

<b>Committee:</b> Strategic Development Committee	<b>Date:</b> 13 <sup>th</sup> December 2012	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b>
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Planning Application for Decision	
<b>Case Officer:</b> Angelina Eke		<b>Ref No:</b> PA/12/02131	
		<b>Ward(s):</b> St Dunstan's and Stepney Green	

## 1 APPLICATION DETAILS

**Location:** 47 Repton Street, London E14 7BF

**Existing Use:** Light industrial (Sui Generis)

**Proposal:** Redevelopment of the site by the erection of a seven storey residential building comprising 60 (100%) affordable housing units 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 and ancillary residential facilities.

**Drawing No's:** Existing Plans: 83732/100 Rev B; 200 Rev B; 201 Rev C; 202 Rev C; 203 Rev E; 204 Rev E; 205 Rev E; 206 Rev D; 101 Rev B; 211 Rev C; 212 Rev A; 250 Rev F; 252; 254; 255; 1250 Rev F  
1206/SK/001 Rev C. Existing photos 83732-103A; 83732-110A; A83732-111A; S11/3406/01 Rev A and S11/3406/02; 83732-230 A; 83732-231A; 83732-232 A; 83732-250 Rev F and 1206/SK/002; 83732/102 Rev A.

**Supporting Documents:**

- § Air Quality Assessment, prepared by BRE dated June 2012 Ref 280247
- § Code for Sustainable Homes Ecological Assessment, prepared by Middlemarch Environmental Limited dated July 2012 (Ref RT-MME-111328-02 Rev A)
- § Code for Sustainable Homes, Pre-Assessment Estimator tool, Prepared by Breglobal Limited 2010(Ref: 983732)
- § Daylight and Sunlight Report dated 13<sup>th</sup> July 2012 (Client Ref 279583)
- § Design Statement, prepared by Ingleton Wood, July 2012
- § Energy Strategy Report- Repton Version 1, V2.0 February 2011.
- § Flood Risk Assessment, prepared by Dr Paul Gerrad dated July 2012 (Rev 2 FRA Repton -12/07/12)
- § Wind Microclimate Desk Study, Prepared by Building Research Establishment (BRE) dated 12<sup>th</sup> July 2012 - ref 280 285
- § Planning & Impact Statement, prepared by One Planning, Planning Consultants (July 2012)
- § Initial Bat Survey , prepared by Middlemarch Environmental Ltd dated July 2012(RT-MME-111723)
- § Extended Phase 1 Habitat Survey, prepared by Middlemarch Environmental Ltd dated April 2012 (RT-MME-111328-01)
- § Noise and Vibration Survey Assessment, prepared by Pace Consult Limited (ref PC-12-0098-RP3-Rev E)
- § Transport Statement, prepared by TTP Consulting dated July 2012

- § Drainage Strategy Report, prepared by Halcrow Group Limited dated 29<sup>th</sup> June 2012 (ref GLMMRP-TCN-007)
- § Television Reception, prepared by Building Research Establishment (BRE) dated 26<sup>th</sup> June 2012 (ref 279582)
- § A utilities load assessment

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

**Owner:** The same as above

**Historic Building:** N/A

**Conservation Area:** Regents Canal 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, 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 (2012) and has found that:
- 2.2 The loss of the employment use on site is acceptable given that the site is vacant, according Policies 4.1 and 4.2 of the London Plan (July 2011), Policies S025 and SP06 of the Core Strategy (2010), Policy DM15 of the Managing Development: Development Plan Document (Submission Version May 2012), Policies EMP3 and EMP8 of the Unitary Development Plan (1998).
- 2.3 The new housing proposed would contribute towards the delivery of affordable homes and to the quality and choice of housing within this locality in line with Policies 3.8-3.12 of the London Plan (2011), policy SP02 of the Core Strategy (2010) and policy DM3 of the Managing Development DPD (Submission version 2012). These policies seek to maximise housing choice including the supply of family housing.
- 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 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 buildings proposed are acceptable in terms of their urban townscape principles. The proposed bulk, mass, scale, height including design and use of materials are acceptable and sympathetic to the site context. The proposal would not detract from the setting of Regents Canal Conservation Area. As such, the scheme accords with London Plan Policies 7.1 – 7.8(Inc.) which seek to ensure buildings and places are of a high quality design and visually appropriate. The application also accords with 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 May 2012)

