

Committee: Development Committee	Date: 22 nd August 2012	Classification: Unrestricted	Agenda Item Number:
Report of: Director of Development and Renewal		Title: Town Planning Application	
Case Officer: Nasser Farooq		Ref: PA/12/00925	
		Ward: Limehouse (February 2002 onwards)	

1 **Application Details**

<u>Location</u>	Land at Commercial Road, Basin Approach, London.
Existing Use:	Derelict site former industrial uses. Most recently been used for the storage of materials in relation to the development of the adjoining site.
Proposal:	Erection of buildings between 3 and 9 storeys in height to provide 52 dwellings, including affordable housing, together with the provision of landscaping works, disabled parking and infrastructure works.
Drawing no's	1274_0001, 1274_0100 F, 1274_0101 F, 1274_0104 H, 1274_0106 G, 1274_0108 H, 1274_0050, 1274_0051, 1274_0210 F, 1274_0211 D, 1274_0212 D, 1274_0213 D, 1274_0301, 1274_0302, 1274_0303, 1274_0304 and 1274_0305.
Documents	<p>-Air Quality Assessment dated April 2012 prepared by Mayer Brown.</p> <p>-Daylight/ Sunlight report dated 29th March 2012, prepared by Savills</p> <p>-Design and Access Statement dated March 2012, prepared by RMA Architects reference 1274_001</p> <p>-Energy Statement Second Submission dated 26th July 2012, prepared by Hodkinson Consultancy</p> <p>-Heritage Statement dated March 2012, prepared by Waterman Energy, Environmental & Design Limited.</p> <p>-Noise and Vibration Assessment rev B, dated April 2012 prepared by Mayer Brown including the following information:</p> <ul style="list-style-type: none"> • Foundation Assessment for Proposed Apartment Block prepared by RTL dated 29th June 2012 • Air-Borne Noise Mitigation Package prepared by Mayer Brown dated July 2012 • Acoustic Specification for Glazing dated 12/06/2012. • Appendix 6 Hydraulic Accumulator Tower Foundation Assessment and Sketches <p>-Statement of Community Involvement dated March, 2012 prepared by HardHat.</p> <p>-Sustainability Statement V.3 dated March 2012, prepared by Hodkinson Consultancy.</p> <p>-Supporting Planning Statement dated March 2012, prepared by Savills</p>

-Transport Assessment dated April 2012, prepared by Mayer Brown

Applicant: Bellway Homes Ltd (Thames Gateway)

Ownership: British Waterways

Historic Buildings: Within the development:
Grade II Listed viaduct to the south
Grade II Listed tower to the south east

Adjacent to the site:
Grade II Listed Viaduct to the north-east
Grade II Listed terrace to the north (683-691 Commercial Road)
Grade II Listed terrace to the west of the site (604-608 Commercial Road)

Conservation Area: South-eastern part of the site falls within the St Anne's Church Conservation Area
The site is adjacent to Lowell Street Conservation Area
The site is also near the Regents Canal and Narrow Street Conservation Areas.

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 The local planning authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the Core Strategy 2010, the London Borough of Tower Hamlets Unitary Development Plan, the Council's Managing Development DPD (Submission version 2012), the London Plan 2011 and the National Planning Policy Framework and has found that:
- 2.2 The proposal is in line with the Mayor of London and Council's policy, as well as Government guidance which seek to maximise the development potential of sites. As such, the development complies with policy 3.4 of the London Plan (2011), policy SP02 of the Core Strategy (2010) and policy DM3 of the Managing Development DPD (Submission version 2012) which seeks to ensure the use of land is appropriately optimised.
- 2.3 The proposed development is acceptable in terms of design and appearance. As such, the scheme is in line with policies 7.1 and 7.6 of the London Plan 2011, Policy SP10 of the adopted Core Strategy (2010), policies DM24 and DM26 of the Managing Development DPD (Submission version 2012), and saved policy DEV1 of the Council's Unitary Development Plan 1998, which seek to ensure buildings are of a high quality design and suitably located.
- 2.4 Subject to conditions requiring the submission of full details and material samples the scheme is considered to enhance the street scene and local context, posing no significant adverse impact on the character, appearance and setting of the Grade II listed structure and buildings within the vicinity of the site, nor the character and appearances of the St Anne's Church, Lowell Street, Regents Canal and Narrow Street Conservation Areas. As such, the proposal is in accordance with government guidance set out in the National Planning Policy Framework, Policies 7.8 and 7.9 of the Mayor's London Plan (2011) as well as Policy SP10 of the adopted Core Strategy (2010), saved policy DEV1 of the Unitary Development Plan

(1998) and policies DM23, DM24 and DM27 of the Managing Development DPD (submission version 2012), which seek to protect the appearance and setting of listed buildings and conservation areas.

- 2.5 The proposal provides an acceptable amount of affordable housing and mix of units. As such, the proposal is in line with policies 3.8, 3.10, 3.11, 3.12, 3.13 of the London Plan 2011, saved policy HSG7 of the Council's Unitary Development Plan 1998, policy DM3 of Managing Development DPD (Submission version 2012), and policy SP02 of the Core Strategy Development Plan Document 2010 which seek to ensure that new developments offer a range of housing choices.
- 2.6 The scheme provides acceptable space standards and layout. As such, the scheme is in line with policies DEV1 and DEV2 of the Council's Unitary Development Plan 1998, DM4 of the Managing Development DPD (Submission version 2012), and policy SP02 of the Core Strategy Development Plan Document 2010 and policy 3.5 of the London Plan 2011 which seek to provide an acceptable standard of accommodation.
- 2.7 The proposed amount of amenity space is acceptable and in line with saved policy HSG16 of the Council's Unitary Development Plan 1998, policy DM4 of the Managing Development DPD (Submission version 2012), and policy SP02 of the Core Strategy Development Plan Document (2010), which seek to improve amenity and liveability for residents.
- 2.8 The proposal would not give rise to any unduly detrimental impacts in terms of privacy, overlooking, sunlight and daylight, and noise upon the surrounding residents. Also, the scheme proposes appropriate mitigation measures to ensure a satisfactory level of residential amenity for the future occupiers. As such, the proposal is considered to satisfy the relevant criteria of saved policy DEV2 of the Council's Unitary Development Plan (1998), policy DM25 of the Managing Development DPD (Submission version 2012), and policy SP10 of the of the Core Strategy Development Plan Document 2010 which seek to protect residential amenity.
- 2.9 Transport matters, including parking, access and servicing, are acceptable and in line with policies T16 and T19 of the Council's Unitary Development Plan 1998, policy DM20 and DM22 of the Managing Development DPD (Submission version 2012), and policy SP08 and SP09 of the Core Strategy Development Plan Document (2010) which seek to ensure developments minimise parking and promote sustainable transport options.
- 2.10 The development, through a series of methods including a CHP plant communal gas fired boiler and Photovoltaic Panels would result in a satisfactory reduction in carbon emissions and also seeks to secure the code for sustainable homes level 4 which is in accordance with policy SP11 of the Core Strategy and the energy hierarchy within the London Plan (2011) policies 5.2 and 5.7, and policy DM29 of the Managing Development DPD (Submission version 2012), which seek to reduce carbon emissions from developments by using sustainable construction techniques and renewable energy measures.
- 2.11 Contributions have been secured towards the provision of affordable housing; education improvements; public realm improvements; community facilities; health care provision and access to employment for local people in line with Regulation 122 of Community Infrastructure Levy 2010; saved policy DEV4 of the Council's Unitary Development Plan 1998; and policy SP02 and SP13 of the Core Strategy Development Plan Document 2010, which seek to secure contributions toward infrastructure and services required to facilitate

proposed development.

3. RECOMMENDATION

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

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

3.3 Financial contributions

- a) **£9,149** towards employment initiatives for the construction phase.
- b) **£13,356** towards Idea stores and Library facilities.
- c) **£41,092** towards Leisure and/or Community Facilities
- d) **£170,851** towards the provision of education.
- e) **£85,058** towards public open space
- f) **£69,099** towards the provision of health and wellbeing.
- g) **£1,590** towards sustainable transport
- h) **£26,000** towards Bus Stop improvements along Commercial Road
- i) **£8,324** for the 2% monitoring fee.

