

Committee: Strategic Development Committee	Date: 13 th December 2012	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: Angelina Eke		Ref No: PA/12/02228	
		Ward(s): Weavers Ward	

1. APPLICATION DETAILS

Location: Fakruddin Street and Pedley Street, London E1

Existing Use: Residential amenity space and car parking

Proposal: Redevelopment of site (including land at Fakruddin Street) to provide a 63(100% affordable housing) units within three blocks measuring between two and seven storeys including associated shared and private amenity space, landscaping, disabled parking, cycle parking, child play area and community centre (273sqm).

Drawing No's: **Existing Plans:** 83731/100 Rev A; 83731/101Rev A; 83731/102 Rev B; 83731/103 Rev A ; 83731/110 Rev A; 83731/111 Rev A
Proposed Plans: 83731/ 200 Rev C; 201 Rev C; 202 Rev B; 203 Rev B; 204 Rev B; 205 Rev B; 206 Rev B; 207 Rev A; 209 Rev A; 211 Rev B; 212 Rev A; 230 Rev C; 231 Rev C; 232 Rev C; 233 Rev B; and 1205/SK/001 Rev C; 250 Rev F; 251; 252; 253 and 255
A3 Colour Photographs showing Existing Photos A; 3D Views along Pedley Street (700C); SK002; S11/3406/01 and 02.
Accommodation Schedule

Supporting Documents:

- § Air Quality Assessment, prepared by BRE dated June 2012 Ref 280228;
- § Code for Sustainable Homes Ecological Assessment, prepared by Middlemarch Environmental Limited dated April 2012 (Ref RT-MME-111327-02
- § Code for Sustainable Homes, Pre-Assessment Estimator tool, Prepared by Breglobal Limited 2010
- § Daylight and Sunlight Report dated 20th July 2012 9 (Client Ref 279580)
- § Energy Strategy for Tower Hamlets Housing, prepared by Elementa, Version 2, February 2011.
- § Flood Risk Assessment, prepared by Dr Paul Gerrad dated June 2012 (Rev 2 FRA Pedley Street)
- § Wind Microclimate Desk Study, Prepared by Building Research Establishment (BRE) dated 19th July 2012 - ref 280 284
- § Planning & Impact Statement, prepared by One Planning, Planning Consultants (July 2012);
- § Noise and Vibration Survey Assessment, prepared by Pace Consult Limited dated 16th October 2012 (ref PC-12-0098-RP2-Rev E)
- § Transport Statement, prepared by TTP Consulting dated July 2012
- § Drainage Strategy Report, prepared by Halcrow Group Limited

dated 29th June 2012 (ref GLMMRP-TCN-007)

§ Television Reception, prepared by Building Research Establishment (BRE) dated 26th June 2012 (ref 279579)

Applicant: Joint Applicants: Tower Hamlets Community Housing & Network Rail Infrastructure Limited

Owner: Tower Hamlets Community Housing, Network Rail Infrastructure Limited and Spitalfields Housing Association

Historic Building: N/A

Conservation Area: Adjoins Brick Lane and Fournier Street Conservation Area

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 Adopted Core Strategy 2010, the London Borough of Tower Hamlets Unitary Development Plan 1998, the Council's Interim Planning Guidance (October 2007), 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 principle of the provision of additional residential accommodation is supported by London Plan policies 3.3 and 3.4. The proposed mix and tenure of units would contribute towards the delivery of affordable homes in accordance with London Plan Policies 3.8 and 3.9, Policies SP02 of the Core Strategy, and DM3 of the Managing Development DPD (submission version 2012). These policies seek to maximise housing choice including the supply of family housing.
- 2.3 The proposal will not result in a loss of Publicly Accessible Open space and therefore the proposal will not be contrary to the aims of Policy 7.18 of the London Plan, saved policy OS7 and OSN2 of the UDP, Policy SPO4 of the Core Strategy (2010) which seeks to ensure no loss of publicly assessable open space.
- 2.4 The layout and size of the proposed residential units accords with the requirements of Policy 3.5 of the London Plan (2011), the Interim London Housing Design Guide (2010), policy SP02 of the Core Strategy (2010) and policy DM4 of the Managing Development DPD (Submission version 2012).
- 2.5 On balance the quantity and quantum of housing amenity space, communal space and provision of child play space within the development is considered acceptable given the site constraints. Subject to conditions, the proposal would accord with policy SP02 of the Core Strategy (2010), saved policy HSG16 of the Council's Unitary Development Plan (1998) and policy DM4 of the Managing Development DPD (submission version 2012) which seek to improve amenity and liveability for residents.
- 2.6 The proposed bulk, mass, scale, height including detailed design and use of materials are acceptable and sympathetic to the site context. The proposal would not detract from the setting of Brick Lane/Fournier Street Conservation Area. As such, the scheme accords with London Plan Policies 7.1 – 7.8(Inc.) and saved policies DEV1, DEV2 and DEV3 of the Council's Unitary Development Plan (1998), policies SP10 and SP12 of the Core Strategy (2010) and policies DM24, DM26, DM27 and DM28 of the Managing Development DPD (submission version 2012), which seek to ensure buildings and places are of a high quality design and visually appropriate.
- 2.7 The effect of the proposal on the occupiers of surrounding properties has been assessed with regard to loss of sunlight/daylight, privacy, increased sense of enclosure, air quality and noise and vibration and the proposal is not considered to result in an unduly

detrimental loss of amenity to neighbouring properties. Therefore the proposal is considered to accord with London Plan Policies 7.1, 7.4, 7.6 and 7.15 and saved policies DEV2 and DEV50 of the UDP (1998), policies SP03 and SP10 of the Core Strategy (2010) and policy DM25 of the Managing Development DPD (submission version 2012) and DEV10 of the Interim Planning Guidance (2007). The above policies seek to safeguard residential amenity.

- 2.8 On balance, transport matters, including parking, access and servicing, are considered acceptable. This accords with policies SP08 and SP09 of the Core Strategy (2010), policies T16 and T19 of the Council's Unitary Development Plan (1998), and policies DM20 and DM22 of the Managing Development DPD (Submission version 2012). These policies seek to minimise parking and promote sustainable transport options.
- 2.9 The Energy and Sustainability strategies for this application have been prepared in line with the Mayor's energy hierarchy and London Plan Policies 5.2, 5.3, 5.6, 5.7, 5.9 – 5.15(Inc.) plus Policy 5.17. The proposal also accords with policy SP11 of the Core Strategy (2010), policy DM29 of the Managing Development DPD (submission version 2012).
- 2.10 Appropriate financial contributions are to be secured, through a s106 legal agreement, to support the provision of employment skills training and enterprise and education. This accords with Regulation 122 of Community Infrastructure Levy; strategic policies SP02 and SP12 of the Core Strategy (2010), saved policy DEV4 of the Council's Unitary Development Plan (1998), the Planning Obligations SPD (2012) and policy IMP1 of the Interim Planning Guidance (2007). The above seeks to secure contributions toward infrastructure and services required to facilitate proposed development and acceptably mitigate any impacts.

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 obligations:

(a) **£795,000** towards education

TOTAL £795,000

Non-financial contributions

- (a) 100% Affordable housing comprising 41 units for rent and 22 units for shared ownership
- (b) Car and permit free agreement (except for blue badge holders)
- (c) Employment – 20% local people employed during the construction phase, 20% local procurement
- (d) TV Reception
- Any other obligation deemed necessary by the Corporate Director Development & Renewal

Conditions on Planning Permission

- 3.3 (1) Time Limit (Three Years)
- (2) Development to be built in accordance with approved plans
- (3) Full details of facing materials, ground floor commercial frontage and means of security, siting of boundary walls
- (4) Full details of green and brown roofs to be submitted for approval
- (5) 10% wheelchair housing to be retained
- (6) Full details of the proposed child play space

- (7) Compliance with energy strategy to achieve Code level 4
- (8) Full details of any associated plant for the non-residential use.
- (9) Construction hours (8.00am -6.00pm Mondays to Fridays, 8.00-1.00pm Saturdays only;
- (10) Power/hammer driven piling/impact breaking (10am – 4pm Mondays to Fridays)
- (11) Details of landscaping and scheme of external lighting
- (12) Details of privacy screen including translucent glazing to bathroom areas
- (13) Cycle Parking to be retained
- (14) Submission of a programme ground investigations for the presence of soil contamination
- (15) Submission of a programme ground investigations for the presence of ground water contamination
- (16) Full details of post completion testing for internal noise levels for all habitable rooms and all floors and facades to meet standards of BS8233
- (17) Hours of operation for the community building
- (18) Secure by Design
- (19) Code level 4 for Sustainable homes
- (20) Achievement of a BREEAM 'Excellent' rated building (including submission of certificates to demonstrate achievement
- (21) Restriction on community use between 8.00am and 10.30 pm Mondays to Fridays and 10.00-10am Sundays and Bank Holidays
- (22) Soundproofing between proposed D1 use and residential use
- (23) Full details of the SAP calculations and layout of the CHP plant room
- (24) Scheme of highway improvements (s278)
- (25) Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal

Informatives

- 3.4 (a) The proposal to be implemented in conjunction with associated S106
 - (b) Consultation with Building Control in respect of fire and emergency, means of escape, access for disabled persons and sound insulation between dwellings;
 - © Consultation with Environmental Health
 - (d) Consultation with street name and numbering in respect of postal addresses
- Any other informative (s) considered necessary by the Corporate Director Development and Renewal

4. SUMMARY

- 4.1 The application under consideration is for 63(100%) affordable housing unit (Use Class C3), 273sqm of community floor space (Use Class D1) together with landscaping and two new areas for child play space together with the provision of new allotment plots on the southern boundary of the site. This proposal relates to a recent grant for a mixed use residential led scheme on the Royal Mint Street Site.
- 4.2 On 8th December 2011, the Council's Strategic Development Committee resolved to grant planning permission under PA/11/00642 for two buildings between three and fifteen storeys on the Royal Mint Street site providing 354 residential units, a 236-bedroom hotel together with 33 serviced apartments, flexible commercial flexible retail/financial services/restaurant/cafe/drinking establishment/health clinic/business space (1172sqm) (Use Classes A1, A2, A3, A4, D1 and B1), restaurant, bar, gallery, leisure (731sqm) (Use Class A3/A4/D1/D2), community uses including sports and training facilities, neighbourhood police base and office space within the railway arches. The proposal incorporated new public open space, alterations to the existing highway, and new pedestrian link, together with associated works including landscaping, providing of parking, servicing and plant area (1,014sq.m)(Use Class D1/D2/B1)on the Royal Mint Street site (Ref PA/11/00642). The approval was subject to conditions plus a s106 obligation agreement to deliver a total of 36% affordable housing.
- 4.3 The approved scheme provided for nine on site affordable units and included a payment in lieu

of £9,625,081 towards the provision of off-site affordable housing (the equivalent of 445 habitable rooms) on alternative suitable sites in the borough. Given the exceptional circumstances of the case, Members resolved that an off-site affordable housing contribution would enable affordable housing priorities to be better met elsewhere.