- 2.7 The proposal does not result in any unduly detrimental amenity impacts in terms of privacy, overlooking, overshadowing, outlook, sunlight, daylight, noise and vibration levels and microclimate. The Policy therefore accords with London Plan Policies 7.1, 7.4, 7.6 and 7.15 and saved policies DEV2 and DEV50 of the Council's Unitary Development Plan (1998), policies SP03 and SP10 of the Core Strategy (2010) and policy DM25 of the Managing Development DPD (Submission version May 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. The residential element of the development will be car free and incorporates four disabled parking spaces for blue badge holders. The proposal seeks to prevent excessive on - street parking and promotes sustainable modes of transport such as cycling and walking. As such, this accord with policies SP08 and SP09 of the Core Strategy (2010) saved Policies T16 and T19 of the Council's Unitary Development Plan (1998), 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), and policy DM29 of the Managing Development DPD (Submission Version 2012).
- 2.10 Appropriate financial contributions are to be secured, through a s106 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) and the Planning Obligations SPD (2012). The above seek to secure contributions toward infrastructure and services required to mitigate impacts of a development.

### 3. RECOMMENDATION

- 3.1 That the Committee resolve to **GRANT** planning permission subject to :
- 3.2 The prior completion of a **S106 legal agreement** to secure the following obligations:
- (a) **£13,176** Towards employment initiatives for the construction phase
  - (b) **£668,778** towards education
  - (c) **£8,946** towards public realm
  - (d) **£14,100** monitoring (2%)

**TOTAL: £705,000**

Non-financial contribution

- (a) Affordable housing comprising 44 units for Affordable rent (at POD levels) and 16 units for intermediate housing
- (b) Car free agreement (except for blue badge holders)
- (c) Local access to employment initiatives.
- (d) TV Reception
- (e) Overage
- (f) 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) Drawings to be implemented in accordance with plans
  - (4) Full details of the following to be submitted for approval:

- (a) Submission and approval of panel of the facing materials demonstrating the proposed colour, texture, face-bond and pointing;
- (b) Balcony Details
- (c) Details of privacy screens.

- (5) Secure by Design
- (6) Survey of the condition of the waterway wall and method statement for repairs
- (7) Details of risk assessment and method statement for works adjacent to waterway
- (8) 10% Wheelchair housing and Lifetime Homes
- (9) Full details of external lighting and CCTV strategy
- (10) Construction hours (8.00am -6.00pm Mondays to Fridays, 8.00-1.00pm Saturdays)
- (11) Power/hammer driven piling/impact breaking (10am – 4pm Mondays to Fridays only)
- (12) Post completion noise and vibration testing to meet standards of BS8233 and details of acoustic glazing
- (13) Submission of a programme of ground investigations for soil contamination
- (14) Details of surface water drainage and control measures
- (15) Impact piling method statement
- (17) Compliance with Energy Strategy to achieve Code Level 4 for Sustainable Homes
- (18) Full details of Green and Brown Roofs (to show proposed PV's ) plus layout of CHP room
- (19) Full details of landscaping plan and Biodiversity scheme
- (20) All planting and seeding to be done in the first season
- (21) Bat Survey to be undertaken
- (22) Compliance with recommendation of the Arboriculture Report and tree protection measures to be provided where appropriate)
- (23) Revised details of Disabled Parking within the development site
- (24) Revised Waste Management Strategy along Maroon Street
- (25) Details of cycle parking to be provided within secure location and retained
- (26) Disabled Car parking spaces to be retained
- (27) No doors or gates to be hung so as to open across any pedestrian or public footpath
- (28) Construction Management Plan (to include options to move spoil by barge)
- (29) Wheel washing
- (30) Feasibility study to identify scope for moving freight by water
- (31) Scheme of Highways Improvements

Any other condition(s) considered necessary by the Corporate Director Development & Renewal.