Total Contribution financial contributions **£424,519**

3.4 Non-financial contributions

- j) Minimum of 36% affordable housing, measured in habitable rooms comprising of:
 - 3 x one bed and 4 x two bed shared ownership
 - 1 x one bed and 5 x two bedroom units at affordable rent (set at pod level)
 - 5 x three bed units at social rent
- k) Car free development.
- l) Access to employment initiatives for construction through 20% of non-technical total construction jobs to be advertised through the Council's job brokerage service.
- m) An expectation that 20% of total value of contracts which procure goods and services are to be achieved using firms located within the borough.
- n) Retention of public access to the Hydraulic Tower
- o) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal.

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

3.6 That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:

3.7 **Conditions**

1. Three Year time limit for full planning permission
2. No development within 100m of Crossrail boring machine.
3. No development until detailed construction drawings are approved.
4. Development in accordance with plans

5. Details of materials
6. Details of lighting to the arches, defensible space, Balcony Screening, Entrance drawings and railings and gates.
7. Boundary Plan
8. Landscape details and management plan
9. Contaminated land – details to be submitted for approval.
10. Details of ramp access
11. Details of noise mitigation measures including to communal amenity space
12. Secure by design.
13. Compliance with Energy Statement detailed energy strategy
14. Installation of a heat network
15. Installation of Photovoltaic Panels.
16. Detail of measures to meet Code for Sustainable Homes Level 4.
17. Details of deliver and service management strategy
18. Construction Hours (8am – 6pm Monday to Friday, 8am – 1pm Saturday only).
19. Scheme of highways works.
20. Development to comply with lifetime homes standards.
21. 10% wheelchair housing retained.
22. Provision of refuse facilities in accordance with drawing
23. Provision/retention of cycle spaces
24. Provision of disabled spaces
25. Construction management plan.
26. The development shall comply with the requirement of ‘Secured by Design’.
27. Any other conditions(s) considered necessary by the Corporate Director Development & Renewal.

3.8 **Informatives**

1. This development is to be read in conjunction with the s106 agreement
2. Developer to enter into a s278 agreement for works to the public highway (Commercial Road Managed by Transport for London)
3. Developer to contact Council’s Building Control service.
4. Developer to contact Network Rail prior to commencement of development.
5. Developer to contact Crossrail prior to commencement of development.
6. Any other informatives(s) considered necessary by the Corporate Director Development & Renewal.

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

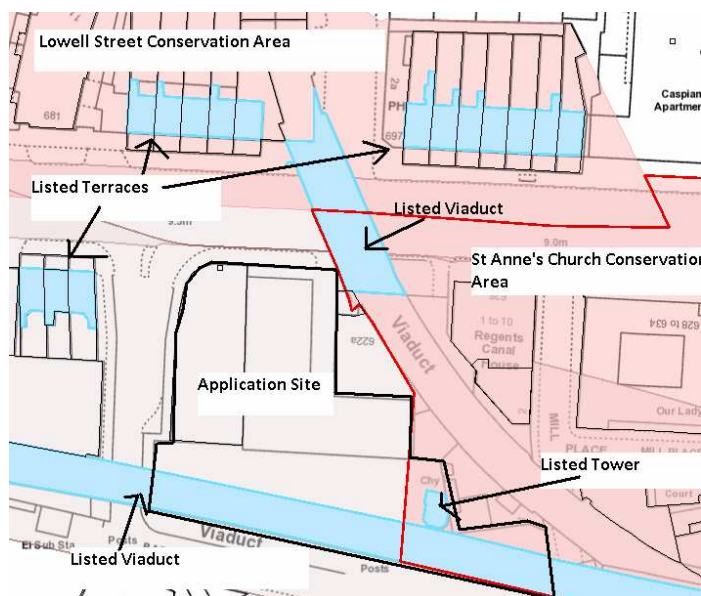
4. **PROPOSAL AND LOCATION DETAILS**

Proposal

- 4.1 The application seeks planning permission for the residential development of the site, through the erection of a three to nine storey building.
- 4.2 A total of 52 residential units are proposed.

Site and Surroundings

- 4.3 The site bounded to the north by Commercial Road and to the west by Basin Approach. It is broadly rectangular, narrowing as it extends towards to the south east.
- 4.4 At the southeast corner, where St Anne's Church Conservation Area extends into the site, there is a Grade II listed structure which falls within the site. This is a mid nineteenth century former Hydraulic Accumulator Tower, octagonal in shape, linked with a chimney stack which is also octagonal in shape.
- 4.5 The site is currently used as a storage compound, with stockpiled materials, partially demolished structures and unsightly advertising hoardings.
- 4.6 Crossing Commercial Road to the north east of the site is the Grade II listed wrought iron Lattice Bridge, part of a former railway route, built c. 1880. The northern abutment of the bridge contains a drinking fountain, also Grade II listed.
- 4.7 A number of industrial units are located within the arches under the bridge to the east of the site. Further east past the Lattice Bridge is a 5 storey residential property called Regents Canal House.
- 4.8 Immediately to the north of the site across Commercial Road sits a terrace of three storey plus basement houses which are Grade II Listed (683-691 Commercial Road) these fall within the boundary of the Lowell Street Conservation Area (this extends north from the centre of the road).
- 4.9 Further west of the site on the southern side of Commercial Road exists a Grade II Listed terrace (604-608 Commercial Road).
- 4.10 To the south of the listed terrace at 604-608 Commercial Road and across Basin Approach exists a recently completed residential development between two and nine storeys in height.
- 4.11 In addition to the above conservation areas, the Narrow Street Conservation Area is located 38m to the south- east of the Hydraulic Accumulator Tower and Regents Canal Conservation Area is located 53m to the west of the site.
- 4.12 The following map shows the location of the application site in relation to these heritage assets.



Map 1: Showing application site in relation to the heritage assets

Planning History

4.13 The following planning decisions are relevant to the application:

PA/03/00606 Application for Outline Permission for the redevelopment of the site to provide a mixed-use scheme in a total of 8 buildings of between 2 and 16 storeys in height, comprising of Use Classes A1, A2, A3 and B1 (3070.93sq.m), Class C1 hotel (205 rooms, 7066.18sq.m), Class C3 residential dwellings including key worker housing (187 units for private sale, 67 key worker units, 3790.41sq.m), Class D1 creche (442.15sq.m) and leisure facility (1040.41sq.m); alteration to existing vehicular access, alteration to highway to provide new coach lay-by, creation of new pedestrian access, creation of new access to Limehouse DLR Station, provision of new steps from Commercial Road to the Grand Union Canal towpath, associated car parking (139 spaces) and amenity space.
Withdrawn 04/09/2003

PA/08/2207 Erection of buildings between two and nine storeys to provide 34 dwellings (5 x studio, 10 x one bedroom, 13 x two bedroom, 5 x three bedroom and 1 x five bedroom units) and 493 sqm of commercial floorspace (Flexible uses for Use Class A3 (restaurant), Use Class B1 (office), Use Class D1 (non-residential institutions), or Use Class D2 (assembly and leisure). Associated landscaping and infrastructure works.
Approved on 04/02/2009
n.b This consent has been implemented.

5. POLICY FRAMEWORK

5.1 For details of the status of relevant policies see the front sheet for “Planning Applications for Determination” agenda items. The following policies are relevant to the application:

5.2 Core Strategy Development Plan Document 2025 (adopted September 2010)

Policies	SP02	Urban living for everyone
	SP03	Creating healthy and liveable neighbourhoods
	SP04	Creating a green and blue grid
	SP05	Dealing with waste
	SP09	Creating attractive and safe streets and places
	SP10	Creating distinct and durable places
	SP11	Working towards a zero-carbon borough
	SP12	Delivering placemaking

5.3 Unitary Development Plan 1998 (as saved September 2007)

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

5.4 Managing development DPD (Submission Version 2012)

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

5.5 Interim Planning Guidance for the purposes of Development Control

Policies	DEV1	Amenity
	DEV2	Character and design
	DEV3	Accessible and inclusive design
	DEV4	Safety and security
	DEV5	Sustainable design
	DEV6	Energy efficiency and renewable energy
	DEV10	Disturbance from noise pollution
	DEV11	Air pollution and air quality
	DEV15	Waste and recyclables storage
	DEV16	Walking and cycling routes and facilities
	DEV19	Parking for motor vehicles

- HSG3 Affordable housing provision in individual private residential and mixed use schemes
- HSG10 Calculating the provision of affordable housing.