- 4.4 A full viability assessment was undertaken at the time of the Royal Mint Street scheme being considered. £9,625,081 was the maximum reasonable amount of financial contribution the scheme could deliver for off-site affordable housing. This included an amount of £1.5 Million for s106 contributions across both donor sites.
- 4.5 The application under consideration seeks to offset the developers' affordable housing obligations for the Royal Mint Street site, and is a joint application between Network Rail and Tower Hamlets Community Housing (THCH) as the affordable housing delivery partner. A further site has been identified at 47 Repton Street, for the delivery of further offsite affordable housing. This application registered under PA/12/02131 seeks planning permission for the redevelopment for a car free development (seven storeys) and 60 (100%) affordable housing including associated shared and private amenity space, landscaping, disabled parking, cycle parking and use of viaduct arches to provide ancillary plant room, residential storage area, waste storage, cycle parking and child play area.
- 4.6 Officers have engaged with the applicants' throughout pre-application negotiations to ensure a sustainable affordable housing scheme which broadly meets policy requirements is delivered. Whilst this report refers to matters to be considered, officers consider that on balance, the affordable homes proposed are of a high standard in terms of size and affordability levels, and they will meet the Borough's demand for both rented and intermediate housing. The offsite contributions are considered to provide sufficient community benefit and if agreed it would offset part of the overall affordable housing provision associated with the Royal Mint Street proposal.
- 4.7 Both sites were initially identified at the time of grant of the Royal Mint Street scheme, although no definite planning proposals were ready for formal submission.
- 4.8 The scheme being considered proposes 226 habitable rooms, and that proposed under ref: PA/12/2131 at Repton Street proposes 219 habitable rooms. Accordingly, together the two sites are proposed to deliver the 445 habitable rooms secured by the Royal Mint Street development.

Site and Surroundings

- 4.9 The application site is arranged across two interlinked sites and it has a total site area measuring 0.55 hectares.
- 4.10 It comprises a triangular shaped grassed area to the east of Pedley Street, which forms part of the residential amenity space associated with the Fakruddin Estate, which is currently owned and managed by Spitalfields Housing Association.
- 4.11 To the west of the grassed area is a rectangular shaped site, situated at the junction of Pedley Street and Weaver Street. This informal car park site is situated on a former depot site, owned and managed by Network Rail Infrastructure Limited (NRIL).
- 4.12 An informal allotment strip is situated on the eastern boundary of the main Pedley Street site, extending centrally through the site. There are no recorded permissions for the allotment space, although it is situated on amenity land associated with the Fakruddin Estate.
- 4.13 To the west of the site at the junction of Weaver Street and Pedley Street is a four storey residential block 'Weaver House' that dates back to 1929. The site context is mixed in character comprising both residential and various commercial buildings. To the east of the site is Vallance Road, which has two storey commercial buildings occupied by KPM UK.

- 4.14 The site does not contain any Listed Buildings, although it adjoins the Brick Lane/Fournier Street Conservation Area.
- 4.15 The site is relatively sustainable, is within walking distance to Shoreditch High Street Station, and has good connectivity to public transport.
- 4.16 The site is within the Tower Hamlets Activity Area and is within close proximity of Brick Lane Town Centre, which is identified as a District Centre in the Core Strategy.

Location plan



The Proposal

- 4.17 The application proposal is for a mixed use scheme 63 (14 x 1 bed, 28 x 2 bed, 12 x 3 bed and 9 x 4 bed) residential units, the provision of a new community centre, new communal amenity space and child play space, and re-provided and expanded allotments.
- 4.18 The proposal will be developed across two separate but interlinked parcels of land to the east and west of Pedley Street.
- 4.19 To the east of Pedley Street, the existing grassed area of the Fakruddin Street Estate will be redeveloped to provide a mixed-use building at the junction of Pedley Street and Vallance Road. The proposal will be three storeys in height comprising the community centre (Class D1) measuring 273sqm with two floors of residential above. The proposal also incorporates 4 x two storey houses adjoining the community centre building. The remainder of this part of the site will feature a pedestrian walkway, and new child play space.
- 4.20 To the west of Pedley Street, the application proposes a part 4, part 6 and part 7 storey residential blocks arranged in an inverted L shaped block around the perimeter of the site facing onto Pedley Street with corner elements on Weavers Street. A three storey residential block is proposed to the south of the site with frontage onto the new child play space
- 4.21 The applicant has proposed to re-provide allotment space for residents of the Fakruddin estate on the southern part of the site.
- 4.22 **Planning History:**

PA/12/00597	Request for Screening Opinion as to whether an application for residential led mixed use development comprising 65 units and community centre including landscaping requires an Environmental Impact Assessment on Land at Fakruddin Street and Pedley Street, London E1
PA/85/00223	<p data-bbox="528 315 1513 387"><u>Former Site on Peace Street, Cranberry Street, Anglesea Street and Vallance Road, E.1</u></p> <p data-bbox="528 421 1513 555">Residential development comprising 32 houses, communal meeting room, laundry, open space and ancillary parking on the former Sites on Peace Street, Cranberry Street, Anglesea Street and Vallance Road, E.1. Full planning permission dated 11 July 1985.</p>
PA/85/00222	<p data-bbox="528 584 1485 656"><u>Former Site on Peace Street, Cranberry Street, Anglesea Street and Vallance Road, E.1</u></p> <p data-bbox="528 689 1485 790">Residential development comprising 32 houses, communal meeting rooms, laundry, open space and ancillary parking on Former Site on Peace Street, Cranberry Street, Anglesea Street and Vallance Road, E.1</p>
PA/82/00206	<p data-bbox="528 819 1062 855"><u>Former Site At Peace Street, London E1</u></p> <p data-bbox="528 889 1485 987">Redevelopment for residential purposes of the site above as shown on drawing number 3482/1078 (site plan). Full planning permission dated 21 October 1985.</p>
BG/96/00396	<p data-bbox="528 1016 1437 1052"><u>Former Land north and east of Pedley Street south of railway line E1.</u></p> <p data-bbox="528 1086 1477 1158">Refusal of planning permission for Use of Land north and east of Pedley Street south of railway line as an open Sunday Market.</p>
4.23 Other	
PA/12/00199	<p data-bbox="528 1223 1174 1258"><u>Spitalfields City Farm, Buxton Street, London, E1</u></p> <p data-bbox="528 1292 1513 1391">Creation of a community garden including garden structures, raised flower beds and seating areas plus 'grow your own' facility at Spitalfields City Farm, Buxton Street, London, E1 5HJ.</p>
PA/11/00459	<p data-bbox="528 1420 999 1456"><u>Land at Fleet Street Hill, London E1</u></p> <p data-bbox="528 1489 1513 1727">Erection of buildings of part 1, 2, 3, 4 & 11 storeys in height comprising 43 dwellings (Use Class C3); a community centre (Use Class D1); the relocation of the existing pedestrian and cycle route together with hard and soft landscaping across the site, plus other works incidental to the application. The application comprises the affordable housing element of concurrent planning application for The Huntingdon Industrial Estate, Bethnal Green Road (application reference PA/11/00460).</p>
PA/11/00642:	<p data-bbox="528 1756 1513 1827"><u>Land at Royal Mint St Mansell St and Chamber St, Royal Mint Street, London E1</u></p> <p data-bbox="528 1861 1513 2069">Redevelopment of site for a mixed-use development comprising the erection of two buildings of between 3 and 15 storeys, providing 354 residential units (Use Class C3), a 236 room hotel together with 33 serviced apartments (Use Class C1), flexible retail/financial services/restaurant/cafe/drinking establishment/health clinic/business space (1172sqm) (Use Classes A1, A2, A3, A4, D1 and B1), restaurant,</p>

bar, gallery, leisure (731sqm) (Use Class A3/A4/D1/D2), community uses including sports and training facilities, neighbourhood police base and office space within the railway arches (1,014sq.m) (Use Class D1/D2/B1), creation of new public open space, alterations to the existing highway, and new pedestrian link, together with associated works including landscaping, providing of parking, servicing and plant area

PA/05/01552

Proposed Extension to Spitalfields City Farm, Weaver Street, E1

Re-organisation and re-location of Spitalfields City Farm by the demolition of existing farm buildings, allotments, gardens and structures; change of use from playground, open space and farm paddocks to create temporary and permanent paddocks, erection of farm buildings, structures and fencing plus the creation of a new access, allotments and gardens.

The proposed re-organisation and re-location is to facilitate the construction of the East London Line Project (ELLP). Approval dated 22/11/2005.

5.0 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 The London Plan Spatial Development Strategy for Greater London (July 2011)

- 2.15 Town Centres
- 3.2 Improving health and addressing health inequality
- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- 3.5 Quality and Design of Housing Development
- 3.6 Play Provision - Children and young peoples play provisions
- 3.7 Large Residential Developments
- 3.8 Housing Choice
- 3.9 Mixed and Balanced communities
- 3.10 Definition of affordable housing
- 3.11 Affordable Housing Developments
- 3.12 Negotiating Affordable Housing
- 3.13 Affordable Housing Thresholds
- 3.16 Protection and enhancement of social infrastructure
- 3.17 Health and Social Care Facilities
- 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 developments
- 5.7 Renewable Energy
- 5.12 Flood Risk Management
- 5.11 Green roofs and development site environs
- 5.13 Sustainable drainage
- 5.21 Contaminated land
- 6.5 Funding Cross rail and other Infrastructure requirements
- 6.7 Better Streets and Surface Transport
- 6.9 Cycling
- 6.10 Walking
- 6.13 Parking
- 7.1 Buildings London Neighbourhoods and community

7.2	An Inclusive environment
7.3	Designing out Crime
7.4	Local character
7.5	Public Realm
7.6	Architecture
7.7	Location and the Design of Tall and large buildings
7.8	Heritage and Archaeology
7.14	Improving Air Quality
7.15	Reducing noise and enhancing soundscapes
7.18	Protecting local open space and addressing local deficiencies
7.19	Biodiversity and access to nature
8.2	Planning Obligations

5.3 **Adopted Core Strategy 2025 Development Plan Document (September 2010)**

Strategic Objectives	SO7 – SO9	Urban Living for everyone
	SO10	Creating Healthy and Liveable Neighbourhoods
	SO14	Dealing with waste
	SO19	Making connected places
	SO21	Creating attractive and safe streets and spaces
	SO23	Creating Distinct and durable places
	SO24	Working towards a zero carbon borough
	SO25	Delivering Place making
	SP02	Urban Living for Everyone
	SP04	Biodiversity
	SP03	Creating healthy and liveable neighbourhoods
	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 Successful Place making

5.4 **Unitary Development Plan 1998 (as saved September 2007)**

DEV1	Design requirements
DEV2	Environmental Requirements
DEV3	Mixed Use Development
DEV4	Planning Obligations
DEV6	Energy Efficiency
DEV8	Protection of local views
DEV12	Provision of landscaping within new developments
DEV50	Noise
DEV51	Soil Tests
DEV55	Development and Waste Disposal
DEV56	Waste Recycling
HSG7	Dwelling Mix and Type
HSG13	Housing Space Standards
T16	Traffic Priorities for New Development
T18	Pedestrians and the road network
T21	Pedestrian needs in new developments
U2	Tidal and Flood Defences
HSG17	Loss of Housing Amenity space
OS7	Loss of Open Space
SCF8	Community Buildings
SCF11	New meeting places
OS9	Children's Play Space

5.5 Managing Development Plan Document (Submission Version 2012)

DM3	Delivering Homes
DM4	Housing Standards and amenity
DM8	Community infrastructure
DM9	Improving air quality
DM10	Delivering open space
DM11	Living buildings and biodiversity
DM13	Sustainable drainage
DM14	Managing Waste
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
DM26	Building Heights
DM29	Achieving a zero-carbon borough & addressing climate change
DM30	Contaminated Land

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

IMP1	Planning Obligations
CP34	Green Chains
DEV1	Amenity
DEV2	Character and Design
DEV3	Accessibility and Inclusive Design
DEV4:	Safety and security
DEV5	Sustainable Design
DEV6:	Energy efficiency and renewable energy
DEV5	Sustainable design
DEV8	Sustainable Drainage
DEV10	Disturbance from noise pollution
DEV11	Air Pollution and Air Quality
DEV15	Waste and Recyclables Storage
DEV16	Walking and cycling routes
DEV17	Walking and Cycling Routes and Facilities
DEV19	Parking for motor vehicles
DEV21	Flood Risk Management
DEV22	Contaminated Land
HSG1	Determining residential density
HSG2	Housing Mix
HSG3	Affordable Housing Provisions in Individual and Private Residential and Mixed-use Schemes
HSG7	Housing Amenity Space
HSG9	Accessible and Adaptable Homes
HSG10	Calculating Provision of Affordable Housing
SCF1	Social and Community Facilities
CP27	Community uses
OSN2	Open Space

§ Planning Standard 1: Noise

§ Planning Standard 2: Residential Waste Refuse & Recycling Provision

§ Planning Standard 3: Parking

§ Planning Standard 5: Lifetime Homes

5.7 **LBTH Planning Obligations Supplementary Planning Document (Jan 2012)**

5.8 **Government Planning Policy Guidance/Statements**

NPPF 2012 National Planning Policy Framework
Interim London Housing Design Guide (August 2010)
Planning Policy Statement 25 'Flood Risk'

5.9 **Community Plan – One Tower Hamlets**

The following Community Plan objectives relate to the application:

A Great Place To Be
Healthy
Communities
Safe and Supportive Communities

6. CONSULTATION RESPONSE

Biodiversity Officer

6.1 No objections. The opportunity should be taken to provide green roofs.

(Officer comment: This is to be secured by condition)

Corporate Access

6.2 No objections

Crime Prevention Officer

6.3 No objections. Various recommendations are made as to crime prevention measures to be incorporated into the detailed design of the scheme.

