuring 42.6m AOD in height), including basement storage/plant area, to provide 26 residential dwellings and associated works, comprising access, landscaping, car parking and other works.

The Council has no objections in principle to the proposals to erect a residential development of 12 storeys on the site, subject to appropriately addressing the following matters of concern that officers identify:

- Inclusivity and the lack of access for affordable unit occupiers to the roof terrace amenity area

- Confirmation of adequate daylight and sunlight received within the proposed units
- Confirmation of agreement with Virginia Quay owners for residents of the proposed development to use the play area within the Virginia Quay Development.

The following matters also fail to meet policy and where possible should be addressed

- The mix of housing fails to provide sufficient family housing within the private tenure
- The unit sizes of some of the 1 bedroom 2 person units fail to meet minimum requirements and therefore provide poor internal amenity.

The Council also seeks the following conditions to be imposed on any approval of planning permission:

- 3 year time limit
- Development to be built in accordance with approved plans
- Plant noise levels to be 10dB below background levels at residential properties
- Submission and approval of Construction Management Plan
- Cycle storage to be installed prior to occupation and retained for the lifetime of development
- Submission and approval of landscaping details and management plan
- Development built and retained in accordance with lifetime homes standards
- Submission and approval of Secured by Design details
- Waste storage to be installed prior to occupation and retained for the lifetime of development
- Submission and approval of Black Redstart survey and incorporation of appropriate habitat measures
- Submission and approval of rainwater harvesting tank and system, requiring installation prior to occupation and retention for the lifetime of the development
- Low flow water devices to be installed and retained for the lifetime of development
- Oil/petrol filters to be installed in drainage off vehicle parking areas
- Submission and approval of CHP air pollution abatement technology, requiring insulation prior to operation and retention for the lifetime of the development
- Submission and approval of site waste management plan
- Submission and approval of details of land contamination, including if relevant details for remediation and verification
- The disabled parking space shall be marked out as approved drawings and retained for the exclusive use of blue badge holders

<b>Recommendation Agreed by:</b>	
<b>Date Agreed:</b>	



# 0APPENDIX E – Minutes as Agreed for Virginia Quay discussion, LTGDC, 9 February 2012

Meeting: 08 March 2012  
Agenda Item: 2  
Report No.: LTGDC/12/PC08



## Minutes

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### London Thames Gateway Development Corporation

#### Planning Committee Meeting

Thursday 09 February 2012, 6pm  
Old Town Hall Stratford, 29 The Broadway, Stratford E15 4BQ

**Present:** Cllr Conor McAuley (Chair)  
Malcolm Chumbley  
Alan Clark  
Neil Deely  
Cllr Mick McCarthy  
Sylvie Pierce  
Richard Turner  
Dru Vesty

**In Attendance:** John Allen (Director of Planning)  
Peter Minoletti (Planning Development Manager)  
Stephen Allen (Planning Development Officer)  
Nigel Hewitson (Norton Rose)  
Angela Flanagan (Committee Clerk)

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#### 1. Apologies, Announcements and Declarations of Interests

1.1 Apologies were received from Cllr Kosru Uddin. It was noted that Cllr Uddin had also declared an interest in Item 3 as he is a member of LB Tower Hamlets' Development Committee which had previously considered the application.

#### 2. Minutes of the Planning Committee Meeting 12 January 2012

*LTGDC/12/PC03*

2.1 The Committee **AGREED** the minutes of the Planning Committee Meeting on 12 January 2012. There were no matters arising.