5.6 London Plan 2011 (Spatial Development Strategy for Greater London)

- 3.3 Increasing housing supply
- 3.5 Quality and design of housing design
- 3.6 Children and young people’s play and informal recreation facilities
- 3.8 Housing choice
- 3.10 Definition of affordable housing
- 3.11 Affordable housing targets
- 3.12 Negotiating affordable housing on individual private residential and mixed use schemes
- 3.13 Affordable housing thresholds
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.5 Decentralised energy networks
- 5.6 Decentralised energy in development proposals
- 5.7 Renewable energy
- 5.11 Green roofs and development site environs
- 5.13 Sustainable drainage
- 5.17 Waste capacity
- 5.21 Contaminated land
- 6.9 Cycling
- 6.11 Walking
- 6.13 Parking
- 7.1 Building London’s neighbourhoods and communities
- 7.2 An inclusive environment
- 7.4 Local character
- 7.5 Public realm
- 7.15 Reducing noise and enhancing soundscapes
- 8.2 Planning obligations

5.7 Planning Obligations Supplementary Planning Document (Adopted Jan 2012)

5.8 National Planning Policy Framework

Community Plan

The following Community Plan objectives relate to the application:

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

6. CONSULTATION RESPONSE

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

6.2 The following were consulted regarding the application:

Environmental Health - Contaminated Land

6.3 A condition on this application is recommended to ensure the developer carries out a site investigation to investigate and identify potential contamination and remediation.

6.4 *(Officer comment: A condition is recommended to this effect)*

Environmental Health- Noise & Vibration

6.5 This site falls within an area which is exposed to high levels of noise and vibration, including ground borne noise which has not been taken into consideration by the applicant. As such environmental protection require agreement on the noise mitigation measures required to protect future occupants, including adequate acoustic ventilation.

Following receipt of additional information, Environmental Health has advised that suitable mitigation measures are in place such as high performance glazing which will reduce the levels of noise to the rooms serving the development

6.6 *(Officer comment: Crossrail have requested a condition requiring full details of the construction drawings prior to the implementation of the development. Officers consider that full details can be dealt with via conditions to ensure the mitigation details are implemented)*

6.7 Environmental Protection Health and Housing Team

Housing comments have been received regarding the size of units and compliance with the London Plan. These have been noted.

6.8 Landscape Section

No comments received

6.9 *(Officer comment: A landscape condition is recommended to ensure the landscaping proposed is of sufficiently high quality)*

Crime Prevention Officer

6.10 There appear to be a number of areas on the ground floor that may make climbing easier (ground floor balconies/walls etc), and these need to be looked at in finer detail to design the problem out.

6.11 There are some ground floor windows that do not have any form of external defensible space and a secure by design condition is recommended for this scheme.

6.12 *(Officer comment: The plans have been amended to ensure defensible space is provided for all the units and a secure by design condition is recommended should planning permission be granted)*

Transportation & Highways

6.13 Public Transport Accessibility is very good to excellent, between levels 5-6.

- 6.14 Three disabled parking spaces, 52 Sheffield-stand residential & visitor cycle parking spaces, and one regular space for delivery vehicles are proposed. A further 52 Sheffield-type spaces are conveniently provided with level access at the ground floor of each of the cores. The total number of cycle spaces are 104. These are all acceptable in design and number. A condition is recommended to ensure the arches are well lit.
- 6.15 With its high PTAL level of 5, the site is suitable for a car-and-permit-free agreement. Furthermore, in the nearest on-street parking there are areas of parking stress, particularly at the 7 spaces in Mill Place were 100% occupied.
- 6.16 As the site is distant from an LBTH maintained public highway, a s278 is not appropriate in this case.
- 6.17 Refuse is to be stored at the base of the core blocks, and from the notation of a further refuse area under the arches near the access, it would appear the refuse is to be moved across the site to be ready for waste collections. This is acceptable.
- 6.18 A Construction Management Plan will be required prior to implementation, and a condition to require the applicant to maintain and retain all the parking spaces shown on the ground floor plan for that purpose only.
- 6.19 *(Officer comment: These comments have been noted. Conditions to secure details of lighting to the arches, as well as a Construction Management Plan are recommended should consent be granted)*

Access to Employment

- 6.20 The developer should exercise best endeavours to ensure that 20% of the construction phase workforce will be local residents of Tower Hamlets. LBTH will support the developer in achieving this target through providing suitable candidates through the Skillsmatch Construction Services.
- 6.21 To ensure local businesses benefit from this development the Employment and Enterprise section expect that 20% goods/services procured during the construction phase should be supplied by businesses in Tower Hamlets. LBTH will support the developer in achieving this target through inter-alia identifying suitable companies through East London Business Place.
- 6.22 The Council will seek to secure a financial contribution of £9,149 to support and/or provide the training and skills needs of local residents in accessing the job opportunities created through the construction phase of all new development.
- 6.23 *(Officer comment: These requests have been secured within the s106 package)*

Communities, Localities & Culture

- 6.24 Communities, Localities and Culture note that the increase in population as a result of the proposed development will increase demand on the borough's open spaces, sports and leisure facilities and on the borough's Idea stores, libraries and archive facilities.
- 6.25 A total contribution of £13,356 is required towards Idea Stores, Libraries and Archives
A total contribution of £41,092 is required towards Leisure Facilities
A total contribution of £85,058 is required towards Public Open Space.

A total contribution of £1,590 is required towards Smarter Travel.

A total contribution of £18,895 is required towards public realm improvements.

- 6.26 *(Officer comment: These requests have been secured within the s106 package, with the exception of the public realm improvements. This is not considered necessary as the pavements around the site are either privately owned or maintained by Transport for London)*

Corporate Access Officer

- 6.27 The gate into the development must be inclusively designed and may need to be hands free automated if required.

- 6.28 The wheelchair adaptable units do not all appear to have a space in the corridor for storage recharging of a second wheelchair or sufficient storage, detailed plans at 1:50 showing furniture layouts are required

- 6.29 *(Officer comment: the details for the gates will be secured by condition. The detailed drawings have been submitted and are considered acceptable)*

Energy Efficiency Unit

- 6.30 The revised energy strategy is considered acceptable, subject to conditions securing the delivery of the strategy.

- 6.31 *(Officer comment: The requested conditions are recommended to the planning permission)*

Waste Management

- 6.32 Waste storage arrangements are satisfactory as described in the design and access statement. The distance of the bin store from the collection point should not be more than 10 Meters and all the collection points.

- 6.33 *(Officer comment: Refuse is to be collected from Basin Approach within 10m from the collection point)*

Crossrail Limited

- 6.34 The site of this planning application is identified within the limits of land subject to consultation under the Safeguarding Direction.

- 6.35 The implications of the Crossrail proposals for the application have been considered and the detailed design of the proposed development needs to take account of the construction of Crossrail.

- 6.36 Crossrail recommend a number of conditions to secure the safety of the tunnel beneath the site.

- 6.37 *(Officer comment: These conditions are recommended on the consent)*

Docklands Light Railway

- 6.38 DLR's Guidance for Developers should be a condition should the application be consented.

- 6.39 Any works beneath the railway would need to be approved by DLRL, so that maintenance and repair access to the brick viaduct is not reduced.