(Officer comment: This is to be secured by condition)

LBTH Communities Localities and Culture (CLC)

6.4 The proposal will generate 172 new residents within the development and therefore the following financial contributions are sought to mitigate the impacts of the development

- A total contribution of £21,940 towards ideas stores, libraries and archives
- A total contribution of £65,243 is required towards leisure facilities
- A total contribution of 139,731 towards public open space
- A total contribution of £2,580 towards smarter travel
- A total contribution of £11,156 towards public realm improvements

(Officer comment: Due to the financial viability of the proposal, the full s106 SPD ask cannot be met, and officers have sought to prioritise the financial obligations in line with the Council's adopted s106 SPD. The details of this will be discussed further within the s106 Planning Obligations section of this report)

Crossrail:

6.5 No comments on the proposal as the sites are identified within the limits of land subject to consultation under the Safeguarding Direction.

LBTH Design and Conservation

6.6 No objections subject to conditions to secure full details of materials to be used.

(Officer comment: This is to be secured by condition)

LBTH Education

- 6.7 Based on the Council's Planning Obligations SPD, the proposal would generate a demand for 28 additional primary school places (£14,830 per place) & 17 additional secondary school places (£22,347 per place). Accordingly, the overall financial contribution for education sought is £795,139.

(Officer comment: Due to viability constraints the scheme is unable to secure the full education contribution. This is discussed further within the s106 obligations section of this report)

ENVIRONMENTAL HEALTH

Air Quality

- 6.8 The proposal will lead to slight negative impact on air quality during the construction and operation phase; however, this can be addressed by a condition.

(Officer comment: A condition will be attached requesting a construction management plan, which sets out measures to mitigate against air quality issues)

Noise and Vibration

- 6.9 Environmental Health has assessed the Noise Report. The proposal is supported in principle and the applicant has been advised to consider additional mitigation on the southern and eastern boundaries of the site such as improved glazing (in excess of RW49). As the site is subject to ground borne vibration, the applicant is also advised to undertake a post completion testing for noise and vibration for all internal habitable rooms on all floors and façade and amenity spaces.

(Officer comment: post completion testing, acoustic glazing and ventilation plus details relating to plant are to be secured by condition.)

Micro-Climate

- 6.10 No objections subject to mitigation.

(Officer comment: The details of roof canopy on the Pedley Street frontages will be addressed by condition)

Contaminated Land

- 6.11 The site and surrounding area has been the subject of industrial uses and therefore a condition is therefore recommended to ensure the developer carries out a site investigation to identify potential contamination and undertake the appropriate remediation.

(Officer Comment: A planning condition is attached requiring a site investigation to investigate and identify potential contamination and secure appropriate remediation)

Environment Agency

- 6.12 This site is in Flood Zone 1 and is under a hectare, the main flood risk issue at this site is the management of surface water run-off and ensuring that drainage from the development does not increase flood risk either on-site or elsewhere.

(Officer comment: This will be addressed by way of a condition)

LBTH Energy Efficiency Team

- 6.13 The energy strategy adopted for the scheme broadly accords with the energy hierarchy aims set out in the London Plan.

(Officer Comment: The recommendations of the report are to be secured by condition)

English Heritage

- 6.14 The application should be decided in accordance with national and local policy guidance, and on the basis of the Council's specialist conservation advice.

(Officer comment: The Council's Urban Design and Conservation Team support the proposal)

Housing Strategy

- 6.15 No objections. The following advice was received:

- The principle of residential use would be acceptable
- Mix of units and tenure types are acceptable
- It was agreed as part of the Royal Mint Street application that the affordable rents would be based on POD borough average rental levels in line with guidance from POD partnership, which is acceptable

Landscape Section

- 6.16 No comments received

(Officer comment: Condition detailed landscape plans)

LBTH Waste Management

- 6.17 No objections

LBTH Highways

- 6.18 The principle of the proposal is supported, however,

- § The status of Pedley Street, will need to be resolved (by changing the street back to a highway)
- § Highway improvement/restoration
Restoration of the footways on Pedley Street through a s278 -as would be usual with a scheme of this size - but the restoration of highways status following the drawn-out completion of the ELL works will not require a financial contribution by the applicant/landowner. LBTH highways will maintain Pedley St after the definitive map has been altered.
- § There is no intention to adopt the stub of Weaver St bordering the west of the site, which will continue to be private and maintained by Network Rail.

Refuse storage & collection

Concerns are noted in respect of pedestrian amenity and safety problems with regard to the siting of URS hoppers along Weaver Street, however, following further requests for details, these concerns have been overcome.

Cycle storage

- § 67 spaces are proposed on the Pedley St site and 17 on Fakruddin, - plus 6 spaces for visitors and the community centre. This is acceptable.

Disabled Spaces

- § 4 spaces are acceptable located on site. A further two are located on Weaver Street. They do narrow the road somewhat, but as Weaver Street will remain in private ownership, this is on balance acceptable.

- 6.19 **Tower Hamlets Primary Care Trust**

Tower Hamlets NHS Primary Care Trust has sought a financial contribution of £106,730 to help mitigate the demand of the additional population on local existing healthcare facilities

(Officer comment: Due to the financial viability of the proposal, a contribution toward

healthcare has not been secured. Officers have allocated financial mitigation in accordance with the Council's adopted s106 SPD. This is discussed further under the s106 planning obligations section of report)

6.20 Thames Water

Waste Comments

- § The non-return valve or other suitable device should be installed to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.

Surface Water Drainage

- § The developer is required to make proper provision for drainage to ground, watercourses or a suitable sewer.
- § It is recommended that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water.
- § Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.
- § There are public sewers crossing or close to your development and therefore the developer would be required to protect public sewers and existing access arrangements).
- § No impact piling to take place until a piling method statement has been submitted to and approved in writing by the local planning authority in consultation with Thames Water.
- § No objections with regard to sewerage infrastructure

(**Officer comment:** the advice is to be secured by way of an informative and condition)

7. LOCAL REPRESENTATION

7.1 A total of 400 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 on site, and a press notice published.

7.2 155 letters of representations were received from neighbours and local groups in response to the public consultation process. These responses comprised of the following:

No of individual responses:	155	Objecting:	141	Supporting:	2
No of petitions received:	13 – 720 signatures				

Representation Comments

7.3 Spitalfields City Farm raised concerns about the scheme on the following grounds:

- Over-dominant, overdevelopment and design and height fails to respect the local context
- The proposal would have a detrimental effect on the conservation area
- Lack of amenity space
- Loss of open space
- The proposed units do not meet local housing need
- The concerns reiterate local objection with regard to design

Land Use

7.4 The site is not suitable for housing

(Officer comment:The surrounding area comprises a mix of uses, and the sites to the east and west of the proposed site are in residential use. Accordingly, the subject site is considered appropriate for residential use.)

7.5 The site was part of Spitalfields City Farm and it should be returned to the community

(Officer comment: The application site does not form part of Spitalfields Farm and this is discussed further within the 'Land Use' section of this report)

7.6 The proposal will lead to a loss of the green spaces and existing allotments

(Officer comment: There will be no net loss of the allotment provision and the communal amenity space will be re-provided to a much higher standard –this is discussed within the 'amenity section' of this report)

7.7 The proposal fails to meet local housing and fails to provide sufficient larger family sized units and the shared ownership units are unaffordable.

(Officer comment: The Council's Housing Strategy Team has considered the proposal and are satisfied that the proposal provides an adequate supply of housing that would meet residents needs and affordability)

7.8 The proposal is to be located on Publicly Accessible Open Space.

(Officer comment: The proposal does not result in the loss of a designated open space within an adopted plan. It is acknowledged that a discrepancy exists with regard to the site current designation within emerging policy documents and this matter is addressed in more detail within the land use section of this report)

7.9 The proposal will result in inappropriate development of residential gardens

(Officer comment:The development does not build on any private residential gardens)

7.10 The off-site affordable housing provision is an inferior location, away from Royal Mint Street and an inferior standard.

(Officer comment: The proposed housing is considered to be well sited and subject to conditions it will be of a high quality. There are no visual differences between the tenures)

Design

7.11 The proposal will result be excessive in terms of its density.

(Officer comment: The proposed density has been assessed and officers do not consider that it would constitute overdevelopment of the site. One of the key thrusts of current government policy is to ensure that land is used more efficiently in providing new homes and it is considered that the proposal would achieve this aim)

7.12 The proposal is not of a high quality, well designed or sustainable. It is geared to maximising units rather than providing quality accommodation.

(Officer comment: The Council's Design and Conservation section has assessed the

scale and design of the proposal and consider that subject to condition regarding the facing materials, the proposal would be of high quality, and would add to the variety of architectural styles in the immediate and wider area. The proposed units meet the internal floor areas of the London Housing Design Guide, and each unit has its own private amenity space)

- 7.13 The scale and height of the proposal would be overbearing and intrusive and would have a negative visual impact on the skyline

(Officer comment:The Council's Urban Design and Conservation Team have assessed the proposal and consider that it provides an acceptable design response to the context)

- 7.14 The proposed quality and finishes of material will be of poor quality and this would detract from the setting of the conservation area.

(Officer comment: The proposed materials will be reserved by condition to ensure a high quality finish)

Amenity

- 7.15 The proposed height of the building will impact on daylight/sunlight

(Officer comment: The daylight and sunlight impacts of the proposal have been assessed and it is considered that the scheme would not result in an unduly detrimental loss of amenity for existing neighbouring occupants or future residents. This matter is discussed within the 'Amenity' section of this report)

- 7.16 The proximity of the proposal to the train lines will increase risks of noise pollution and other environmental health impacts.

(Officer comment:The Council's Environmental Health section have considered the proposal, and are supportive of the mitigation measures proposed in terms of noise and vibration. The proposal will be subject to condition to ensure that any potential noise impacts are mitigated)

- 7.17 The proposal fails to provide adequate external amenity space and it does not promote biodiversity.

(Officer comment:The application provides an acceptable amount of external amenity space for each flat. Issues relating to biodiversity are to be addressed by way of condition, securing the delivery of green/brown roofs)

- 7.18 The proposal would be exposed to rail noise.

