

Committee: Development Committee	Date: 10 th October 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 48 dwellings, including affordable housing, together with the provision of landscaping works, disabled parking and infrastructure works. (Amended description)
Drawing no's	1274_0001, 1274_0100 G, 1274_0101G, 1274_0104K, 1274_0106J, 1274_0108K, 1274_0050, 1274_0051, 1274_0210G, 1274_0211F, 1274_0212D, 1274_0213F, 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>-Updated Daylight/Sunlight, revised via Letter dated 20th August 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>

-Supporting Planning Statement dated March 2012, prepared by Savills
-Transport Assessment dated April 2012, prepared by Mayer Brown

Applicant: Bellway Homes Ltd (Thames Gateway)

Ownership: Canals and Riverside Trust (formally 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. Background

- 2.1 This application was reported to Development Committee on 22nd August 2012 with an officer recommendation to GRANT planning permission (subject to conditions) for the 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..
- 2.2 Officers recorded that Members were minded to defer the determination of the planning application to enable the applicant to discuss the potential to reduce the height of the six storey element of the development to reduce the loss of views from the Hydraulic Accumulator Tower especially towards St Dunstan's Church in Stepney. Members also considered that a reduction in height may improve lighting conditions to proposed Block A fronting Commercial Road.

3.0 Further information.

- 3.1 After liaising with the GLIAS and the East End Waterway Group and taking on board members concerns, the applicant, has agreed to the removal of two storeys (from the six storey element) of the scheme. The planning impacts of this change are discussed within this report.
- 3.2 Following the committee meeting, council officers visited the Hydraulic Accumulator Tower to assess the existing view, in particular the north – westerly view to St Dunstan's Church in Stepney Green.
- 3.3 Officer's considered the view to St Dunstan's Church to be very limited with only the top spire and flag of the church visible above a very dense line of trees, this is the view experienced by Open London visitors to the site in September. In addition, officers emphasise that there are no policy protection for these views in the Core Strategy or the London Plan.

4.0 **SUMMARY OF MATERIAL PLANNING CONSIDERATIONS**

- 4.1 The local planning authority has considered the particular circumstances of this revised 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:
- 4.2 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.
- 4.3 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.
- 4.4 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.
- 4.5 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.
- 4.6 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.
- 4.7 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.
- 4.8 The proposal would not give rise to any undue 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.

- 4.9 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.
- 4.10 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.
- 4.11 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.

5.0 **RECOMMENDATION**

5.1 That the Committee resolve to GRANT planning permission subject to:

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

5.3 Financial contributions

- a) **£10,160** towards employment initiatives for the construction phase.
- b) **£12,348** towards Idea stores and Library facilities.
- c) **£37,990** towards Leisure and/or Community Facilities
- d) **£156,021** towards the provision of education.
- e) **£78,639** towards public open space
- f) **£68,671** towards the provision of health and wellbeing.
- g) **£1,470** towards sustainable transport
- h) **£24,000** towards Bus Stop improvements along Commercial Road
- i) **£7,786** for the 2% monitoring fee.

Total Contribution financial contributions **£397,085**

5.4 Non-financial contributions

- j) Minimum of 35% affordable housing, measured in habitable rooms comprising of:
 - 2 x one bed and 4 x two bed shared ownership
 - 1 x one bed and 4 x two bedroom units at affordable rent (set at pod levels)
 - 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 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.

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

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

5.7 **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. Accumulator Tower Access Management Plan
28. Any other conditions(s) considered necessary by the Corporate Director Development & Renewal

5.8 **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.

5.9 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.

6.0 SUMMARY OF ADDITIONAL MATERIAL PLANNING CONSIDERATIONS

Design

6.1 The reduction of two storeys (from 6 storeys to 4 storeys) in height to part of the development closest to the Hydraulic Accumulator Tower, is considered acceptable in terms of design and appearance.

Housing

6.2 The reduction in two storeys from the originally proposed development results in the loss of four residential units including two affordable units. The applicant is still providing 35% affordable housing.

6.3 The reduction in the height of the building has resulted in the reduction of the number of residential units proposed from 52 to 48 units, with a total of 142 habitable rooms. Of these, 16 flats would be affordable housing. By habitable room the scheme provides a total of 35% affordable accommodation comprising 68% affordable/social rent and 32% 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	8	16	2	4	1	2	11	22
2 Bed	20	60	4	12	4	12	28	84
3 Bed	4	16	0	0	5	20	9	36
Totals	32	92	6	16	10	34	48	142

6.5 Of the 10 rented units, these are broken down as follow:

- 5 one and two bedroom units at Affordable Rent at POD Levels
(1 Bed £152.70 per week inclusive of service charges)
(2 Bed £168.17 per week inclusive of service charges)
- 5 three bedroom units at Social Rent levels.

6.6 Given the application proposes 35% 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 Council's Housing policies as outlined above.

Dwelling mix

- 6.7 In total 9 family sized units are provided, around 18% 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.
- 6.8 In this case, 50% of the units within the rented tenure would be family sized. Whilst the overall 18% 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 family housing has been maximised at the lower, more accessible areas of the development.
- 6.9 It is considered that there is a suitable mix of units within the scheme and that it would provide for a wide range of occupants, therefore promoting a mixed and balanced community.

Daylight conditions to proposed residents.

- 6.10 The two storey reduction in the development will inevitably improve daylighting conditions to proposed dwellings especially those located within the Courtyard.
- 6.11 Officers considered that the development originally proposed, provided an acceptable standard of accommodation, however because the two storey reduction will further improve conditions, it is also considered acceptable.
- 6.12 The revised daylight calculations (ADF) indicate a further 8 habitable rooms meet the BRE Guideline. The remaining failures are now a lot closer to BRE guidelines and are considered acceptable.

Any other issues

7.0 Further representations.

- 7.1 Following the committee of 22nd August 2012, the Council has received 4 letters from local residents objecting to the scheme and one letter supporting the principle of the development. The objections raised are on the following grounds:
- Design
 - Size of apartments
 - Density
 - Impact on views
- 7.2 These issues have been considered in the original report to committee and are considered acceptable by officers.
- 7.3 In addition, the following issues have also been raised, which are outside the scope of this application:
- No public enhancements
(Officer comment: the applicant has agreed to various s106 contributions aimed at mitigating the impact of the development)
 - Sales strategy
(Officer comment: the Council is unable to control the sales strategy of the development)
- 7.4 In addition, the Council has received further letter from the Greater London Industrial Archaeology Society and East Waterway Group confirming the withdrawal of their objection to the scheme as a result of the changes made to the scheme.

8.0 OFFICER RECOMMENDATION

- 8.1 Officers consider that the revised proposal is acceptable for the reasons set out in Section 4 of this report and planning permission should be granted for the development subject to the conditions and the prior completion of a s106 agreement.