- 6.40 Lastly, vehicular access beneath the viaduct would need to be height restricted, to prevent impact damage from high vehicles on the historical viaduct.
- 6.41 DLRL supports this maximised use of public transport and seek a contribution from the developer of £80,000 to fund the installation of an Electronic Status Update Board at Limehouse station – the closest station.
- 6.42 *(Officer comment: An informative will be attached advising the applicant to contact DLR prior to the commencement of the development to discuss their requirements. With regards to the £80,000 contribution, officers do not consider this meets the test for the set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010)*

English Heritage

- 6.43 The scale of the development is appropriate in relation to Commercial Road and the setting of the Accumulator Tower is very distinctive. English Heritage query whether there scope to reduce the height of the eastern section of the proposed development to allow more visual space around the listed tower.
- 6.44 Recommend that the application is determined in accordance with local policy.
- 6.45 *(Officer comment: The application has been recommended in accordance with the Councils development plan, with regards to the request to reduce the height of the six storey element. It is considered that this is not necessary and this is discussed further in the design section of the report)*

English Heritage Archaeology

- 6.46 There are no archaeology implications from the proposal.
- 6.47 (Officer comment: This is noted)

Environment Agency

- 6.48 No objections to the proposal. An informative is recommended advising the applicant to ensure any proposed piling methods do not pose a pollution risk to controlled waters.
- 6.49 *(Officer comment: Whilst Environmental Agency have requested an informative, it is considered that this is necessary to be conditioned. A condition requiring a Piling Method Statement prior to any piling taking place is therefore recommended)*

Limehouse Community Forum

- 6.50 No comments received.

Network Rail

- 6.51 No comments received.

Thames Water

- 6.52 The proposed development will not have an adverse Impact on the Thames Water Sewage Network

- 6.53 Prior approval from Thames Water Developer Services will be required where the developer proposes to discharge to a public sewer.
- 6.54 On the basis of information provided, Thames Water would advise that with regard to water infrastructure we would not have any objection to the above planning application.
- 6.55 Thames Water recommend an informative advising the applicant of the water flow rate and a condition requesting details of the design and depth of foundations for any piling methods.
- 6.56 *(Officer comment: these comments have been noted. The proposed condition requested regarding the design and depth of the foundations will be conditioned as will the relevant informative be placed)*

Transport for London

- 6.57 It is understood that no general car parking will be provided, with the exception of three disabled parking spaces and 1 servicing bay; this is welcomed by TfL.
- 6.58 TfL requests that future residents will be exempted eligibility for local parking permits with the developer enters into a 'car free' agreement with the local authority.
- 6.59 The proposed provision of cycle parking exceeds the minimum London Plan standards, this is welcomed by TfL.
- 6.60 It is recommended that a Residential Travel Plan be produced to promote sustainable travel by future residents.
- 6.61 *(Officer comment: Given the provision of cycle spaces within the development, the high public transport accessibility level and the s106 agreement to secure the development as car-free, it is considered sufficient measures are in place to promote sustainable modes of transport)*
- 6.62 A delivery & servicing plan (DSP) should be submitted and be secured by conditions/ obligations.
- 6.63 The developer shall enter into a S278 Agreement with TfL under Highways Act 1980 to improve/ make good of the footway along the site's boundary on A13 Commercial Road to TfL's satisfaction prior to the occupation of the site. TfL requests this should be secured by condition/obligation.
- 6.64 Boundary treatment plan must be submitted for agreement with and approved by TfL prior to construction commences on site and be subject to condition.
- 6.65 TfL requests that a Construction Management Plan (CMP) and Construction Logistics Plan (CLP) be secured by conditions/ obligations.
- 6.66 *(Officer comment: Conditions based on the above have been recommended)*
- 6.67 TfL will be looking to seek a total of £26K toward the upgrade of two bus stops on Commercial Road just west of the application site
- 6.68 *(Officer comment: The bus stop contribution is considered necessary to the consent and will be*

secured within the S106 agreement)

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.
- 7.2 The Council received 18 letters in objection to the development from local residents raising the following issues:
- 7.3 - Daylight/ Sunlight /Loss of view and shadowing impacts on Regents Canal
(Officer comment: The application has been accompanied with a technical Daylight/Sunlight report which demonstrates that the proposal will have an acceptable impact in terms of Daylight/ Sunlight. This is discussed further within this report)
- 7.4 - Loss of views of St Dunstan's Church from the Grade II listed Hydraulic Accumulator Tower
(Officer comment: The London Docklands Development Corporation installed an internal staircase within this tower in the 1990s. Since this date the tower has been used twice a year as a viewing platform. Objectors contend that the six storey element of the scheme in particular would restrict views from the tower to the St Dunstan's Church. Whilst loss of view is not normally a material planning consideration, consideration and weight has been given to this ground of objection in these circumstances. However, the overriding benefits of the proposal are considered to outweigh this partial loss of view. Furthermore, it should also noted that views from this tower to St Dunstan's church are not protected views)
- 7.5 - Arch to the south of the tower should be reserved for public access and enjoyment of the tower.
(Officer comment: There is a single arch located to the south of the tower which has no particular usage. The request made by the objectors has been passed onto the owners of the site for their consideration. However, given planning permission is likely to be required for this change of use, any application (should one be submitted) will need to be considered on it's own merits. With relation to the current planning submission, it is not considered necessary to request this.)
- 7.6 - Loss of views from existing residential properties
(Officer comment: Amenity impacts of the proposal are discussed within the amenity section of this report. Loss of views is not normally considered a material planning consideration)
- 7.7 - Thames Water unable to provide water to the premises.
(Officer comment: Thames water have advised that they are able to provide water to the premises and have requested an informative on the permission advising of the flow rate.)
- 7.8 - Privacy issue
(Officer comment: The privacy impacts of the proposal are considered further in the amenity section of this report)
- 7.9 - Noise pollution
(Officer comment: The privacy impacts of the proposal are considered further in the amenity

section of this report)

Procedural Issues:

- 7.10 - Lack of notification
(Officer Comment: The application was advertised by press notice, site notice and by letters to local residents as shown in the map appended to this report. This is in accordance with the Council's statutory duties and the Council's statement of community involvement)
- 7.11 - No mention of the Crossrail line running underground.
(Officer Comment: The applicant is aware of the proposed Crossrail Tunnel underneath the site, and Crossrail have raised no objections subject to the imposition of conditions.)
- 7.12 The Council also received an objection from the Greater London Industrial Archaeology Society (GLIAS) raising the following issues:
- Loss of view
(Officer comment: this relates to views from St Dunstan's Church as discussed above. Officers conclude the impact of the six storey element of the scheme is acceptable in terms of enhancing the appearance of the Grade II listed Tower. This is discussed further in the Design section of this report)
 - Landscaping inappropriate to the arches
(Officer comment: Full details of landscaping will be conditioned to ensure acceptability)
 - No objections are raised to the nine storey element of the scheme
 - GLIAS support the development as 'Car-free'
 - GLIAS support the use of traditional stock brick
(Officer comment: The comments are noted)

8. MATERIAL PLANNING CONSIDERATIONS

- 8.1 The main planning issues raised by the application that the committee must consider are:
1. Principle of the Land Use and Density
 2. Design and appearance
 3. Amenity Impacts
 4. Dwelling mix and affordable housing
 5. Quality of proposed accommodation
 6. Highways
 7. Energy and sustainability
 8. Planning obligations

Principle of land use and density

Land Use

- 8.2 Delivering housing is a key priority both nationally and locally and this is acknowledged within the National Planning Policy Framework, Strategic Objectives 7, 8 and 9 of the Core Strategy and policy 3.1 of the London Plan which gives Boroughs targets for increasing the number of housing units.

- 8.3 Core Strategy 2010 (Core Strategy) policy SP02 sets Tower Hamlets a target to deliver 43,275 new homes (2,885 a year) from 2010 to 2025. An important mechanism for the achievement of this target is reflected in London Plan 2011 (London Plan) policies 3.3 and 3.4 which seek to maximise the development of sites and thereby the provision of family housing to ensure targets are achieved.
- 8.4 The site does not have an allocation in the Unitary Development Plan nor the Managing Development DPD (submission version 2012). Taking this into account, and given the surrounding area is predominantly residential in character, it is considered that this development would be an acceptable use of previously developed land and would be in accordance with the above planning policies.