(Officer comments:The Council's Environmental Health Team has considered the proposal and advised on mitigation measures to ensure acceptable levels of amenity. These are to be secured by condition)

- 7.19 Objections on grounds of privacy reduction.

(Officer comment: This matter is discussed under the relevant heading in the 'Amenity' section of this report. Officers so not consider that the proposal would result in an unduly detrimental loss of privacy for nearby residential properties)

- 7.20 Objections on grounds that the development would exceed carbon dioxide levels.

(**Officer comment:** This matter is addressed under the Energy and Sustainability heading of this report)

Transport and Highway matters

- 7.21 The Parking Transfer Scheme is in place, this will put pressure on existing parking and increase congestion.

(**Officer comment:**This matter will be addressed within the 'Highways and Transport' section of this report)

Procedure

- 7.22 The consultations for this application have not been properly carried out.

(**Officer comment:**The proposal was advertised by sending neighbour notification letters to 401 surrounding occupiers to invite responses. The proposal was also publicised by way of a site and press notice and via the planning website. Consultations have been undertaken since September 2012, and comments are received up until midday on the day of committee. It is considered that adequate notification has been given to residents and that the Council has met its obligations with regard to the publicity of this application, which is evident by the level of response received to the proposal)

- 7.23 Many of the residents have been unable to effectively make representations due to lack of engagement. This is unacceptable under the Localism Act

(**Officer comment:** In terms of engagement, officers consider that adequate consultation has taken place in respect of this proposal and this meets the Council's statutory obligations in terms of publicity of the proposal.)

- 7.24 Objections on grounds of the applicant failing to provide an Environmental Impact Study

(**Officer comment:**An Environmental Impact Screening Request was made to the Council prior to the application being submitted, and it was deemed that this application did not require an Environmental Assessment under Regulation 5 of the Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 2011)

- 7.25 The consultations breach the Equality Act and Race Relations Acts, as majority of residents do not speak English and have been unable to participate in the planning process.

(**Officer comment:**Officers consider that due regard has been given to the Equality and Race Relations Act in determining the application for the reasons outlined below:

Adequate publicity has been given to the application, through neighbour notification letters, site and press notices. Additionally all details pertaining to the proposal available for inspection at the Council's planning office. The Council provides an interpretation and translation service to assist people who are unable to access information for reasons of disability or language, and this has been offered to residents who have contacted the planning department with this concern.

All comments relating to this planning application will be considered on planning grounds and with regard to the Development Plans of the Council (in this case the Council's Core Strategy (2010) and The London Plan (2011) unless material considerations indicate otherwise. Central Government Guidance is a significant material consideration and other. Guidance, which has been formally adopted by the Council and the Greater London

Authority (i.e. Supplementary Guidance) are material considerations of some weight)

7.26 Objections on grounds that the consultation documents breach the Misrepresentation Act as it refers to the site as a brownfield site and that it is underutilised. Objector of the view that the site is not brownfield land.

(Officer comment: A precedent exists on the whole site for residential purposes. Part of the application site is currently used as an informal car park and is considered to be brownfield land, which is unallocated for any particular use within the adopted Unitary Development Plan (1998) and Core Strategy (2010). As such, the current designation of the site does not preclude a residential use. In view of this, officers are not of the opinion that the descriptions of the development or the site attributes are in any way misrepresented)

7.27 Head of Development and Leasehold Services for Gateway Housing Association support the proposal on the following grounds

- Removes the isolation of Weaver House
- The proposed development will provide an active frontage to Pedley Street
- The provision of new affordable housing in desperate need will be greatly welcomed
- We believe that this scheme will help reduce in anti-social behaviours in the area

7.28 The Chair of Spitalfields Housing Association has written in to support the application proposal and considers that it provides a unique opportunity to enlarge and enhance the community around Fakuaddin Street.

8 MATERIAL PLANNING CONSIDERATIONS

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

- § Principle of Land Use
- § Housing
- § Density
- § Design
- § Amenity
- § Sustainability and Energy
- § Transportation and Highways
- § Planning Obligations

Other

- § Localism Act
- § Equalities

Principle of Land Use

8.2 The principle of residential use on the subject site is acceptable, by reason of the established character of the surrounding area, together with the fact that there are no land use designations within the Council's statutory plans.

Principle of Housing

8.3 Delivering housing is a key priority both nationally and locally and this is affirmed in the National Planning Policy Framework (2012). Strategic Objectives 7, 8 and 9 of the Core Strategy (2010) and Policy 3.1 of the London Plan (2011) seek to provide 33,380 additional homes per year from all boroughs between 2010 and 2025.

8.4 An important mechanism for achieving the strategic housing objectives in the London Plan

is set out in Policies 3.3 and 3.4, which encourages boroughs to exceed their targets by identifying new sources of housing and intensification of housing provision through development at higher densities particularly where there are good public transport links.

8.5 Policy SP02 of the Core Strategy (2010) and Policy DM3 in the Managing Development DPD (Submission Version 2012) set out the overall target for the borough for the period of 2010 and 2025 is overall target for delivery of 43,275 new homes, which equates to an annual Monitoring target of 2,885 dwellings. Policy DM3 in the Managing Development DPD (Submission Version 2012) sets out more detailed guidance of how development can help to deliver new homes for existing and future residents of the borough.

8.6 It is considered that the proposed units would contribute to meeting the Borough's housing targets, whilst ensuring that a sustainable development is achieved, which is supported by Policy SP02 (1c) of the adopted Core Strategy (2010) and Policy DM3 in the Managing Development DPD (Submission Version May 2012) and guidance set out in National Planning Policy Framework (2012).

Provision of Community use

8.7 Policy 3.16 of the London Plan (2011) seeks to provide additional and enhanced social infrastructure provision to meet the needs of the growing and diverse community uses within accessible locations.

8.8 Policy SP03 (5) of the Core Strategy (2010) and Policy DM8 in the Managing Development DPD (Submission Version 2012), and saved UDP policies SCF8 and SCF11 of the UDP emphasise that the opportunity should be taken where possible to increase the quality and access to community facilities within accessible locations.

8.9 At the eastern part of Pedley Street, the application proposes a three storey corner building comprising a community centre at ground floor level measuring approximately 273sqm. The community use will have cycle parking and a communal amenity space, and separate entrance is provided to the use from Vallance Street

8.10 Details of any proposed ventilation, means of security and the street frontage can be secured by condition. It is considered that the principle of re-providing this community floorspace will result in a larger purpose built facility of a higher standard than what previously existed. The community centre will also have external amenity space measuring 329sqm. The new proposal will result in a net uplift in community space of 221sqm, which will be available for all the residents on the Fakruddin estate and the wider community.

8.11 The re-provision of the community centre is acceptable and it would serve the wider estate and the new residents, which accords with the objectives of Policy 3.16 of the London Plan, and saved policies SCF8 and SCF11 of the UDP which seeks to enhance the provision and accessibility of community buildings and meeting places for the community.

Open Space Designation

8.12 Other than being safeguarded as part of the East London Line extension officers note this part of the application site has no specific designations in the adopted Unitary Development Plan 1998 (UDP). Nevertheless, the southern part of the Pedley Street site is designated as publicly accessible open space on the Proposals Maps of the Managing Development DPD (submission version 2012) and the Interim Planning Guidance Proposals Map (2007). These documents are not adopted.

8.13 Network Rail Infrastructure Limited has confirmed that the site was always operational land, and that prior to the depot use, an agricultural tenancy was granted for use of the site as part of City Farm. In 1997, an Order was granted for the extension of the East London Line and following the completion of a Compulsory Purchase Order for this purpose,

8.14 Transport for London (TFL) terminated the tenancy to the farm, and following planning

approval under PA/05/01552, City Farm was relocated permanently to the southern side of the viaduct. The concerns expressed that the application proposal is cited on City Farm land are therefore incorrect.

- 8.15 The Managing Development DPD Proposals Map is based on the open space configuration prior to the development of the East London Line extension. This is evident by the fact that the small strip designated as 'publicly accessible open space' along the southern edge of the site follows the line of the previous agricultural tenancy which had been granted to Spitalfields Farm prior to the extension of the East London Line through the site. The East London Line severs the application site from the City Farm, meaning there is no logical relationship between the two sites. The subject site is in private ownership with no public access, and is not suitable for the provision of public open space.
- 8.16 It should be noted that the following completion of the East London Line extension, it is understood that TfL are obliged to transfer a compensatory parcel of land to the Council for use as public open space. This land is effectively an extension of Allen Gardens and is already being used as public open space and being maintained by the Council. However, the legal transfer of the land to the Council has not yet taken place due to on-going negotiations with TfL regarding the provision of a ball games court. It should be noted that this land is not designated as publicly accessible open space on the Managing Development DPD Proposals Map.
- 8.17 The Managing Development DPD (submission version 2012) and Interim Planning Guidance (2007) are not formally adopted. The UDP and Core Strategy are adopted, and these two documents do not show the Pedley Street site as being designated for public open space. Accordingly, procedurally the proposal does not represent a departure from the Council's Development Plan.
- 8.18 Nevertheless, the fact remains that as drafted, the subject site is shown in the Managing Development DPD (submission version 2012) as publicly accessible open space, and thus must be considered in the assessment of the proposal. The scheme itself delivers new affordable housing, playspace, amenity space and a new community centre. Officers have considered the drafting of the Managing Development DPD (submission version 2012), and on balance, the regeneration benefits of the proposal are considered to outweigh the theoretical loss of publicly accessible open space.

Existing Car Park

- 8.19 In respect of the existing car park use, it is noted that this does not benefit from planning permission and the site is a former goods storage depot for network rail. This site was a former operational depot, which incorporates a three metre strip which is to be maintained for operation access to the retaining wall, and this area cannot be built on and remains open. The car park use has also been the subject of enforcement investigations through which it was established that the use is to terminate shortly. On this basis, The Council's Enforcement Team has not considered it expedient to take enforcement action.
- 8.20 There are no objections in land use terms to the loss of either the unauthorised use as a carpark, or goods storage depot.

Housing

Affordable Housing

- 8.21 The London Plan (2011) Policies 3.9 – 3.13 sets out guidance on the delivery of new affordable housing. Policy 3.9 promotes mixed and balanced communities and requires that new developments should encourage a good mix of housing tenures thereby reducing social deprivation. Policy 3.10 of The London Plan (2011) defines affordable housing as social rented, affordable rented and intermediate housing including shared

ownership/equity and intermediate rental products etc.

- 8.22 The London Plan (2011) Policy 3.12 promotes the negotiation of affordable housing on residential and mixed use developments and in particular explains how boroughs should seek to secure the maximum reasonable provision of affordable housing on qualifying sites subject to financial viability, the availability of funding and other site specific and local circumstances and priorities. Boroughs should evaluate financial appraisals submitted alongside planning applications rigorously
- 8.23 Policy SP02 of the Council'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.
- 8.24 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 undertaken 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
- 8.25 The application proposal is for 63(100%) affordable housing scheme comprising 41 units for affordable rent and 22 units for intermediate. The main Pedley Street site at the junction of Pedley Street and Weaver Street would provide 53 housing units and the land east of Pedley Street would provide 10 housing units.
- 8.26 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.
- 8.27 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.
- 8.28 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.