### **Informatives**

- 3.4
- 1) This permission is subject to a separate s106 legal agreement
  - 2) Section 278 (Highways) agreement required
  - 3) Consult the Council's Environmental Health Department regarding soil contamination, sound insulation and air quality assessment
  - 4) Council operates a Code of Construction Practice
  - 5) Consult the Council's Highways Development Department regarding any alterations to the public highway
  - 6) Any structures, balconies etc, overhanging or connecting to the canal will require the approval of British Waterways
  - 7) Consult the Environment Agency with regard to surface drainage measures and soil contamination investigations
  - 8) Conservation Area Consent
  - 9) Overage Clause
  - 10) Any other informative(s) considered necessary by the Corporate Director Development & Renewal.

3.5 That, if by the 28<sup>th</sup> February 2013, the legal agreement has not been completed, the

Corporate Director Development & Renewal is delegated power to refuse planning permission.

#### 4. SUMMARY

- 4.1 On 18<sup>th</sup> December 2011, Members of the Strategic Development Committee, resolved to grant planning permission under PA/11/00642 for two buildings between three and fifteen storeys comprising 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 (1,014sq.m)(Use Class D1/D2/B1) on the Royal Mint site. 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. The applicants for the scheme were ZBV (RMS) Ltd and Network Rail Infrastructure Ltd. Planning permission was subsequently granted on the 22<sup>nd</sup> of March 2012.
- 4.2 The Royal Mint Street proposal (PA/11/00642) proposed the provision of off-site affordable housing, albeit with 9 units proposed on the host site.
- 4.3 Due to the special circumstances of the proposal, Members resolved to accept the off-site approach to affordable housing to maximise the delivery of much needed good quality affordable housing and as such, it was resolved that an off-site affordable housing contribution would be more appropriate to secure this aim '*given that affordable housing priorities could be better met elsewhere*' and that this would be facilitated through an agreed commuted sum paid to the Council or a Registered Social Landlord (RSL) secured through a s106 legal agreement to meet the requisite provision on alternative donor sites within the borough.
- 4.4 The Royal Mint Street decision secured 36% affordable housing across three sites, with the Royal Mint Street site itself delivering 9 units (49 Habitable Rooms). The developer was required to provide an off-site affordable housing contribution of **£9,625,081** (the equivalent of 445 habitable rooms) secured by a S106 legal agreement to make the required provision on alternative sites within the borough. The developers engaged Tower Hamlets Community Housing (THCH) as their affordable housing delivery partner. Two donor sites, namely (1) 47 Repton Street and (2) Fakruddin Street and Pedley Street were initially identified at the time of grant, although these sites had no definite planning proposals ready for submission to the planning department.
- 4.5 The application before Committee relates to the delivery of a 60 unit affordable housing scheme at Repton Street. The scheme is being proposed by Network Rail and Tower Hamlets Community Housing to partly offset the developers' affordable housing obligations for the Royal Mint Street site. Officers have engaged with the applicants' through pre-application negotiations to deliver a sustainable affordable housing scheme, which broadly meets policy requirements. Officers consider that on balance, the affordable homes are of high standard and the affordability levels 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 required to enable the approved scheme on the Royal Mint Street to go forward.
- 4.6 The applicants are joint owners on a further planning proposal before committee under PA/12/02228 for the redevelopment of at the site at Pedley Street and Fakruddin Street.
- 4.7 The scheme being considered proposes 219 habitable rooms, and that proposed under ref: PA/12/2228 at Pedley and Fakruddin Street proposes 226 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

- 4.8 The application site is a triangular shaped plot measuring approximately 0.22 hectares (2,221 m<sup>2</sup>). The site has been used for various light industrial related activities including car servicing and repairs let on short-term tenancies. The site includes a three-metre wide access corridor to be used in connection with the Network Rail operational works.
- 4.9 The site is bounded along the north and west boundaries by a two storey railway viaduct and to the east by Regents Canal. Repton Street to the immediate south provides access to the site under the existing railway viaduct. The eastern end of Repton Street provides a gated access British Waterway land and moorings on the Regent Canal.