Density

- 8.5 The London Plan density matrix within policy 3.4 suggests that densities within urban sites with good transport links should be within the range of 450-700 habitable rooms per hectare. This is reinforced by policy HSG1 of the Interim Planning Guidance and policy SP02 (2) of the Core Strategy (2010) which seek to correspond housing density to public transport accessibility and proximity town centres.
- 8.6 Policy HSG1 of the IPG specifies that the highest development densities, consistent with other Plan policies, will be sought throughout the Borough. The supporting text states that, when considering density, the Council deems it necessary to assess each proposal according to the nature and location of the site, the character of the area, the quality of the environment and type of housing proposed. Consideration is also given to standard of accommodation for prospective occupiers, microclimate, impact on neighbours and associated amenity standards.
- 8.7 The proposed density when taking into account the arches to the south which provide some of the associated infrastructure (cycle spaces, disabled spaces and refuse storage) is around 550 habitable rooms per hectare. This falls comfortably within the recommended guidelines.
- 8.8 Furthermore, as discussed further below, it is not considered that the proposed scheme gives rise to any of the symptoms of overdevelopment. As such, the density is considered acceptable given that the proposal poses no significant adverse impacts and meets the recommended guidelines.

Design and Appearance

- 8.9 Good design is central to all objectives of the London Plan and is specifically promoted by the policies contained in Chapter 7. Saved policy DEV1 in the UDP and Policy DEV2 of the Interim Planning Guidance (October 2007) states that developments are required to be of the highest quality design, incorporating the principles of good design.
- 8.10 These principles are further supported by policy SP10 in the Core Strategy (2010) and policy DM24 of the Managing Development DPD (submission version 2012).
- 8.11 London Plan policies 7.6 and 7.7 seek to ensure tall buildings are of an appropriate design and located to help create attractive landmarks and be a catalyst for regeneration. These aims are further supported by policy SP10 of the adopted Core Strategy, policy DM26 of the Managing

Development DPD (submission version 2012), and DEV27 in Interim Planning Guidance (October 2007).

- 8.12 London Plan policy 7.9 and policy SP10 in the Core Strategy (adopted 2010) seek to preserve the character and appearance of conservation areas and the setting of heritage assets. These policies are reinforced by policy DM27 of the Managing Development DPD (submission version 2012) and policies CON1 and CON2 in the Interim Planning Guidance (October 2007)

The Proposed Scheme

- 8.13 The application proposes the erection of a building between three and nine storeys in height with associated works including disabled parking and cycle spaces in the arches to the south.
- 8.14 The proposed scheme has been designed to respect the context of the surrounding area, which comprises a wide variety of housing typologies, such as the three-storey plus basement terraced housing fronting Commercial Road, and the taller residential buildings to the south and west of the site. The site's relationship with the listed viaducts and Hydraulic Tower are also an important consideration which has been taken into account.
- 8.15 Fronting Commercial Road and along Basin Approach, the building is proposed to be three storeys in height with a setback fourth storey, and the building is set back from the pavement edge to align with the adjacent listed terrace and provide defensible space for the proposed ground floor units.
- 8.16 To the south the building rises in height to nine storeys before falling to around six storeys in height nearest to the Listed Hydraulic Accumulator Tower.
- 8.17 The nine storey element is marginally higher (3 metres) than the adjoining tall building consented under PA/08/02207.
- 8.18 The building entrances are well positioned and the proposed ground floor units have adequate defensible space. The proposal creates an internal courtyard play area for the development and a roof terrace at fourth floor level. The level of amenity space provision is discussed in greater detail within the Amenity section of this report.
- 8.19 In terms of built form, the siting, mass and bulk of the development is considered to be an appropriate response to the scale of the adjoining development. With regard to the setting of the listed Hydraulic Tower, the building line has been set back to create an enhanced view of the Tower which currently does not exist. The side of the building is to be aligned with trees which will have an effect to draw attention to the listed tower.

Design and appearance

- 8.20 A number of materials are proposed for the external façade of the building.
- 8.21 The proposed development is to be primarily of yellow stock brick, with metal rainscreen cladding complemented with aluminium windows with PPC panels. The staircases are to be constructed with silver coloured timber faced rainscreen panels and the internal courtyard is to be faced in white render, making full use of its reflective properties.

- 8.22 The proposed materials are consistent with those found in the surrounding area and the proposed bronze metal rainscreen panels for the setback elements and part of the nine storey building help add some architectural detailing to the development.
- 8.23 The use of these varied materials would create a distinctive building within the streetscene which contributes positively to the locality.

Impact upon heritage and listed building

- 8.24 As outlined above, the sites location is within an area of high heritage value surrounded by a number of listed buildings within the St Anne's Conservation Area, and adjacent to the Lowell Street Conservation Area.
- 8.25 There is one Grade II Listed Monument within the site - the Hydraulic Tower built C1855. This was the first hydraulic pumping station on the Regents Canal Dock and is now used twice a year as a viewing tower.



Photo showing Listed tower to the left (taken from within the site)

- 8.26 The site is currently used as a storage compound, with stockpiled materials, partially demolished structures and unsightly advertising hoardings, which does not form an attractive setting for the Grade II Listed tower located within the site or for surrounding listed structures and conservation areas.
- 8.27 It is considered that the development has been sensitively designed taking into account the importance of these heritage assets. The proposed stock brick and three storey height facing Commercial Road preserve and enhance the settings of the listed terraces adjacent and opposite the site.
- 8.28 The proposed tapering of the six storey building away from the Hydraulic Accumulator Tower would enhance its setting and improve permeability into the site. This is shown in the following plan.



Part ground floor plan showing tapering of building in relation to the listed tower.

- 8.29 Conditions have been recommended requiring full details of all external materials, landscaping treatments and elevation details to ensure the highest possible and the most appropriate level of design quality.
- 8.30 Overall, the proposed redevelopment of the site results in a high quality well designed building, which would preserve and enhance the character and appearance of the St Anne's Conservation Area and improve the setting of the adjoining Lowell Street Conservation Area.
- 8.31 Furthermore, the proposed design would improve the setting of the Hydraulic Accumulator Tower, the neighbouring listed terraces as well as the listed structures in the vicinity of the site.

Design Conclusion

- 8.32 The proposal provides a high quality development that would contribute to an identified housing need. The design approach is not considered to pose an adverse impact on the character, appearance and setting of the Grade II listed structure and buildings within the vicinity of the site, nor the character and appearance of the St Anne's Church and the Lowell Street Conservation Areas.
- 8.33 The proposed height of the development responds to its local context in accordance with London Plan policies 7.6 and 7.7, policy SP10 of the adopted Core Strategy and policy DM26 of the Managing Development DPD (submission version 2012) which seek to ensure building heights are suitably designed to be of high quality and appropriate height and scale to their context.

Security and Safety

- 8.34 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.
- 8.35 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.

- 8.36 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 and policy DEV1 of the UDP.

Amenity

- 8.37 Adopted policy SP10 of the Core Strategy, saved policy DEV2 of the UDP and DM25 of the Development Management DPD (submission version 2012) seek to protect residential amenity by ensuring neighbouring residents are not adversely affected by a loss of privacy or a material deterioration in their daylighting and sunlighting conditions. New developments will also be assessed in terms of their impact upon residents visual amenities and the sense of enclosure it can create.

Privacy

- 8.38 It is not considered that any loss of privacy or overlooking would occur as a result of the north or south or east facing habitable windows given the separation distances in excess of 20m and given the sites are separated by Commercial Road and the elevated viaducts. Furthermore, the separation distances are in excess of the minimum privacy distance outlined within policy DEV2 of the Unitary Development Plan and DM25 of the Managing Development DPD (submission version 2012), which seek a separation distance of 18 metres.
- 8.39 With regards to the development to the west of the site, given this is located around 14m from the site, is separated by Basin Approach and has no habitable rooms facing this site it is considered that the proposal will not give rise to any adverse privacy concerns.
- 8.40 Within the northern part of the block there are some windows and balconies which have a western aspect. These face out over a single storey warehouse building and not across to Reservoir Studios. It is therefore not considered that there would be any loss of privacy caused by these windows.