**3. Virginia Quay, Meridian Site, London E14**

*LTGDC/12/PC04*

- 3.1 Cllr Peter Golds (LB Tower Hamlets, Blackwall and Cubitt Town Ward) spoke against the application. He raised concerns relating to the existing high population density in the area which would only become worse, lack of enforceability of a car free development, loss of amenity space and the negative impact on the nursery school which he said would have to close during the construction of the proposed development. He urged Members to follow the example of LB Tower Hamlets' Development Committee and refuse the application.
- 3.2 Cliff Prior, on behalf of two residents' associations and the objector group, also spoke against the application. He was of the view that the proposed development breached planning policy as it contravenes the density range allowed, the family housing provision does not meet Mayoral requirements, and the affordable housing provision is below the minimum requirement. Mr Prior also said there were navigational issues for deliveries, and he had concerns about the loss of amenity space (scrub land), the lack of enforceability on the original Barratts scheme for the estate as he alleged they did not carry out committed works, and the lack of parking proposed for the scheme. He added that there had already been 50 public order incidents relating to parking on the estate that had been recorded by the police. He stressed the historical importance of the area and said the proposed block would set a precedent for more tower blocks to be built within the estate. Mr Prior also urged Members to refuse the planning application.
- 3.3 Members were invited to pose questions to the objectors:
- In response to a question from Sylvie Pierce about consultation carried out by the applicant, Cliff Prior stated that local residents had been consulted via an exhibition, and whilst residents had voiced their objections there had not been any revisions in the planning application ultimately submitted.
  - Conor McAuley asked Cllr Golds if LB Tower Hamlets had addressed the density issue in its Core Strategy document. Cllr Golds said it was being looked at but there were difficulties given the need to deliver housing in the borough. Cliff Prior added that the density would be twice that allowed under Planning Guidelines.
  - Sylvie Pierce asked the objectors to explain how 26 units would disrupt the community. Cliff Prior responded that it related to parking and access. He referred to the lack of parking for the proposed three disabled units as "ridiculous". He added that currently a quarter of the land at Virginia Quay is open space and he strongly objected to a precedent being set which would allow open space to be developed. Cllr Golds commented that previously (before LTGDC's existence) an application for a scheme at the

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other end of Virginia Quay had been rejected by LBTH's Development Committee as it was considered out of context for the area.

3.4 Mr Jim Pool from DP9 (the agent for Cube Developments) spoke in favour of the application. He said that consultation with residents began in March 2011. Mr Pool said the proposed building had been designed to respect the amenity of residents and neighbouring surroundings. The development will provide private and affordable homes to a high architectural quality and sustainability. Mr Pool said he did not believe that 26 homes would be a density concern; currently Virginia Quay has 400 habitable rooms per hectare and with the inclusion of the proposed 26 units there would only be an increase to 412 habitable rooms per hectare. He stated that there were no sufficient reasons to refuse permission.

3.5 Members were invited to ask questions:

- Sylvie Pierce asked Mr Pool to clarify the situation on the small area of scrub land (amenity space) to which the objectors had referred. Mr Pool advised it was part of the original scheme by Barratts who had complied with their obligations and provided a landscaped planting box with trees, but there had not been any enforcement in respect of the management of the area.
- Richard Turner sought clarification on the calculations of habitable rooms per hectare as there was a discrepancy between the objectors' figure (987.5 habitable rooms per hectare) and that given by the applicant (412 habitable rooms per hectare). Mr Pool advised that the objectors, in arriving at their figure of 987.5 habitable rooms per hectare, were looking at the density of the proposed development in isolation. His figure of 412 habitable rooms per hectare was for the Virginia Quay estate as a whole including the proposed development. The comparable figure without the proposed development was 400 rooms per hectare. The objectors' figure was not wrong but Mr Pool felt that his comparison as to the estate as a whole was more helpful.
- Dru Vesty raised two points: 1) the applicant's daylight/sunlight report indicated that the proposed development would not affect the neighbouring undeveloped consented scheme and 2) as the officer's report refers to most windows not being impacted by daylight/sunlight; Ms Vesty asked how many were. Mr Pool confirmed 1) that their report took into account the neighbouring site, and 2) that two windows would be affected.
- Sylvie Pierce asked about the consultation approach/process with the local community. Mr Pool said that the local community was of the view that the status quo should remain. However, DP9 was of the view that the car park/scrub land area was redundant and needed to evolve in a changing estate. In those circumstances there was little that could be done in terms of amendments to the proposals which would address the

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objectors' fundamental objection to any development on the site. He added that the daylight/sunlight impact was very minor.