8.29

		Affordable Housing Schedule					
		Affordable Rent			Intermediate		
Unit size	Total units	units	%	LBTH target %	units	%	LBTH target %
1 bed	14(22%)	8	20 %	30%	6	27%	25%
2 bed	28(44%)	14	34 %	25%	14	63%	50%
3 bed flat	4(6%)	2	46 %	45%	2	10%	25%

3 bed houses	8 (13%)	8	%		0		
4 bed house	9(14%)	9			0		
TOTAL	63	41	100	100	22	100	

Dwelling Mix

- 8.30 Policy 3.8 of the London Plan (2011) seeks to ensure that new residential proposals incorporate housing choice. This is supported in the Mayors Supplementary Planning Guidance, which seeks to secure family accommodation within all residential schemes, specifically within the rented sector.
- 8.31 Saved policy HSG7 of the UDP requires development to provide a mix of unit sizes and this is reflected in Policy SP02 of the Core Strategy and Policy DM3 in the Managing Development DPD (submission version 2012) which requires 30% of developments to be 3 bedroom units or larger, but within the rented sector 45% should be for families.
- 8.32 The application proposes 21 family units (which equates to 33%) across the whole development. 46% of the affordable rented units are to be family sized whilst 10% of the intermediate units are to be family sized against the identified need of 25% required by the borough.
- 8.33 The level of family sized accommodation across the development would exceed the borough's requirements. However, the family provision within the intermediate mix would not be policy compliant. Notwithstanding this, the scheme on balance would still be acceptable given that it is for the delivery of 100% affordable housing within a constrained urban site. The borough's housing need relative to supply is greatest for family sized affordable rented housing and this has been maximised within the development.

Affordable Rent / Intermediate Tenures

- 8.34 London Plan Policy 3.11 states that within housing targets, typically 60% of affordable units should be available for rent to people on low incomes who cannot afford general market housing, and 40% should be for intermediate housing for people on moderate incomes to buy or rent below market value (Shared Ownership).
- 8.35 Core Strategy Policy SP02 outlines that based on the borough's housing need the tenure split should be 70:30 in favour of affordable rented units. However, the Council makes clear that this is a policy aspiration and a guideline figure.
- 8.36 The application proposal seeks to provide 72% affordable rent units and 28% shared ownership. The proposed ratio between shared and affordable rented units would be acceptable and meets the Council's local housing requirement. The Council's Housing Team are satisfied with the tenure split proposed and have raised no objections.
- 8.37 The proposed rent levels have been agreed with the Council's Housing Strategy Team as part of the Royal Mint Street scheme. The rent levels will be based on the POD borough average rental levels in line with guidance from the POD partnership. The current POD borough average rents for the current financial year are:
- 8.38
- § 1 Bed £192.26
 - § 2 Bed £213.58
 - § 3 Bed £240.35
 - § 4 Bed £270.65

- 8.39 The Council's Housing Strategy Team have assessed the proposal and are satisfied that it best reflects local housing need in its existing form and that that rental levels will be affordable for borough residents.
- 8.40 Representations were received in respect of the proposal not providing sufficient family or traditional affordable units. Officers within the Council's Housing Strategy Team are satisfied that a reasonable mix of units in terms of size and affordability has been provided and an acceptable level of family housing has been provided. Additionally, the intermediate units provide an opportunity of affordable home ownership.
- 8.41 On balance, it is considered that the proposal would contribute toward the delivery of mixed and balanced communities, meeting the overarching aims of Policy 3.8 of the London Plan (2011), saved Unitary Development Plan (1998) Policy HSG7 and Policy SP02 of the Core Strategy (2010) and Policy DM3 in the Managing Development DPD (Submission Version May 2012).

Wheelchair Housing and Lifetime Homes Standards

- 8.42 Saved Policies DEV1 of the Tower Hamlets Unitary Development Plan (1998) and policy 3.8 of the London Plan (2011) seeks to ensure that all new housing is built to Lifetime Homes standard. Policy 7.2 of the London Plan (2011) requires all future development to meet the highest standards of accessibility and inclusion.
- 8.43 The scheme will deliver 6 wheelchair accessible units (2x4beds and 4x3beds) at ground floor level for affordable rent. This meets the Council's 10% target requirement. Each of the six units will have a designated parking space and the two storey duplex incorporates a through floor lift, which is acceptable
- 8.44 Overall, the scheme would provide a fully accessible building and all units will be designed to meet 100% Lifetime Homes standards and 10% of the units will be wheelchair accessible, which meets the policy objectives above. Compliance with this requirement can be secured by way of a condition.

Housing Quality and Amenity Space Provision

- 8.45 London Plan Policy 3.5 seeks to ensure that the design and quality of new housing proposals are of the highest standard internally and externally and in relation to the wider environment. Part C of the Policy states that new dwellings should generally conform to the dwelling space standards set out in Table 3.3 have adequate sized rooms and efficient layouts. The Mayor's London Housing Design Guide (Interim Edition, August 2010) provides further guidance on the implementation of these policies.
- 8.46 Policy SP02 of the Core Strategy (2010) and Policy DM4 of the Managing Development DPD (submission version 2012) reiterate the same policies.
- 8.47 The units proposed would all exceed the minimum internal floor space standards required by the above planning policies. As such, the quality of the units proposed would accord with policy 3.5 of the London Plan (2011) and Policy DM4 in the Managing Development DPD (Submission Version May 2012) and the Interim Housing Guide (August 2010) and a significant proportion of units would be double aspect.

Density

- 8.48 The site has a Public Transport Accessibility Level of 4 and its immediate setting is considered 'urban' in character. The application site measures approximately 0.55 hectares. The London Plan density matrix therefore suggests a residential density of between 200-700 habitable rooms per hectare.

8.49 Policy HSG1 of the IPG specifies that the highest development densities, consistent with other Plan policies, will be sought throughout the Borough. What is more significant is how the densities translate in terms of the built form and layout of a new proposal and in terms the impacts on adjoining developments surrounding the site. Typically an overdeveloped site would experience significant shortfalls in one or more of the following areas:

- Access to sunlight and daylight
- Sub-standard dwelling units
- Increased sense of enclosure
- Loss of outlook
- Increased traffic generation
- Detrimental impacts on local social and physical infrastructure
- Visual amenity
- Lack of open space; or
- Poor housing mix

8.50 The proposal will result in 181 habitable rooms on the Pedley Street (West) resulting in a density of 453 habitable rooms per hectare. The Fakruddin Street site (East) will result in approximately 45 habitable rooms and a resulting density of 281 Habitable Rooms Per hectare.

8.51 The proposal is for 734 habitable rooms per hectare, which falls outside the minimum density range outlined in table 3.2 of the London Plan (2011). Nevertheless density on site is considered acceptable as the proposal is not considered to give rise to the typical symptoms of over-development, as discussed further within this report. The proposal therefore accords with the objectives of London Plan policies 3.4 of the London Plan, which seeks to encourage initiatives to optimise housing densities and housing supply where appropriate.

8.52 Concerns were raised by residents that the proposal will result in the overdevelopment of the application site. Officers accept that the current density of the immediate adjoining development with Fakruddin Estate would be lower than the proposal. However, one of the thrusts of current government policy is to use land more efficiently to provide new homes. On this basis, it is considered that the resulting density, form and layout of the existing development should not in any way dictate the density of the new development. The application proposal does not seek to replicate the existing density, which is acceptable to officers. The proposal itself does not exceed the suggested minimum densities set out in the density matrix in the London Plan and as a result it is not considered that any overdevelopment of the site will result.

8.53 As such, it is considered that the proposal would make efficient use of the site and optimise its potential whilst ensuring that a sustainable development is achieved. The proposal would add to the borough's housing stock, and therefore it will go some way to address the significant deficiencies within the locality in respect of affordable housing. This accords with the principles of Policy SP02 of the adopted Core Strategy (2010) and Policy DM3 in the Managing Development DPD (Submission Version May 2012) as well as guidance set out in National Planning Policy Framework (2012).

Design

8.54 Paragraph 56 of the National Planning Policy Framework 2012 (Part 7, requiring good design) illustrates the importance of good design in the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Paragraph 63 of the NPPF further highlights the consideration to be given to outstanding or innovative designs which help raise the standard of the built environment.

- 8.55 London Plan policies 7.4, 7.6 and 7.9, Policy SP10 of the Core Strategy seeks to ensure buildings are of a high quality design. Policies DM24 and DM26 in the Managing Development DPD (Submission Version 2012) calls for place-sensitive design and requires new developments (specifically where this includes taller buildings) to respond positively to their context and address various criteria. This is reiterated in saved Policy DEV1 of the UDP and CON2 of the Interim Planning Guidance (2007), which encourage new developments to contribute to a positive relationship between the urban landscape and historic environment

Scale, design and appearance

- 8.56 The area surrounding the application site comprises a mixture of uses and buildings, which are varied in terms of architectural styles and heights. The immediate site context includes the railway lines to the north and south of the site. The residential houses to the south of the site within Fakruddin estate are two storeys high and Weavers House to the west of the site is four storeys in height. The east of the site has a predominantly industrial appearance and within the backdrop of the site are a number of comparably taller buildings. Although the immediate site context comprises relatively low rise buildings, it is considered that the surrounding built form provides no clear townscape character to which new development could easily relate.
- 8.57 The proposal is to be split into two parcels, with the main frontage along Pedley Street. The proposal features five interlinked blocks of varying heights between 3 and 7 storeys and the buildings will be located along the Pedley and Weaver Street boundaries with an internal courtyard towards the rear. The taller residential blocks will be situated on Pedley Street along its east to west axis. A three storey residential block is proposed to the southern end of the main Pedley Street site adjacent to a new child play space. Further south of the site are the proposed allotments.
- 8.58 The application proposes a two storey residential block on the Fakruddin Street site, on the corner of Pedley Street and Vallance Road, which will be arranged in an inverted L shape format incorporating a three-storey element at the junction of Vallance Road with Pedley Street.
- 8.59 The ground floor of the three storey building will include the new community use (Class D1) measuring 273 sq. metres with two floors of residential (Class C3) above. Along Pedley Street, close to the junction with Vallance Road, two storey houses are proposed adjoining child play space. The rationale of introducing the community use at ground floor level is supported, as this would make a positive contribution to street activity at this level. The increased glazing at street level is also strongly supported, and represents a considerable improvement when compared to the existing street condition.
- 8.60 The proposed buildings will be of a contemporary design and this will be articulated through the use of materials which combine predominantly brick facades with metal cladding to create visual interest and reduce the bulk and massing of the blocks. The use of brick lends the development some visual integration with the adjoining residential development.
- 8.61 The application scheme has evolved following pre-application discussions with both design and development management officers. The applicant has taken on board the Council's design officer's advice in terms of the design, bulk, and massing, street frontage and elevation treatment of the buildings. Additionally, revisions were sought during the application process to improve the transition between the three-storey corner building and the two storey houses within the Fakruddin estate. The revisions also seek to improve the architectural treatment of the corner building.