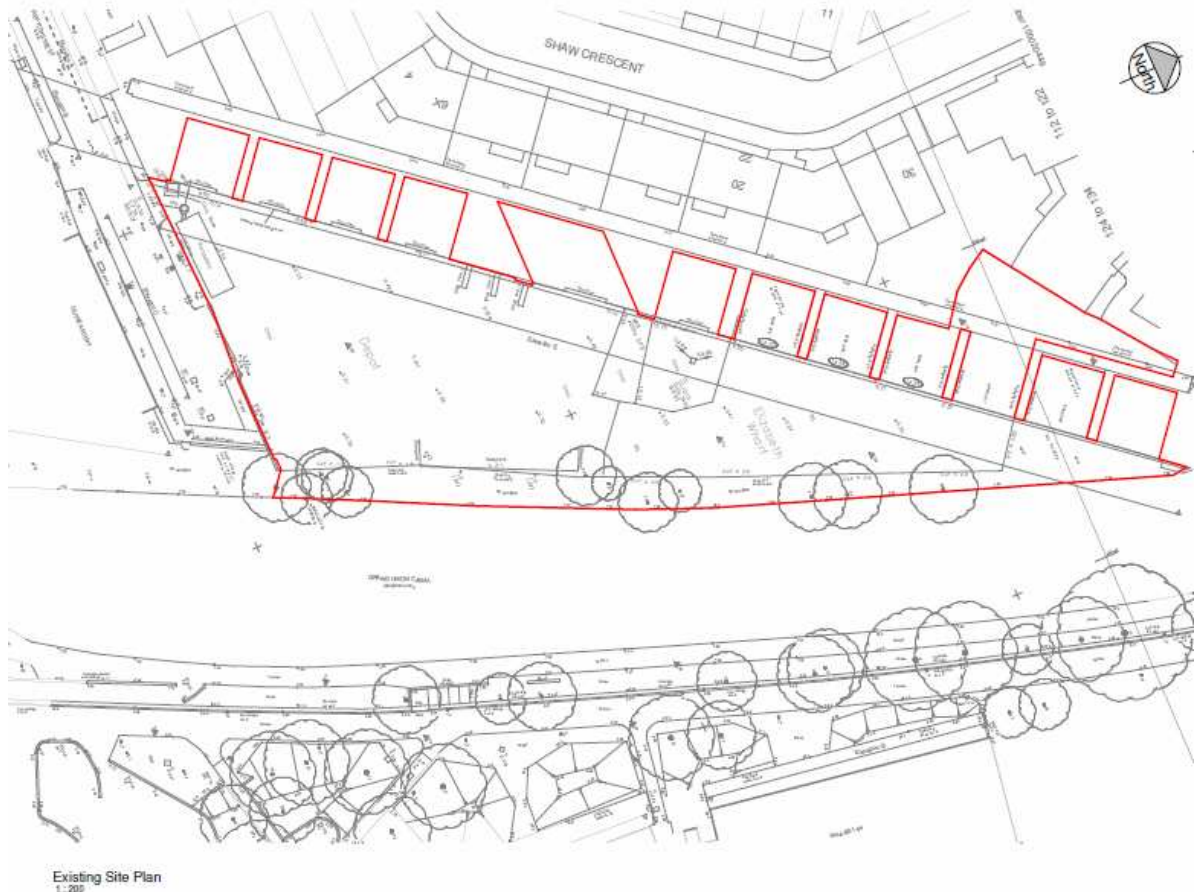


Figure 1: Existing Site Plan

- 4.10 Regents (Grand Union) Canal runs parallel with the eastern boundary of the site. It is approximately 20 metres wide and contains a variety of trees and scrub, along the narrow towpath, which lies within the ownership of Canal Riverside Trust (Former British Waterway). The canal forms part of the Blue Ribbon Network and it is recognised as an important habitat for numerous fauna and flora, and a feeding corridor for Bats.
- 4.11 To the east of Regents Canal is a six storey residential block which forms part of the Locksley Estate (Rhodeswell Road), whilst to the west of the elevated railway viaduct is 'Elizabeth Blount Court' a 5 storey block of flats that forms part of the Limehouse Fields Estate. The surrounding area is almost wholly residential in character. North-west of the viaduct is the Limehouse Fields estate comprising a mixture of flatted developments and two/three storey houses.
- 4.12 The site does not adjoin any listed buildings, although it lies within Regents Canal Conservation Area, which is recognised as a Site of Metropolitan Importance for Nature Conservation.