- 3.6 Peter Minoletti introduced the detailed application by Cube Development for a part four and part twelve storey building to provide 26 flats on a site within the Virginia Quay development. The scheme includes car parking, communal open space and landscaping. An Addendum Report was tabled at the meeting which responded to a dossier of information sent to Members from objectors and also provided an update on a couple of detailed points in the main report. The Officer summarised the main report, advising that the rooms with the two windows impacted by daylight/sunlight (referred to above) are in flats with four windows each. In response to the historical concerns raised by the objectors, the Officer proposed an additional condition that would require an archaeological survey be carried out on the site.
- 3.7 Alan Clark referred to para 4.1.8 – *Negative environmental impact* - in the Addendum Report and sought clarification on the officer's view that it was highly unlikely that there would be an increase in the energy consumption of the surrounding buildings without any evidence to support this. He asked if this was a material consideration. Peter Minoletti responded that the impacts have been analysed using BRE 2011 standards and officers do not believe there would be a material impact on the energy consumption.
- 3.8 Neil Deely added that he thought that residents had a right to light, and any impact on the reduction of daylight/sunlight could be injunction-able and therefore a material consideration. Nigel Hewitson clarified that a homeowner's possible right to a private injunction on the basis of right to light was not a material consideration for the Planning Committee.
- 3.9 Neil Deely also raised three points: 1) was the planted space (referred to by the objectors) designated as an amenity space; 2) the lack of car parking spaces for the disabled units; and 3) the impact on the nursery if the development was to proceed. Peter Minoletti provided the following responses: 1) the planted space had not been adopted as public/private space; 2) as the development comes forward the allocation of car parking spaces might be revised; and 3) there is a requirement for a construction plan to be provided which would detail how the site would operate. Furthermore, if Members were so minded, the plan could be required to preclude the arrival and departure of large lorries at certain times to avoid potential conflict with traffic dropping off and picking up children at the nursery. This had been done at other sites in the LTGDC area.
- 3.10 Sylvie Pierce referred to the objector dossier (which had been distributed to Members prior to the meeting at the request of the objectors) which said that the permission for the original Virginia Quay development was subject to a condition that no more than 700 residential units should be built. She enquired whether the Committee was required to take into account that the limit had been exceeded. Peter Minoletti said he did not know whether

such a limit was imposed. LB Tower Hamlets had given consent for the construction of flats, but that was not a requirement that should necessarily remain in perpetuity. Every application fell to be assessed on its merits at that time. Circumstances had changed in that the proposed restaurant for which the car park forming part of the site was proposed had never proceeded.

- 3.11 Malcolm Chumbley noted there were a number of issues around overshadowing, density and 6 substandard units which he felt cumulatively could add up to a reason for refusal. Peter Minoletti responded that these issues had been considered cumulatively and do not justify refusal.
- 3.12 Dru Vesty drew attention to pg 26 in the main report and sought clarification on the difference between the vertical sky component and BRE sunlight criteria. Nigel Hewitson advised that the vertical sky component measured how much sky is visible from a position a set distance within a room, whereas the BRE sunlight criteria measure what proportion of the floorspace of a room receives direct sunlight at some point in the day as the sun moves across the room.
- 3.13 Richard Turner had questions related to vehicular access, in particular the manoeuvring of lorries with cars coming and going from the car park at Wingfield Court and how this potentially dangerous conflict would be managed. Stephen Allen acknowledged it was not ideal but that the Borough's Highways Officer had indicated it was not a unique situation and had not objected to it. Peter Minoletti added that it was difficult to manage as the car park is part of a separate block and not part of this planning application.
- 3.14 Mick McCarthy made reference to the lack of disabled parking bays, and also that the scheme does not appear to meet London Plan requirements (pg 8 of the main report). He also referred to the historical nature of the site and asked if the scheme would be stopped if an archaeological dig found anything of importance. Peter Minoletti responded that if anything of importance was discovered then this would be a matter for the Museum of London. Nigel Hewitson added that if anything of archaeological importance was discovered which it was felt should be preserved in situ then it was possible the development would be built around it.
- 3.15 Mick McCarthy also noted the LB Tower Hamlets' formal objection detailed on pg 7 (of the main report) made reference to LB Tower Hamlets' interim planning guidance. Peter Minoletti confirmed that the Corporation had been consulted on the borough's emerging planning guidance.
- 3.16 Neil Deely sought assurance that the condition relating to details and materials was consistent with planning documents. Peter Minoletti confirmed it was.
- 3.17 The Committee clarified the proposed additional conditions – 1) that an archaeological survey be carried out, 2) that the hours of operation for

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construction be managed so as not to impact on the nursery; and 3) management of the car park including servicing arrangements and relationship with access to car park for Wingfield Court. However there were issues with the third proposed condition relating to the mechanism of enforcement given that the area is not public highway and is privately owned. It was therefore decided this condition was not practical.

- 3.18 A motion was proposed from the Chair that the Officers' recommendation to grant permission subject to referral to the Mayor for Stage 2 determination, the completion of a s106 agreement on terms as set out in the report and the conditions listed at paragraph 11 of the report plus the two additional conditions mentioned at 3.17 above (archaeological survey and traffic management during construction). Upon being put to a vote, the motion was lost.
- 3.19 Some Members expressed concerns about the proposed scheme which included the overdevelopment of the site including impact on daylight/sunlight and the size of some units being below standard, access arrangements, and lack of disabled parking, and were minded to refuse the application. Therefore the Committee **DEFERRED** consideration of application LTGDC-11-047-FUL to enable officers to consider possible reasons for refusal and prepare a further report.