- 8.62 The proposed siting and scale of the proposed buildings are considered acceptable from a design perspective. The proposed elevations are simple and straight forward and together with the palette of materials proposed, it is considered that a high quality design will be achieved. The proposal including materials have been the subject of pre-application negotiations and it is considered that the elevation treatment responds well to the street context and the use of brick high quality glazing would contribute positively to the conservation area setting.
- 8.63 Objections were received expressing that the proposal will be of a poor quality design and finish. Officers considered on the contrary that the design would be high quality and the architectural approach adopted would be sympathetic to the site context. Full details of the materials including finishes within the proposal will be secured by condition to ensure a high quality finish, which is acceptable.
- 8.64 Concerns were expressed by objectors regarding the scale, mass and overall form of the proposal being out of context with the immediate adjoining buildings. Officers consider that the context of the site is varied and as such, this provides scope for the new proposal to add to the variety of architecture in the immediate and wider area. It is accepted that the proposal would be taller than the adjoining buildings, notwithstanding this, it would be sensitively designed to respect the site context, which includes the residential block at Weavers House.
- 8.65 Representations were received in respect of the design approach adopted. The Council's Design and Conservation officer has assessed the proposal and consider the siting, scale and massing of the proposal and the continuous frontage to the west of the site represents a successful approach from a design perspective which integrates well with the surrounding built context. The site layout is focused on blocks which front onto the street and focused around internal communal spaces, which are designed to maximise safety and security for future residents.
- 8.66 Furthermore, whilst a different design approach could have been adopted, the scheme submitted has to be determined on it is its design merits, and any material changes in circumstances or policy. In this regard, the Council's Design and Conservation officers support the design response and considered that the layout, massing and design to be appropriate to the conservation area context.
- 8.67 In conclusion, the design, scale and bulk of the proposal would be acceptable and in accordance with saved policies DEV1, DEV2 and DEV3 of the UDP (1998), policies SO20, SO21, SO22, SO23 and SP10 of the Core Strategy (2010), and policies DM23 and DM34 of the MD DPD (Submission Version 2012). Details relating to the materials and finishes are to be met by condition.
- 8.68 Policy DEV4 of the Core Strategy advises that crime prevention should be integral to the initial design process of a scheme.
- 8.69 The application has also been referred to LBTH Crime Prevention Design adviser who has had discussions with the applicant during pre-application meetings with regard to the scheme. The scheme is supported in principle and considered an efficient use of the site. A planning condition requiring the proposal to meet 'Secure by Design' standards is to be conditioned alongside details of landscaping and the treatment of all areas not covered by building and external lighting proposals should be reserved by condition.

Amenity

- 8.70 Policy 7.6 of The London Plan (2011) states that new buildings and structures should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate.

8.71 Policy SP10(4) of the adopted Core Strategy (2010), Policy DM25 in the Managing Development DPD (submission version 2012), policy DEV2 and DEV50 of the UDP (1998) and Policy DEV10 of the Interim Planning Guidance (2007). These policies seek to ensure that development protects and where possible enhances the amenity of existing and future residents which includes visual privacy and overlooking; overshadowing and outlook; noise and vibration levels; odour, fumes and dust and microclimate.

Daylight

8.72 For calculating daylight to neighbouring properties affected by the proposed development, the primary assessment is the vertical sky component (VSC) method of assessment together with the no skyline (NSL) assessment where internal room layouts are known or can reasonably be assumed.

8.73 The target figure for VSC recommended by the BRE is 27%, which is considered a good level of daylight recommended for habitable rooms with windows on principal elevations. This assessment has determined that the VSC can be reduced by about 20% of its original value before the loss is noticeable.

8.74 If a proposal fails to meet the vertical sky component assessment, and the NSL assessment, then the average daylight factor can be considered, although this method is more applicable to new build developments. This is considered more of a rigorous assessment than the vertical sky component method. It measures the natural internal light of a room, using a number of variables including the size of the window, glazing and room sizes and any surface reflection within a room and is therefore considered to be a more representative measure of the adequacy of light.

8.75 BRE guidelines recommend that kitchens and living rooms receive more daylight than bedrooms and therefore a graded approach is taken. In this case, the guidelines identify satisfactory levels for interior day lighting as follows:

- 2% for family kitchens
- 1.5% for living rooms
- 1% for bedrooms

Should the average daylight factor fall below these guides then the details of the building, its design as well as the site and context, must be taken into account.

8.76 A further assessment (the annual probable sunlight hours) seeks to measure the sunlight that is received by a window. The APSH method is only relevant for those windows that within 90 degrees of due north. If the available sunlight hours are both less than the amount above and less than 0.8 times their former value then the occupants of the existing building will notice the loss of sunlight.

8.77 The no sky component, examines the amount of sky that is available. This is the least scientific of the three assessments. As a guide it is assumed that if the proposal causes a reduction greater than 20% in the amount of sky visible within an existing room, the loss of light is likely to be noticeable.

8.78 A daylight and sunlight report was submitted with the application to assess its impact upon neighbouring properties, as well as daylight/sunlight conditions for the proposed units within the development. The assessment undertaken includes the east facing windows on Weaver House, 13-21(odd) and 25-32(Inc.) Fakruddin Street. The tests were undertaken in accordance with the British Research Establishment (BRE) Guidelines: 'Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice' (2011).

Weavers House

- 8.79 In respect of the impact of the proposal on Weavers House, the report submitted tested the east facing windows on the ground, first, second and third floors of the residential block. The report shows that two of the four windows would retain above 70% of their current lighting (71% & 79%) whilst the two windows at ground and first floor levels would retain approximately 59% (ground floor) and 64% (first floor) of their original lighting levels.
- 8.80 In the case of existing lighting levels to east facing habitable rooms at the lower ground floor of Weavers House, it is considered that the affected ground floor window has relatively good lighting levels at present, however, it is noted that the natural lighting is lower when compared to the upper windows by virtue of its location behind a high brick wall with railings. Therefore in such instances, any minor variations in lighting levels will have more of a disproportionate effect taking account of the current lack of existing obstructions to the development.
- 8.81 Although, the windows serving habitable rooms on the east facing will experience some light loss when the proposal is in place, on balance, officers still consider that the loss would not be so significant as to warrant a refusal of this proposal given its overall merits and the urban context of the surrounding area.

13 – 21 Fakruddin Street.

- 8.82 This comprises of the two storey residential terrace along No.'s 13-21 Fakruddin Street. The submitted daylight/sunlight report tests a total of 34 windows at the rear of the properties (two windows per floor and only the first floor windows of No.21). Again these windows were taken as a worst case scenario.
- 8.83 The tests shows that 19 of the windows tested (which equates to 55% of the total windows tested) would retain above 70% of their original lighting levels. Of the windows that fail, it is noted that three of the houses (18C, 18D and 19C) have rear extensions and this obstruction in part explains the low natural lighting to properties. The remaining properties would receive above 60% and 69% of their former lighting levels.
- 8.84 Taking the overall assessment of the impact on existing properties into account, it is that some of the windows relating to the houses will encounter a loss of light, however, it is considered that natural lighting to properties overall would still be acceptable given the urban context of the site, and the fact that all of the houses are double aspect units. Given the site constraints and the urban context, it is considered that on balance, the level of daylight reduction would not be a significant cause for concern as the dwellings all benefit from being dual aspect.

25 – 32 Fakruddin Street.

- 8.85 The rear parts of these properties face the smaller part of the proposal at the junction of Vallance Road and Pedley Street. Within the two storey houses to the south of the site, a total of 36 windows were analysed and of this, the VSC daylight assessment concludes that 30 of the windows tested would retain above 80% of their formal value.
- 8.86 The six windows which experience figures below the 80% do so by between 3% and 9%. All of the affected windows are located at ground floor of two storey terraced properties. Accordingly, the houses are dual aspect, and experience good levels of daylighting on their southern ground floor façade and both southern and northern first floor facades. Officers therefore do not consider that the proposal will result in an unduly detrimental loss of daylight for these properties.
- 8.87 The report concludes that there are no affected windows which face within 90 degrees of

due south of the site and therefore sunlight levels were not a consideration. This is largely because the site does not have existing residential units sitting to the north of it.

Proposed properties

- 8.88 Within the new development a sample of windows were tested for daylight loss using the Average Daylight method. A total of eighteen windows were tested from five properties and these were taken as representing the worst case scenario within the eastern and western parts of the site (windows at unit 2, 5, 6, 57 and 58) were assessed.
- 8.89 Of the eighteen windows tested, fifteen met the recommendations for average daylight factor whilst three windows failed the guidelines. The failures are considered to be acceptable on balance, as the average daylight conditions within the affected units fell short of the guidance by minor margins (Units 2 and 6 have Average Daylight Factors of 1.9% against a target of 2%, whilst Unit 58 would have an Average Daylight factor of 1.5% against a target of 2%).
- 8.90 Taking the overall assessment of the impact on the proposed properties into account, it is considered that whilst three out of eighteen rooms would slightly fall short of the ADF guidance, this is not to a level which would result in poor levels of daylighting for future occupants.
- 8.91 Objections were received about the loss of light from the scheme. Although the report submitted confirms some of the flats will experience noticeable reduction natural lighting, it should be noted that the BRE guidelines are not tests in themselves or rigid set of rules but a guide that "should be interpreted flexibly particularly given that natural light is only one of many factors affecting site layout design". Additionally, most of the units affected would benefit from being dual aspect, with other facades receiving acceptable levels of lighting.
- 8.92 The proposal would provide a relatively intensive form of development with significant site coverage and the taller elements of the blocks will be at the junction of Weaver Street/Pedley Street. Whilst officers acknowledge that the proposal will cause some impacts in terms of reducing daylighting to adjoining buildings, it is not lighting impact on the adjoining developments cause some impact in terms of daylighting weaver ;particofficers are satisfied given the urban context that the new proposal would not result in an unduly detrimental loss of amenity for existing neighbouring occupants or future residents. On balance, the proposal is therefore acceptable and complies with UDP policy DEV2, Core Strategy Policy SP10 and DM25 of the MD DPD (Submission Version May 2012).

Privacy

- 8.93 Saved UDP Policy DEV 2 and policy DM25 of the MD DPD (Submission Version 2012) requires that new development should be designed to ensure that there is sufficient privacy for neighbouring residents. The policies state that a distance of 18m between opposing habitable rooms reduces inter-visibility to a degree acceptable to most people.
- 8.94 The proposed development achieves a separation distance of approximately 15 metres between the proposal and the immediate adjoining development at Weaver House. Within the southern boundary of the site, some overlooking may occur, as rear gardens to the proposal will have a separating distance from No.'s 13-21 Fakruddin estate between 6-12 metres, however, much of the overlooking will be minimised by the position of balconies fronting Pedley Street and boundary walls will reduce the intervisibility between units.
- 8.95 Local residents have raised concerns about the impact of overlooking and loss of privacy. It is considered that the relationship of the proposal to surrounding buildings would not be unduly detrimental to amenity of occupants given the urban nature of the site and site

constraints. The frontage to frontage arrangement proposed is not atypical within an urban context.

Sense of enclosure

- 8.96 The above policies require that there is no unreasonable increase in the sense of enclosure, which is something, which cannot easily be measured. The site is an urban site with constraints and it is considered that the relationship of the proposal to surrounding buildings would on balance be acceptable. Although the ideal separation distance of 18 metres is not achieved on all parts of the site, it is considered by officers that this would not result in an unreasonable sense of enclosure between the proposal and surrounding buildings.

Noise and Vibration

- 8.97 Policy 7.15 of the London Plan, saved policies DEV2 and DEV50 of the UDP (1998), policy SP10 of the Core Strategy (2010) and policy DM25 of the MD DPD (submission version 2012) seek to ensure that new development proposals do not unacceptably impact on adjoining residents by virtue of noise nuisance or disturbance.
- 8.98 A Noise Assessment Report was submitted with the application and this was assessed by the Council's Environmental Health Team, who advised for a series of mitigation measures to be carried out to mitigate the impact of noise and vibration for the new dwellings.
- 8.99 Local residents expressed concerns about the impact of construction noise on their amenity. It is considered that the impact of construction works would be for a temporary duration only to ensure compliance with this policy; conditions would be placed on any permission restricting construction works to standard hours.

Microclimate

- 8.100 A Wind Microclimate Desk Study supports the planning application. The study identifies the likely wind speed conditions around the development including the general suitability for the expected pedestrian.
- 8.101 The report concludes that most of the site would be suitable for its intended purpose, although the report highlights that the western part of the site may have adverse wind impacts. The report concludes that doorways along Pedley Street would have some adverse impacts and mitigation is advised to address this in the form of canopies over doorways. Officers accept the findings of this report and the requirement for canopies on entrance doors fronting Pedley Street is to be conditioned.