- 4.13 The site lies within short walking distance of the Limehouse DLR station and the local bus Services that operate along Commercial Road, such as the Nos. 15, 115, 135 and D3 bus routes.
- 4.14 The site is accessed from Repton Street and at its northern end via Maroon Street.

**The Proposal**

- 4.15 The application seeks planning permission for a change of use of the site and redevelopment by the erection of a 7 storey residential block to create 60 residential units (52 flats and 8 houses within a single block) with associated shared and private amenity spaces including provision of landscaping, communal play space and disabled and cycle parking.
- 4.16 The scheme includes the use of railway arches to provide ancillary plant room, bike storage, indoor child play space and disabled parking.
- 4.17 The application proposal will be car free and incorporates 98 cycle parking spaces, 88 of these spaces will be located within the railway arches adjacent to Repton Street with a further ten cycle spaces towards the Maroon Street end of the site. The scheme proposes four disabled parking spaces at the southern and northern ends of the site.
- 4.18 The proposal seeks to provide a communal garden, play area and it will seek to retain some of the existing vegetation although many of existing trees along the canal frontage are to be removed and these will be replaced as part of a detailed landscape plan.

4.19 **Planning History:**

- PA/12/00594 Request for Screening Opinion as to whether an application for a nine storey residential led mixed-use development comprising 77 units and commercial units including child play space and landscaping requires an Environmental Impact Assessment. Decision dated 29 March 2012.
- PA/11/00474 Full planning permission at No.'s 393 - 394 Railway Arches, Maroon Street, London Railway arches for Use of the railway arches as a 'One Stop Community Centre' (Use Class D1). Erection of a rear extension, alterations to elevations and associated landscaping works. Approval dated 12 January 2012.

Other relevant planning history

- PA/05/02100 Former Site Between Parnham Street And Repton Street On East Side Bordering Canal, Repton Street  
  
In February 2008, full planning permission was approved for a residential scheme between 7 and 10 storey in height to provide 87 residential units and a commercial unit (149m2) on the lower ground floor that will be used for Class D1 (community) use at Former Site Between Parnham Street And Repton Street On East Side Bordering Canal, Repton Street. Approval dated 21/02/2008.
- PA/03/01425 Site At 675-681 Commercial Road And Land In Lowell Street And Part Of Disused Railway Viaduct Between Salmon L E14  
  
In February 2005, planning permission was granted for the redevelopment of Nos. 675-681 Commercial Road (and land in

Lowell Street and part of the disused railway viaduct between Commercial Road and Salmon Lane), to provide 150 flats and houses (with ancillary parking). This development, which is completed, lies approximately to the south of the application site.

PA/04/01429

Former Site At Railway Arch West Of Carr Street North Of Salmon Lane And East Of Blount Street, London, E1

In March 2005, planning permission was granted for the redevelopment of a disused railway viaduct west of Carr Street (and north of Salmon Lane and east of Blount Street), to provide a four storey building comprising 35 residential units and 330m<sup>2</sup> of Class B1/B8 floor space. This adjoining development site has been implemented and lies immediately to the south-west of the application site.

## **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)**

- 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
- 6.9 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
- 7.8 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
- 7.25 Increasing the use of the Blue Ribbon Network for passengers and tourism
- 7.30 London's Canal's and other rivers and water spaces
- 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
- DEV4 Planning Obligations
- DEV6 Tall Buildings outside Central Area Zones
- DEV8 Protection of local views
- DEV12 Provision of landscaping within new developments
- DEV46-48 New Development Adjacent to Canals and Waterways
- 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
- T20 Pedestrian Facilities along Canals
- T21 Pedestrian needs in new developments
- U2 Tidal and Flood Defences
- OS9 Children's Play Space
- Planning Standard 1: Noise
- Planning Standard 4: Tower Hamlets Density Matrix
- Planning Standard 5: Lifetime Homes