Daylight/sunlight

- 8.41 Policy 3.5 of the London Plan, policy SP02 of the Core Strategy and policy DM25 of the Managing Development DPD (submission version 2012) also seek to ensure development are designed to provide appropriate living conditions in term of daylight and sunlight received by the proposed development.
- 8.42 A technical study of the impacts upon daylight and sunlight has been submitted with the application which looks at the impact of the development on the neighbouring properties.

Daylight and Sunlight (Impacts)

- 8.43 Daylight is normally calculated by two methods - the Vertical Sky Component (VSC) and No Sky Line (NSL). BRE guidance in relation to VSC requires an assessment of the amount of daylight striking the face of a window. The VSC should be at least 27%, or should not be less than 20% of the former value, to ensure sufficient light is still reaching windows. These figures should be read in conjunction with other factors including NSL. NSL calculation takes into

account the distribution of daylight within the room, and again, figures should not exhibit a reduction beyond 20% of the former value, or there will be a discernible loss of daylight.

- 8.44 The report demonstrates that properties to the north east and west all receive a minor loss of daylight of less than 10% of their former values under the Vertical Sky component method. Given a loss of 20% is considered to be a noticeable loss of daylight, a 10% loss is in accordance with BRE Guidelines and is considered acceptable.
- 8.45 The greatest loss of daylight is to the ground floor of the two towers (31-63 and 64-96 Limehouse Basin) located to the south of the development. These are impeded by the existing railway line and would lose around 13% of VSC. Again, given this is below the recommended guidelines, it is not considered that losses in daylight would be discernible to existing neighbouring properties.

Overshadowing

- 8.46 Within the development, the applicant has providing a transient overshadowing assessment which looks at the likely showing of the proposal on the surrounding area within three key dates:
- 21st March (this is when the sun is at mid point in the sky)
 - 21st June (this is when the sun is at it's highest point in the sky)
 - 21st December (this is when the sun is at it's lowest point in the sky)
- 8.47 *21st March*
On 21st March, the report highlights the proposed development would have some shadowing impacts on the adjoining development at 602 Commercial Road early in the morning. However, given that there is no prolonged over shadowing as a result of this development it is considered acceptable.
- 8.48 The report illustrates the shadow will not cross Commercial Road to the north on 21st March and as such there will not be any shadowing impacts to the listed terrace to the north.
- 8.49 *21st June*
The report demonstrates that the shadowing impact of the proposal on 21st June is likely to be similar to 21st March outlined above. However, given the sun is at it's highest point in the sky the shadowing will be confined to the early morning and late evening.
- 21st December*
- 8.50 The resulting shadowing on 21st December is likely to be the greatest than at any time during the year, given the sun is at its lowest point in the sky. The report illustrates that 602 Commercial Road is already shadowed by the development to the south early in the morning and as such the shadow has little impact on this development.
- 8.51 From 11am to 2pm the proposed development is envisaged to cause shadowing to the Grade II listed terrace to the north of the site. However, in relation to the overall shadowing this impact is relatively minor and considered acceptable.

Visual amenity / sense of enclosure

- 8.52 These issues are considered to be subjective. Following an assessment of the application,

officers consider that given the separation distances involves between the application site and surrounding buildings the proposed development will not give rise to any adverse impacts in terms of visual amenity or sense of enclosure.

- 8.53 In conclusion, it is considered that there would be no significant detrimental impact upon the amenity of the surrounding occupants, and the density and proximity of the building is appropriate for the character of an urban area such as this.

Dwelling mix and affordable housing

Affordable housing

- 8.54 Policies 3.10, 3.11 and 3.12 of the London Plan (2011) define Affordable Housing and seek the maximum reasonable amount of affordable housing taking into account site specific circumstances and the need to have regard to financial viability assessments, public subsidy and potential for phased re-appraisals.
- 8.55 Policy SP02 of LBTH's Core Strategy (2010) seeks to maximise all opportunities for affordable housing on each site, in order to achieve a 50% affordable housing target across the Borough, with a minimum of 35% affordable housing provision being sought.
- 8.56 Consideration has also been given to the recent government announcements that HCA grant funding has been drastically cut and to the changes made to the national definition of the affordable rented product which offers eligible households dwellings at a rent of up to 80% of local market rents. The definition of affordable housing has therefore changed and as outline below in more detail now includes social rented, affordable rented and intermediate housing.
- 8.57 Part 1 of Policy DM3 of the Managing Development DPD (submission version 2012) sets out the Council's approach to the new affordable rent product. The policy reaffirms the Core Strategy target for 70% of new affordable housing to be for Social Rent and 30% for Intermediate. Where it can be demonstrated that it is not viable to provide this level of Social Rent housing then Affordable Rent will be accepted. The policy confirms that the delivery of larger family homes should still be prioritised for Social Rent.
- 8.58 The subtext to Policy DM3 of the Managing Development DPD (Paragraph 3.3) provides further detail on what acceptable Affordable Rent levels are likely to be for the Borough as a whole. This has been informed by research carried out for the Council by POD (2011) which takes into account local socio economic circumstances. In practice, rental levels on each individual scheme will be need to be agreed with Council to reflect the particular local housing market of that area and the needs of the borough.
- 8.59 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.
- 8.60 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.

- 8.61 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.
- 8.62 The application proposes 52 residential units with the total number of habitable rooms being 154. Of these, 28 flats would be affordable housing. By habitable room the scheme provides a total of 35.7% affordable accommodation comprising 78% affordable/social rent and 22% intermediate. This is explained in the table below:

	Market Sale		Intermediate Housing		Affordable/Social Rent		Totals	
	Units	Hab Rooms	Units	Hab Rooms	Units	Hab Rooms	Units	Hab Rooms
1 Bed	7	14	3	6	1	2	11	22
2 Bed	23	69	4	12	5	15	32	96
3 Bed	4	16	0	0	5	20	9	36
Totals	34	99	7	18	11	37	52	154

- 8.63 Of the 11 rented units, these are broken down as follow:
- 6 x one and two bedroom units at Affordable Rent at POD Levels
(1 Bed £152.70 inclusive of service charges)
(2 Bed £168.17 inclusive of service charges)
 - 5 three bedroom units at Affordable Social Rent levels.
- 8.64 Given the application proposes 35.7% affordable housing, with the 5 affordable family sized units at social rent, and the remainder at POD levels within the affordable rent tenure, the proposed development is in accordance with the requirements of the Councils Housing policies as outlined above.

Dwelling mix

- 8.65 In total 9 family sized units are provided, around 17% of all the accommodation. Policy SP02 requires 30% of developments to be 3 bedroom units or larger, but within the social rented sector 45% should be for families.
- 8.66 In this case, 45% of the units within the rented tenure would be family sized. Whilst the overall 17% provision of family sized accommodation is not policy compliant, it is considered that given the spatial constraints of the site with noise sensitive facades, the provision of affordable housing has been maximised at the lower, more accessible areas of the development
- 8.67 It is considered that there is a suitable mix of units within the scheme and it would provide for a wide range of occupants, therefore promoting a mixed and balanced community.

Wheelchair housing

- 8.68 The London Plan requires that 10% of all housing developments are suitable for wheelchair users. In this case five units within the ground floor across all tenures are proposed to be wheelchair accessible. This is recommended to be conditioned as part of the consent.

Quality of accommodation

Internal space

- 8.69 Policy 3.5 of the London Plan sets out minimum internal space standards which are recommended for all residential developments. The Mayor's design guide also gives advice on the quality of the internal space. For examples storage areas should be provided, separate living rooms and kitchens are encouraged as are dual aspect flats.
- 8.70 Each of the flats meets the minimum standards within the London Plan. All the flats are dual aspect and have separate storage facilities. Which is encouraged within the Major's housing design guide.