Air Quality

- 8.102 Policy DEV11 of the Interim Planning Guidelines requires the potential impact of a development on air quality to be considered with Interim Planning Guidance. Policy DEV12 also requires that air and dust management is considered during demolition and construction work.
- 8.103 It is likely that the proposal could have some adverse impacts in terms of the generation of dust emissions during the demolition and construction phases. It is considered that this matter can be controlled via an appropriate condition.

TV and Radio reception

- 8.104 Policy DM26 of the Managing Development DPD (Submission version 2012) requires proposed tall buildings not to interfere, to an unacceptable degree, with

telecommunication, television and radio transmission networks.

- 8.105 The planning application is supported by a report, which assesses the potential impacts to terrestrial and satellite television and radio reception associated with the proposed development. This concludes that there will be no significant risks to radio reception (both analogue and digital), mobile telephone signals or emergency services communications. It is predicated that there may be long term adverse effects to the receptions of terrestrial TV services for up to 21 existing installations without mitigation. Officers accept the findings of this report, and it is recommended that details of mitigation be secured within the legal agreement.

Contaminated Land

- 8.106 The submitted Desk Study and Ground Investigation Report indicate that there is historic evidence of contamination within the immediate vicinity of the site and it has been demonstrated that it will be possible to carry out remedial measures to reduce risk from the contamination, to ensure that the site is suitable for the proposal. The report has been reviewed by the Council's Environmental Health Team, who has raised no objection to the proposed development, subject to a number of conditions seeking information regarding contamination assessments and appropriate mitigation.
- 8.107 The conditions are recommended in full and as such the proposal would accord with policy DEV51 of the Adopted UDP (1998), policy DM30 of the Managing Development DPD (Submission Version, 2012), and Policy DEV22 of the Interim Planning Guidance (2007) which states that developments on land that may be contaminated must contain a site investigation.

Flood Risk

- 8.108 The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere (Para 100). Policy 5.12 of the London Plan (2011), Saved policy U2 of the Tower Hamlets Unitary Development Plan (1998) and Policy DEV21 of the Interim Planning Guidance (2007) seek to reduce the susceptibility of new developments to the incidence of flood risks.
- 8.109 The site is situated in Flood Zone 1 and is less than 1 hectare and as such, the main flood risk issue would relate to managing surface water run-off. Environment Agency reviewed the Flood Risk Assessments submitted, and raised no objections
- 8.110 In conclusion, there are no significant flood risk and associated issues that would be created by way of the proposed development. Planning conditions are recommended in relation to surface water run-off and drainage that would mitigate the effects of the development.

Private Amenity Space

- 8.111 Saved UDP policy HSG16 requires that new development should make adequate provision for amenity space and MD DPD policy DM4 sets minimum space standards for the provision of private, communal and child play space in new developments. London Plan Policy 3.6 on the provision of child play space is also relevant.
- 8.112 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 of the Managing Development DPD (Submission Version 2012).
- 8.113 The application proposes private amenity space for each of the units in the form of ground

floor gardens or balconies to flats. A total of 960m² of private amenity space will be provided across the new proposal. The external amenity space for each of the units would also comply with the policy requirements for the delivery of adequate private amenity spaces.

Child play space

- 8.114 Policy 3.6 of the London Plan (2011), policy SP02 of the Core Strategy (2010), policy OS9 of the Unitary Development Plan (1998) and policy HSG7 of the Interim Planning Guidance (2007) require the provision of appropriate child play space within residential developments.
- 8.115 Policy DM4 specifically advises that applicants apply LBTH child yields and the guidance set out in the Mayor of London's SPG on 'Providing for Children and Young People's Play and Informal Recreation' (which sets a benchmark of 10 square metres of useable child play space per child).
- 8.116 The proposal will have a total child yield of 67 children and therefore the total play area for the development should be 673m². The proposal will have a total expected child occupancy generated by the proposal will be 67 children and of this 25 children will be under 5 years old.
- 8.117 The guidance sets a benchmark of 10 sq.m of useable child play space to be provided per child and this means that the child play space provision on site for under 5's should ideally be approximately 250 sq. metres. The scheme seeks to provide two dedicated areas for child play space totalling 497m² in the southern and northern part of the site. Whilst the overall play space provision would fall below policy requirements, it is considered that adequate child play facilities will be more than maximised for the under 5's age group. Additionally, the new units will all have external amenity space for recreational purposes
- 8.118 It should be noted that there are existing play facilities nearby for children aged 5-10 and 11-15 age groups are located nearby in Weavers Field and in Allen Gardens, both which are within walking distance from the site.

Communal amenity space

- 8.119 Policy DM4 in the Managing Development DPD (submission version 2012) requires that all new developments in excess of ten residential units should provide 50 square metres for the first ten units and a further 1 sq. for each additional unit. This results in the requirement of 103sqm for the new development.

- Fakruddin Estate Site

- 8.120 An existing grassed area on the corner of Pedley Street and Vallance Road forms part of the shared communal estate for Fakruddin Estate, measuring approximately 1460sq metres. This space is poorly kept, and currently has two unauthorised portacabins (measuring 52sqm), which are used as a community centre for the Fakruddin Estate residents. To the centre of the site, there are existing allotment strips, and to the south is a grassed strip of land. Combined these areas equate to approximately 2840sqm.
- 8.121 For the existing Fakruddin Estate site, the proposal results in the loss of approximately 2113sqm of communal space. However, the redevelopment will see an improved and extended community centre, replacing the two temporary portacabins measuring 52sqm with a purpose-built facility with a floor area of 273sqm. Additionally, allotment space at the western boundary of the Fakruddin Estate will be re-provided formally.
- 8.122 A new dedicated allotment space will be provided towards the southern part of the site

measuring 335 sq. metres, together with a further 180 sq. metres of allotment space to be reprovided at the rear of 13 – 21 Fakruddin Street. New child play facilities are proposed in the northern part of Fakruddin site (212 sq. metres) and the new community centre will provide a further 374 sq. metres.

- Pedley Street site

- 8.123 On the Pedley Street site further play and communal amenity space is proposed, with a further 729sqm of communal space proposed in the form of a dedicated play area, and communal shared spaces in the centre of the site.

-Communal Space overall

- 8.124 In conclusion, the proposal overall (including the main Pedley Street site and the Fakruddin Estate site) will result in a net loss of communal amenity space of approximately 1384sqm (excluding the 329sqm space associated with the new community centre). This needs to be carefully balanced against the overall objectives of the proposal, which seek to make more efficient use of the site for much needed affordable housing, an enlarged and improved community centre and improved quality of communal and amenity space across the site. On balance, officers consider that the benefits of the proposal outweigh the loss of this space.

Public Open Space

- 8.125 The proposal is expected to have a population yield of approximately 172 people, which results in the requirement for 2064sqm of public open space (at a rate of 12sqm per resident). No public open space is proposed on the subject site. The Council's CLC section sought a financial contribution of £139,429 to mitigate against this impact, however due to viability constraints the scheme is not able to secure this contribution.

- 8.126 There are public open spaces in the nearby locality such as Weavers Field. It is noted that Weaver Street is a private road whilst Pedley Street is currently unadopted, and therefore there will be an opportunity to secure public realm improvements within the vicinity of the site when the road is re-adopted. This will be dealt with via a s278 agreements.

Refuse

- 8.127 Policy 5.17 of the London Plan (2011), Policy DM14 of the Managing Development DPD (Submission Version, 2012), Policy SP05 of the Core Strategy (2010), Policies DEV55 and DEV56 of the UDP (1998) relate to the provision of appropriate refuse facilities for new developments.

- 8.128 The scheme incorporates two Underground Waste System (URS) which will be located adjacent to the plant room at the junction of Pedley Street and towards the eastern corner of the main housing block.

- 8.129 The Council's Waste Management Team have stated in their observations that the *"Proposed URS system is acceptable as described in the design statement considering the fact that the vehicle access and turning is addressed and the refuse vehicle stopping for collection is through the non-adopted road"*. It is considered that the highway related concerns can be resolved by way of condition and therefore the scheme would accord with the above policies.

Biodiversity

- 8.130 London Plan (2011) policy 7.19 states, "Development Proposals should where ever possible make a positive contribution to the protection, enhancement and, creation and a management of biodiversity". Policy 5.10 in the London Plan relating to Urban Greening and Policy 7.21 regarding trees.

- 8.131 Policy SP04 (3) of the Council's Core Strategy (2010) states that it will expect the opportunity to be taken to enhance and attract biodiversity.
- 8.132 The Council's Biodiversity officer was consulted on the proposal and considers that the biodiversity opportunities for this site are limited. However, the applicant has been encouraged to provide brown roofs to enhance the biodiversity value of the development. This can be secured by way of a condition.

Sustainability and Energy

- 8.133 London Plan energy policies aim to reduce carbon emissions by requiring the incorporation Of energy efficient design and renewable energy technologies.
- 8.134 The NPPF advises that when determining planning applications, local planning authorities should expect new development to:
- § comply with adopted Local Plan policies on local requirements for decentralised energy
 - § supply unless it can be demonstrated by the applicant, having regard to the type of
 - § development involved and its design, that this is not feasible or viable; and
 - § take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
- 8.135 The London Plan seeks to achieve an overall reduction in London's carbon dioxide emissions of 60 per cent (below 1990 levels) by 2025. Policies 5.1-5.7 make specific provisions for new development to help achieve this goal through a range of measures including the use of:
- decentralised energy networks and systems (such as CHP) ;
 - Minimising carbon dioxide emissions by using the energy hierarchy (1 Be lean: use less energy; 2 Be clean: supply energy efficiently; 3 Be green: use renewable energy);
 - Utilising sustainable design and construction methods;
 - Utilising renewable energy (There is a presumption that all major development proposals will seek to reduce carbon dioxide emissions by at least 20 per cent through the use of on-site renewable energy generation wherever feasible.)
- 8.136 Policy DM29 in the Managing Development DPD (Submissions Version 2012) includes a target to achieve a minimum 35% reduction in CO₂ emissions above the Building Regulations 2010 Target Emissions Rate (TER) and to achieve Code for Sustainable Homes (CSH) Level 4 (for residential) and BREEAM Very Good (for the commercial uses). Policies DEV5 and DEV6 in the Interim Planning Guidance (2007) and Policy SP11 of the Core Strategy (2010) requires all new developments to provide 20% reduction in carbon dioxide emissions through on site renewable energy generation where appropriate.
- 8.137 The applicant has submitted an Energy Strategy Report and a Code for Sustainable Homes, Pre-assessment Estimator Report. The Energy report investigates options available for provision of renewable energy technologies on site and outlines those that are most appropriate, feasible and affordable. The options examined include:
- Be Lean: - High performance building fabric with insulation levels and air tightness exceeding the requirements of Part L.
 - § High performance glazing to optimise the balance between limiting solar gains and maximising daylight.
 - § High efficiency heat recovery ventilation units
 - § EC motors on all fans to reduce specific fan power.
 - § Inverter drives on all pump motors
 - § Efficient lighting controls

- Be Clean: - Gas-fired CHP supplemented with high efficiency condensing gas boilers
 - Be Green – Roof mounted solar photovoltaic panels are examined to provide a further 20% reduction is technically feasible, although the level of PV's will affect financial viability.
- 8.138 Alongside the passive & energy efficiency measures, such as improved U values for the fabric beyond that required for Part L, a gas fired CHP system is considered viable to achieve beyond the minimum 35% reduction in CO2 emissions required by the planning authority. The total reduction achieved by the CHP unit would be 38.8% which is compliant with borough policies.
- 8.139 The Energy Strategy has been reviewed by the Energy Team, who is satisfied with the principles of the energy strategy. The proposal has been referred to the Councils Environmental Health Team, who requested that a condition be applied to secure further details in respect of the size and layout details for the plant. A condition to this effect is recommended.
- 8.140 In addition an Eco-Homes pre-assessment has been undertaken in accordance with the BRE guidelines for residential dwellings. The assessment analyses the sustainability performance of the development by scoring several environmental categories including health and wellbeing, energy, transport, water, materials, land use and ecology and pollution. In this case the assessment indicated that the proposed development would achieve an overall score of 69.4 which is considered a 'very good' rating. It is recommended that a planning condition is imposed to ensure that the development will achieve the appropriate level to meet Code 4 for Sustainable Homes standards.