### 5.5 **Managing Development: 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
DM12	Water spaces
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
DEV27	Tall Buildings Assessment
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
OSN3	Blue Ribbon Network
CON2	Conservation Areas

§ 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

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 only potential significant biodiversity on the site is the possibility of bat roosts in the railway arches. The Initial Bat Survey report provided with the application recommends further surveys to ensure no bats are roosting in parts of the arches, which could not be reached during the initial survey. I can find no evidence that these surveys have been carried out. They should be carried out before the application is determined.*
- § *To ensure compliance with the Wildlife and Countryside Act 1981 (as amended), vegetation clearance should be undertaken outside the nesting bird season. The nesting bird season is weather dependent but generally extends between March and September inclusive. If this is not possible then an experienced ecologist for nesting birds immediately prior to works commencing should check any vegetation that is to be removed or disturbed. If birds are found to be nesting any works which may affect them would have to be delayed until the young have fledged and the nest has been abandoned naturally. This should be secured by condition.*
- § *The Design & Access Statement states that the trees and shrubs to be planted will be predominantly native species, and provides a list. These species seem largely appropriate for the site, and will enhance biodiversity. However, the sketch landscape plan indicates that this type of planting will be just a very narrow strip, so the biodiversity benefits will be limited.*
- § *There is an opportunity for enhancement of the canal, using gabion baskets fixed to the wall to establish waterside vegetation. There is a design for this, which has been developed by the former British Waterways (now Canals & Rivers Trust) for this purpose. Such enhancement would contribute to a target in the Tower Hamlets Biodiversity Action Plan, and should be discussed with the applicant.*
- § *I can find no reference to green roofs. Green roofs, preferably bio diverse roofs rather than sedum mats, should be fitted unless there is a good reason not to."*

(Officer comment: The requested details for a bat survey to be carried out prior to determination for all the unsurveyed areas. Full biodiversity details to be secured by conditions 18 and 19, as noted in section 3.3 of this report)

### Canal & River Trust

- 6.2
- No objections subject to conditions to secure a risk assessment and method statement plus survey of the condition of the waterway wall, a method statement and a schedule of repair works.
  - It is noted that part of the application site boundary includes a strip of the trusts land and the Canal & River Trust would need to be party to the legal agreement for this proposal.
  - It is noted that there is a significant demand for residential moorings, and the potential should be explored for this site.
  - Full details of the proposed landscaping treatment;
  - Full details of any lighting and CCTV scheme
  - A feasibility study to be carried out to explore the potential for moving freight by water during the construction cycle.

(Officer comment: Following a meeting with the applicant, a separate planning application is to be submitted in respect of the mooring options; however this is unrelated to the proposal being considered. Details relating to lighting, CCTV and landscaping to be subject to condition.)

### **Corporate Access**

- 6.3 No objections subject to minor revisions to improve layout

(Officer comment: Revised details are required with regard to the wheel chair charging points for units 7 and 9, and details of the knock out panel for future provision of through the floor lift and alterations to layout of units 5/6. This is to be secured by condition, as noted in section 3.3 of this report)

### **Crime Prevention Officer**

- 6.4 No objections subject to conditions to achieve secure by design.

(Officer comment: This requirement will be dealt with by condition )

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

- 6.5 The proposal will generate 157 new residents within the development and therefore the following financial contributions were sought to mitigate the impacts of the development

- A total contribution of £13,176 to support training and skills provision
- A total contribution of £19,774 towards ideas stores, libraries and archives
- A total contribution of £64,033 is required towards leisure facilities
- A total contribution of £125,934 towards public open space
- A total contribution of £2,354 towards smarter travel
- A total contribution of £5,658 towards public realm improvements

(Officer Comment: Due to the financial viability of the proposal, not all of the above contributions can be met whilst also securing the delivery of a 100% affordable housing scheme. This is further discussed within the Planning Obligations section of this report)

### **Cross Rail (Statutory Consultee)**

- 6.6 No objections as the application site lies outside of the land subject to consultation in respect of the safeguarding zone.