Daylight and Sunlight

- 8.71 The report tests the Average Daylight Factor (ADF) for each of the lower ground floor flats which represent the worst case scenario.
- 8.72 The ADF calculation takes account of the size and reflectance of a rooms surfaces, the size and transmittance of its window(s) and the level of VSC received by the window(s). British Standard 8206 recommends ADF values for residential accommodation. The recommended daylight factor level for dwellings are:
- 2% for kitchens;
 - 1.5% for living rooms; and
 - 1% for bedrooms.
- 8.73 With regards to the "Internal Daylight" within the proposed development, rooms at ground and first floor within the proposed development have been analysed in terms of light levels received, given that they represent the worst case scenario. It is suggested that out of the 48 rooms analysed, 30 rooms would comfortably meet BRE requirements. 8 of the 18 rooms which are below BRE requirements are bedrooms which are considered less of a priority in terms of daylighting than living areas. Despite this, 5 of these bedrooms would achieve ADF greater than 0.70%, and thus marginally short of the 1% suggested minimum.
- 8.74 The ten remaining windows are combined Kitchen/Living and Dining areas, six of which are located at ground floor level and four at first floor level. The worst three rooms are particularly constrained by the orientation of the development and would receive ADF levels of 0.15%, 0.67% and 0.51% respectively. The remaining failures are 0.75% and above with a further 5 receiving an ADF above 1.34%.
- 8.75 When considering these outputs, it is important to assess the layout of the units in order to understand the amenity value of the units as a whole. All of the affected rooms are served by balconies and private amenity space. The balconies provide additional alternative amenity, but are also responsible for inhibiting the daylight levels received to the windows below, thereby

reducing the ADF value achieved by the rooms. This obstruction is one of the reasons for these rooms falling below the BRE target value. Therefore, there is a clear trade-off in relation to the reduced daylight potential for these windows as a result of the balconies and the additional alternative amenity which they provide. A more flexible approach is therefore required to the levels of daylight for these windows and the rooms they serve. Furthermore, 51 of the 52 units are dual aspect, therefore benefiting from daylight from other facades. It is also considered that Daylight conditions will improve across each additional floor as the units receive more access to the sky.

- 8.76 It is considered that given the urban location, scale and density of the development, that daylight levels within proposed development would overall be acceptable in accordance with the BRE guidelines. It should be noted that given the urban context the application site is in, and because the majority of the units (63% at ground and first floor) are capable of achieving the minimum daylight standards, the proposal would still provide satisfactory means of accommodation for future occupiers.

Privacy

- 8.77 The development is considered to afford sufficient privacy to the occupants of the proposed units. A distance of 18m is proposed between the two facing wings of the proposed building. This is in accordance with the 18m minimum distance required for directly facing habitable rooms.
- 8.78 Privacy screens are recommended to as conditions to ensure those balconies which are located in close proximity are suitably screened.

Noise and vibration

- 8.79 The application site sits within an area characterised by high noise exposure given Commercial Road is located to the north, and the Docklands Light Railway is to the south. In addition, the proposed Crossrail railway line is proposed to run directly beneath the site.
- 8.80 A noise and vibration assessment has been submitted with the application to understand the impact these would have on the proposed development. This has been reviewed by the Councils Environmental Health Team, who have confirmed that suitable glazing is proposed to ensure a reduction in noise to the proposed rooms serving the development is to an acceptable level.
- 8.81 Officers consider that this matter can be controlled via the conditions ensuring the relevant mitigation measures are in place to ensure the proposed development will not adversely impact on the amenity of future residents.

Air Quality

- 8.82 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.

- 8.83 An air quality assessment has been submitted with the application which outlines the mitigation measures proposed by the development. These include:
- A Construction Environmental Management Plan (CEMP)
 - A Construction Method Statement (CMS).

The Council's Air Quality officer considered these measures acceptable and they will be conditioned as part of the Construction Management Plan/ Construction Logistics Plan to ensure they are implemented.

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 Outdoor amenity space is provided in a number of forms within the development. An area of communal amenity space is provided on the first floor podium level and on the roof of the north and south blocks. In addition 51 of the 52 units have private amenity space.
- 8.86 Private amenity space is expected to be provided at a rate of 5sqm for 1 bedroom flats with an additional 1sqm for each additional occupant. This is set out in the Mayor's housing design guide and within policy DM4.
- 8.87 Based on the above policy a total of 343sqm of private amenity space should be provided for the private amenity. This application proposes around 503sqm, which is well in excess of the policy requirements.

Outdoor space – communal.

- 8.88 For all developments of 10 units or more, 50sqm of communal amenity space (plus an extra 1sqm for every additional 1 unit thereafter) should be provided. For a scheme of 52 units the minimum communal amenity space required would be 92sqm. The total communal amenity space proposed is 308sqm. This is significantly above the minimum requirements in policy terms.
- 8.89 The provision of communal amenity space is subdivided into three areas, a roof top provision of around 100 sqm, a provision of around 60sqm close to the tower at ground floor level and the remaining in a communal courtyard area.
- 8.90 Details of the landscaping for the proposed amenity areas is recommended to be secured by condition.
- 8.91 The roof top amenity spaces would receive good levels of sunlight. The ground floor communal area is likely to be shaded by the 9 storey building to the south, however given the site constraints and the over provision of amenity space this is considered acceptable.

Child play space

- 8.92 In addition to general amenity space, for developments which create more than 10 child bed spaces, 10sqm of child play space should be provided per child. In this case a total of 210sqm should be available for children's play space.
- 8.93 The application has limited area at ground floor for child play space, which is also double counted as amenity space, equating to around 60sqm. This is centrally located and well overlooked by the development. Given the over provision of communal amenity space and private amenity space, this provision is considered acceptable on balance. Further details will be conditioned as part of the recommended Landscape condition.

Highways

Parking

- 8.94 The site has a Public Transport Accessibility Level (PTAL) of 6a which is 'very good'.
- 8.95 There are parking policies to be found in the London Plan, the Interim Planning Guidance and the Managing Development DPD, these are as follows:
- London Plan 2011 the standards are 1 – 1.5 spaces per 3 bed flats and less than one space per 1-2 bed flats.
 - Interim Planning Guidance standards are up to 0.5 spaces per unit.
 - The Managing Development DPD has a requirement of zero parking provision for 0-2 bedroom units and 0.1 for three bedroom units or more.
- 8.96 Both the highways team and Transport for London support the car free approach. The proposed three disabled parking spaces in the arches are considered to be acceptable.
- 8.97 Within the legal agreement a clause is included to ensure that no occupants are able to apply for on-street parking permits (subject to the operation of the Council's permit transfer scheme), therefore not adding to the parking pressure in the locality.

Cycle parking

- 8.98 A total of 52 cycle parking spaces are proposed within each block and another 52 spaces are proposed in the arches with a total of 104 spaces. This is in excess of the requirement of one space per unit.

Servicing

- 8.99 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 DM22 of the Managing Development DPD (submission version 2012) seek to minimise the impacts on the highway network and promote efficient and sustainable arrangements for deliveries and servicing.
- 8.100 Full details of a service management plan will be secured via the imposition of a condition.

Waste storage and collection

- 8.101 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.

- 8.102 Four separate storage areas are proposed for refuse and recycling. 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.
- 8.103 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.
- 8.104 Overall, the proposed development will not have an unduly detrimental impact upon the safety and free flow traffic, and is in line with policies T16 and T19 of the Council's Unitary Development Plan 1998, policy DM20 and DM22 of the Managing Development DPD (Submission version 2012), and policy SP08 and SP09 of the Core Strategy Development Plan Document (2010) which seek to ensure developments minimise parking and promote sustainable transport options.

Energy and Sustainability

- 8.105 Policies 5.2, 5.3, 5.4 and 5.7 of the London Plan, policy SP11 of the Core Strategy and policy DM29 of the Managing Development DPD (submission version 2012) 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.
- 8.106 The applicant has employed an energy strategy approach in accordance with the GLA energy hierarchy. To achieve the required 35% the applicant proposes to use Photovoltaic Panels and a CHP. The total carbon emission savings for this development would be 35% on the baseline figures.
- 8.107 The applicant has also confirmed that they are working towards securing code for sustainable homes level 4. Final certificates confirming this will be conditioned.
- 8.108 Overall the proposed Energy Strategy is in accordance with policy SP11 of the Core Strategy and the energy hierarchy within the London Plan (2011) policies 5.2 and 5.7, and policy DM29 of the Managing Development DPD (Submission version 2012), which seek to reduce carbon emissions from developments by using sustainable construction techniques and renewable energy measures.