Car Parking

- 8.141 NPPF (Paragraph 29) reinforces the role that transport policies have in contributing to wider sustainability and health objectives and need for transport system to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel.
- 8.142 The London Plan Policies 6.3, 6.9 and 6.13 seek to regulate parking in order to minimise additional car travel and this is followed through in
- 8.143 Policies SP08 and SP09 of the Core Strategy (2010), saved UDP policies T16, T18, T19 and T21, and policy DM22 in the MD DPD also encourage developments to prioritise sustainable approaches by limiting on site car parking, particularly in areas of existing parking stress.
- 8.144 The site has an existing vehicular access to Pedley Street and a large proportion of the application site is currently used as a car park. Part of Pedley Street currently does not form part of the adopted public highway although there are plans to re-adopt the road.
- 8.145 Given the sustainability of the site (PTAL of 4), the applicant has proposed a car free development and this is to be secured by way of a section 106 agreement to ensure that residents cannot apply for resident's permit to park on the adopted highway.
- 8.146 The scheme also provides for 6 disabled parking spaces, with turning space. Four parking bays are located within the site, accessed from Weaver Street and two disabled parking bays are located on Weaver Street itself. The provision of disabled spaces alongside a car and permit free agreement at the site is supported and considered to accord with planning policy
- 8.147 The Council operates a Permit Transfer Scheme (PTS), which allows prospective

occupiers of the 3+ bedroom social rented units to retain one car-parking permit per household. This could be potentially applicable to the 21 x family units within the scheme. The Council's Highway and Transportation Team consider that there will be sufficient on street parking spaces to accommodate the potential small number of units eligible or who currently benefit from the Permit Transfer Scheme. It is supported that there will be no parking to serve the community use and servicing requirements will be low and can be met on street.

- 8.148 The Council's Highway and Transportation Team has reviewed the application, and confirmed that subject to conditions they are now in full support of the scheme. It is noted that Pedley Street is currently unadopted road, although there are plans to re-adopt the road.

Cycle Parking

- 8.149 London Plan Policies 6.1 and 6.9 seek to promote sustainable modes of transport, accessibility, and reduce the need to travel by car. Policy 6.3 also requires transport demand generated by new development to be within capacity. Policy SP09 of the Core Strategy (2010), and Policies DM22 and DM23 in the Managing Development DPD (submission version 2012) seek to provide better facilities and a safer environment for cyclists.
- 8.150 The scheme provides for 84 cycle parking spaces in total. On the main Pedley Street site, 67 cycle parking spaces will be provided for residents in secure shelters, with 17 for the eastern site adjacent to the Fakruddin estate. There is a potential to accommodate 12 additional cycle spaces within the rear garden of the proposed houses. The community building at the corner of Vallance Road and Pedley Street also incorporates 3 Sheffield stands on the Vallance Road elevation for visitors.
- 8.151 The level of cycle parking provision for the development is considered to be acceptable and in accordance with the above policies.

Highway Improvement works

- 8.152 London Plan (2011) Policy 6.10 states that "Development proposals should ensure high quality Pedestrian environments and emphasise the quality of the pedestrian street space". Furthermore, Policy 6.10 makes clear that boroughs should, through their LDF process, "promote the Legible London initiative to improve pedestrian way finding".
- 8.153 Policies SP08 and SP09 of the Core Strategy (2010), saved UDP (1998) policies T16, T18, T19 and T21, and policy DM20 of the Managing Development DPD (submission version 2012), together seek to deliver accessible, efficient and sustainable transport network, ensuring new development has no adverse impact on the safety and road network capacity, requires the assessment of traffic generation impacts and also seeks to prioritise and encourage improvements to the pedestrian environment.
- 8.154 Adequate road space is allocated to allow refuse/service vehicles to traverse through the site without impedance with suitable turning facilities within Weaver Street and this has been assessed to be acceptable by the Council's Highway team. Refuse and similar scale vehicles such as fire appliances would enter and leave the site in a forward gear, which is the recommended national best practice and is therefore welcomed. Pedley Street is currently unadopted although there are plans to re-adopt the road.
- 8.155 It is envisaged that s278 agreement with the Council in respect of highway improvement works will address the required works will be addressed as part of an informative.

Planning Obligations

- 8.156 Policies 8.1 and 8.2 of The London Plan (2011) seek to ensure that development proposals make adequate provision for both infrastructure and community facilities that directly relate to the development. Developers will be expected to meet the full cost of facilities required as a consequence of development and to contribute to resolving deficiencies where these would be made worse by development.
- 8.157 Policy DEV4 of the adopted UDP and policy SP13 of the CS note that the Council will seek to enter into planning obligations with developers where appropriate and where this is necessary for a development to proceed.
- 8.158 Since the introduction of Community Infrastructure Levy Regulations 2010 ("the CIL Regs"), the policy tests previously set out in Circular 05/2005 relating to the s106 obligations are now statutory legal tests. A payment or other benefit offered pursuant to a Section 106 Agreement cannot be required unless it complies with the provisions of the Community Infrastructure Levy Regulations 2010 (Regulation 122), which provide that the planning obligation must be:
- (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development.
- 8.159 The original planning permission for the Royal Mint Street site included a Section 106 agreement Regarding Community Infrastructure Levy ('CIL') considerations, following the publication of London Mayors' Community Infrastructure Levy, Members are reminded that the London Mayors' CIL is now operational, as of 1 April 2012. The Mayoral CIL applicable to this scheme is £252,280 based on the Gross Internal Floor Area (GIA) of the proposal. As the application is to provide 100% affordable housing, the applicant will qualify for housing relief.
- 8.160 The Council's Supplementary Planning Document on Planning Obligations (January 2012) sets out further guidance regarding financial contribution. The application proposal is a major development, and this triggers the need for financial contributions to mitigate against associated impacts on the local infrastructure within the locality such as health, community facilities and open space and to ensure that appropriate infrastructure exists to accommodate the impacts of the new development.
- 8.161 Based on the Planning Obligations SPD, the planning obligations required to mitigate the proposed development would be approximately £1,167,704 This has been calculated using the following heads of terms set out in the SPD:
- (a) A contribution of **£19,866** towards **local employment, skills, training and enterprise** to create employment opportunities during the construction and operation of the site
 - (b) A contribution of **£92,804** towards **community facilities comprising** £21,838 towards Idea Stores and Libraries and £70,966 towards Leisure facilities, to mitigate the impact of the additional population
 - (c) A contribution of **£795,139** towards **education** including primary and secondary school places, to mitigate the impact of the additional population upon existing education facilities within the immediate vicinity of the site.
 - (d) A contribution of **£106,730** towards **health**
 - (e) A contribution of **£2,580** towards **sustainable transport** improvements within the locality.

- (f) A contribution of **£139,429.22** towards the provision of **Open Space**
- (g) A contribution of **£11,156** towards **pedestrian and streetscape** improvements to the public realm adjoining the site

- 8.162 Following a financial assessment of the approved scheme on the Royal Mint Street Scheme, a total of **£9,625,081** was set aside in connection with the affordable housing delivery (the equivalent of 445 habitable rooms) on the two identified donor sites. Within this, the S106 legal agreement included a provision (**£1.5 million**) to meet the financial obligations to off-set associated impacts on the local infrastructure within the locality of the donor sites.
- 8.163 The applicants (THCH) have updated the costs associated with the proposal since the original viability assessment was undertaken during the consideration of the Royal Mint Street scheme, and officers are satisfied that the ability to secure financial contributions has been maximised.
- 8.164 The £1.5 million available from the Royal Mint Street scheme has therefore been apportioned according to the housing densities on each donor site. Therefore, £795,000 is the total financial contribution available in this instance to mitigate any associated impacts arising from this development, whilst £705,000 is apportioned to the other donor site at Repton Street.
- 8.165 Whilst the amount is lower than would normally be expected for a scheme of this size, officers are minded to accept the financial contributions on offer because of the benefits that the parent scheme will deliver across the three sites. The affordable new homes, on the two donor sites are for those residents in housing need within the borough. Given this, it is considered that the financial contribution offered will go some way to offsetting the overall impacts on the sites.
- 8.166 Given the limited s106 package, the financial contribution has been allocated to meet Education priorities for the Council.

Financial contribution

- (a) **£795,000 towards Education**

Total = £795,000

Non Financial contribution

- § 100% affordable housing units (41 units for affordable rent at POD level rents and 22 units for intermediate)
- § Employment – 20% local people employed during the construction phase, 20% local procurement
- § Car and permit free agreement
- § TV Reception

- 8.167 The Planning Contribution Overview Panel has been consulted on the proposed financial contribution offer from the developer and they have on balance accepted the level of contributions proposed by the developer and the key priorities identified to be met in light of the viability of the scheme.

ANY OTHER CONSIDERATIONS

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

- 8.168 Section 70(1) of the Town and Country Planning Act 1990 (as amended) entitles the local planning authority (and on appeal by the Secretary of State) to grant planning permission on application to it. From 15th January 2012, Parliament has enacted an amended section 70(2) as follows:
- 8.169 In dealing with such an application the authority shall have regard to:
- a) The provisions of the development plan, so far as material to the application;
 - b) Any local finance considerations, so far as material to the application; and
 - c) Any other material considerations
- 8.170 Section 70(4) defines “*local finance consideration*” as:
- a) A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
 - b) Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.
- 8.171 In this context “grants” might include the new homes bonus and payment of the community Infrastructure levy.
- 8.172 These issues now need to be treated as material planning considerations when determining planning applications or planning appeals.
- 8.173 Regarding Community Infrastructure Levy considerations, following the publication of the London Mayor’s Community Infrastructure Levy, Members are reminded that the London Mayoral CIL is now operational, as of 1 April 2012. The Mayoral CIL will be applicable to this scheme; however, developments involving affordable housing will qualify for social housing relief.
- 8.174 Using the DCLG’s New Homes Bonus Calculator, and assuming that the scheme is implemented/occupied without any variations or amendments, this development is likely to generate approximately £91,980 within the first year and a total of £551,882 over a rolling six year period. There is no policy or legislative requirement to discount the new homes bonus against the s.106 contributions, and therefore this initiative does not affect the financial viability of the scheme.

Equalities Act Considerations

- 8.175 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty inter alia when determining all planning applications. In particular the Committee must pay due regard to the need to: eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 8.176 The contributions towards various community assets/improvements and infrastructure improvements (such as access to the proposed community centre and education contribution) addresses, in the short-medium term, the potential perceived and real impacts of the construction workforce on the local communities, and in the longer term support community wellbeing and social cohesion.
- 8.177 Furthermore, the requirement to use local labour and services during construction enables

local people to take advantage of employment opportunities.

- 8.178 The community related uses and contributions (which will be accessible by all), such as the improved play areas, help mitigate the impact of real or perceived inequalities, and will be used to promote social cohesion by ensuring that sports and leisure facilities provide opportunities for the wider community.
- 8.179 The contributions to affordable housing support community wellbeing and social cohesion.
- 8.180 The requirement for new housing to meet Lifetime Home and for a 10% provision of new housing provides the opportunity to ensure inclusion of appropriate levels of suitable accommodation for people with disabilities.

CONCLUSION

- 9.0 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.