### **LBTH Design and Conservation**

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

(Officer comment: Full details of facing materials are to be secured by condition)

### **LBTH Education**

- 6.8 Based on the Council's Planning Obligations SPD, the proposal would generate a demand for 24 additional primary school places (£14,830 per place) & 14 additional secondary school places (£22,347 per place). Accordingly, the overall financial contribution for education sought is £668,778.

(Officer comment: The planning obligations secured are set out within the Material Planning Considerations section of this report. Education provision is a priority for the delivery of new housing schemes, and as such the full education contribution is secured.)

## **ENVIRONMENTAL HEALTH**

### **Air Quality**

- 6.9 The proposal is likely to lead to slight negative impacts on local air quality during demolition, construction and operational works. Construction Management Plan required.

(Officer Comment: A planning condition has been imposed to secure the submission of a Construction Management Plan, which will resolve this concern.)

### **Noise and Vibration**

- 6.10 The Noise Report has been assessed by Environmental Health, who advised that post completion testing is required, together with additional glazing and ventilation mitigation.

(Officer comment: Conditions have been attached to address this concern in order to ensure that the proposed development is habitable for future residents)

### **Micro-Climate**

- 6.11 No objections.

### **Contaminated Land**

- 6.12 Council records suggest that the site and surrounding area have been subjected to former industrial land uses, which have the potential to contaminate the area. Given this, and (i) that ground works and soft landscaping are proposed, and (ii) there is a potential pathway for contaminants to exist, which will need further characterisation to determine associated risks.

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

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

- 6.13 A desktop study identifying potential on-site contamination is required, together with details to ascertain the impact of the proposal on the adjacent canal.

(Officer Comment: The details requested will be secured by condition to ensure that any potential contamination is investigated and remediated).

### **LBTH Energy Efficiency Team**

- 6.14 The Energy Team are broadly satisfied with the energy strategy outlined and consider that it adheres to the energy hierarchy principles in the London Plan and Core Strategy and the proposal would achieve Code Level 4 for sustainable homes. Further details are required

- SAP calculation,
- Details of the proposed roof plans showing location and number of PV's
- Full details of layout of CHP plant room

(Officer comment: The details requested are to be secured by condition, which is supported by the Council's Energy efficiency team)

### **English Heritage**

- 6.15 The application should be decided in accordance with national and local policy guidance, using specialist conservation advice.

(Officer comment: The Council's Design and Conservation Team support the proposal and do not consider that it would adversely impact on the setting of the Conservation Area)

### **Housing Strategy**

- 6.16 No objections. The following advice was received:

- The scheme provides 76% rented and 24% of units will be intermediate. This is broadly 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.

### **Landscape Section**

- 6.17 No comments received.

(Officer comment: Landscaping and biodiversity details to be secured by condition)

### **LBTH Waste Management**

- 6.18 No objections in principle

§ The applicant is encouraged to use underground refuse systems on the site (URS) and this will require all the underground domestic refuse units to be coupled with underground recycling units.

(Officer comment: The applicants have accepted the advice and the details subject to agreement with the Council's Highway and Transportation Team will be secured by condition)

### **LBTH Highways**

- 6.19
- § There is no off-street parking and therefore a 'car free' S106 legal agreement will be required.
  - § Concerns were expressed about the location of the proposed Underground Refuse System (URS) by Maroon Street in terms of highway safety
  - § Concerns were raised about the location of the URS system adjacent to Repton Street and its impact on the access to the disabled parking bays
  - § Full details of external lighting strategy should be provided
  - § Details of cycle parking should be secure and therefore revisions are required
  - § There is an excellent opportunity to enhance access and permeability to the canal for pedestrians
  - § Construction Management Plan should be provided and this should explore how spoil from the site can be conveyed by barges on the canal

§ Details showing the revised location for the disabled parking bays adjacent to Repton Street

(Officer comment: Following discussions between the Highways section and the applicant, further revisions have been obtained to address these concerns. The applicant and Highways section have agreed that the above requirements can be secured by way of conditions)

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

6.20 Tower Hamlets NHS Primary Care Trust has sought a financial contribution of £98,072 to help mitigate the demand of the additional population on local existing healthcare facilities.