Environmental Health

Contaminated Land

- 8.109 The site has been subject to former industrial uses and as such there is the potential that the land may contain contaminants and remediation work may be required before development can commence on the site. A condition has been recommended by Environmental Health to deal with this issue.

Planning Obligations

8.110 Regulation 122 of the Community Infrastructure Levy Regulations 2010, brings into law policy tests for planning obligations which can only constitute a reason for granting planning permission where they meet the following tests:

- (a) The obligation is necessary to make the development acceptable in planning terms;
- (b) The obligation is directly related to the development; and
- (c) The obligation is fairly and reasonably related in scale and kind to the development.

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

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

Employment and skills training

8.113 A financial contribution of **£9,149** has been secured towards improving access for Tower Hamlets residents to employment through enhancement of skills and training and enterprise. This figure includes a total for the construction and the end user phase of the development.

Libraries and Ideas Stores

8.114 A contribution of **£13,356** has been secured towards improvements to Idea Stores and Libraries. The proposed development will increase demand on these services and there is a need to develop these facilities further to align with population growth.

Leisure and community facilities

8.115 A contribution of **£41,092** has been secured towards Leisure and/or Community Facilities. The proposed development will increase demand on leisure and community facilities and our emerging leisure centre strategy identifies the need to develop further leisure opportunities to align with population growth.

Education

8.116 The Council's Education department have requested contribution towards education within the Borough. A contribution of **£170,851** towards education school places has been secured.

Health

8.117 Financial contribution of **£69,099** which would contribute towards the development of health and wellbeing centres has been secured.

Sustainable Transport

8.118 A financial contribution of **£1,590** towards the provision of a sustainable transport network within the Borough has been secured.

Public Open Space

8.121 A financial contribution of **£85,058** towards the provision of improvements to public open space in the Borough has been secured.

Bus Stop Improvements

- 8.122 A financial contribution of **£26,000** towards the provision of improvements to bus stops in the vicinity of the site has been secured.

Monitoring fee

- 8.123 A monitoring fee of **£8,324** which is 2% of the total figure as been secured.

Affordable Housing

- 8.124 A 36% provision of affordable housing should be secured which consists of a mix of intermediate, social rented and affordable rent units in accordance with the housing section of the report.

Car Free

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

Employment and Enterprise

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

Retention of access to the Hydraulic Tower

- 8.127 The applicant has agreed to retain public access to the hydraulic tower as per existing arrangements between the applicant and GLIAS.

Other Planning Issues

Biodiversity

- 8.128 In line with policy SP04(3) The Council is required to protect and enhance the biodiversity value within development proposals. The applicant is proposing two brown roofs to increase the Biodiversity value of the site.

- 8.129 Subject to the implementation of the brown roofs, it is considered that the proposed development would enhance the Biodiversity of the site. As such, the proposal would accord with policy SP04 of the adopted Core Strategy (2012)

Cill

- 8.130 This development is liable for a charge under the Community Infrastructure Levy (CIL) Regulations (2010), as amended. This charge has been calculated based on the new floor space being created (4292sqm new floor space) as detailed in the submitted CIL Additional form.

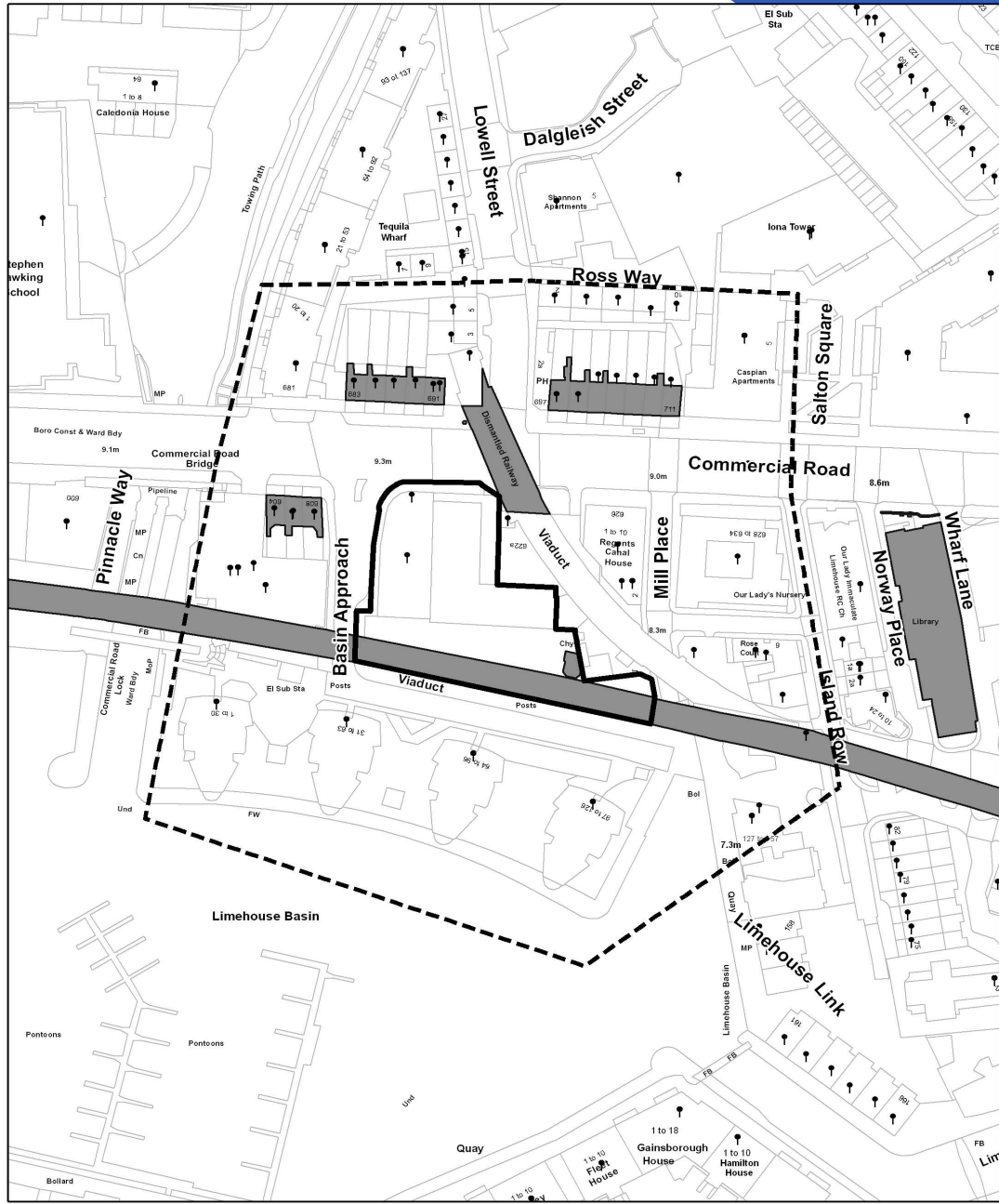
- 8.131 The CIL contribution based on the above is £150,246. This charge is payable upon commencement of the chargeable development and is in respect of the London Mayoral Community Infrastructure Levy (CIL). The Greater London Authority and Transport for London are responsible for setting the London Mayoral CIL charge and the London Borough of Tower

Hamlets is responsible for collecting money on their behalf.

9.0 **Conclusions**

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

Planning Application Site Map



Consultation Area	Locally Listed Buildings	Land Parcel Address
Planning Application Site Boundary	Statutory Listed Buildings	1:1,500

0 15 m

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.
 © Crown copyright and database rights 2012 Ordnance Survey, London Borough of Tower Hamlets 100019288