(Officer comment: Full details of the planning obligations secured are set out within the Planning Obligations Section of this report. Due to the financial viability of the proposal, this contribution has not been secured)

### **Plan Making**

- 6.21
- The site has no designations.
  - Core Strategy policy SP02.3a requires that 35-50% of total housing stock should be affordable. The proposal is for 100% affordable units. This is in line with London Plan policy 3.11, which seeks to maximise affordable housing provision.
  - SP02.4 requires tenure split for new affordable homes of 70% Affordable Rented and 30% intermediate, and this is reiterated in DM3. The proposed affordable units comprise 76% Affordable Rent and 24% Shared Ownership.
  - SP02.5b requires an overall target of 30% of all new housing to be family-sized including 45% of new Affordable rented homes. 52% of habitable rooms are provided for family sized units (38% of all units are family sized). The affordable housing statement states that 57% of habitable rooms are provided for Affordable rent (41% of Affordable rent units are family sized).

No objections in principle.

### **Network Rail**

6.22 No objections

### **Natural England**

6.23 No objections, but the Standing Advice would like further information to establish the likelihood of protected species being present. It is advised that Bat Survey be carried out.

(Officer Comment: Officers accept the advice and recommend a condition to secure a bat survey)

6.24 **Thames Water**

The proposal would have no adverse Impact on the Thames Water Sewage Network

## **7. LOCAL REPRESENTATION**

7.1 A total of 542 properties (within the area shown on the map appended) were notified about the application and invited to comment. The application was publicised on site, and a press notice published.

The Council received seven responses to the public consultation process. These responses comprised of five objections letters, one petition letter with over 200 signatures from neighbours and one comment.

No of individual responses: 8            Objecting:5            Supporting: 2  
No of petitions received        1 with two hundred and thirty one signatures

## **Representation Comments**

7.2 In terms of the representations received, these raised the following points:

### Procedural

- Objections on grounds that residents were not given sufficient notification.

(Officer comment: The proposal was advertised by sending neighbour notification letters to 542 adjoining occupiers to invite responses. The proposal was also publicised by way of a site and press notice and via the planning website. Consultation was carried out in 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's has met its obligations with regard to the publicity of the proposal)

### Land Use

- Objection on grounds that overcrowding will worsen in the area.

(Officer comment: The density proposed is considered to be acceptable and it is unlikely to result in overcrowding of the area)

- Objections on grounds of overdevelopment in view of the overall level of development within Limehouse fields and the Ocean estate.

(Officer comment: Officers consider that the units proposed and the quantum of built development on site would make effective use of urban land within a sustainable location. It is not considered that the scale and form or density of the development will result in over-development given the urban context of the overall area )

- The proposal will not result in affordable housing that meets the community's housing needs.

(Officer comment: The proposal provides much needed affordable housing that meets the needs, size and affordability of the local community. The type of affordable housing (affordable rent) was agreed as part of the Royal Mint Street proposal)

- § There is a lack of appropriate community centre facilities to mitigate the impacts on the growing population in the area.

(Officer comment: The application site incorporates a community centre facility within the adjoining arches. However, this does not form part of the current application)

### Amenity

- Objections on grounds that the proposal will obstruct natural sunlight and create shadowing to properties adjoining the development site
- Objections on grounds that the proposal will obstruction free air and views of existing houses close to the site
- Objections on grounds of increase in pollution that may lead to health hazards



- Objections on grounds that the proposal will restrict privacy and encourage overlooking into adjoining properties, specifically the residents in Guinea point to the southern end of the site.
- The proposal will increase the incidence of anti-social behaviour and crime.

(Officer Comment: The proposal is not considered to give rise to unduly detrimental on amenity – see the amenity section of this report).

- Significant pressure will be increased on local services such as schools, post offices and health centres and they cannot currently cope with the demand of the locality. There is also a lack of purpose built community centres for residents and tenants to mitigate the growing demand of affordable housing.

(Officer comment: This will be addressed within the Material Planning Considerations section of this report)

- More managed open spaces should be created for young children to play

(Officers comment: Officers have assessed the proposed level of child play space proposed and consider that it is acceptable given the site context and constraints)

7.3 A letter was received from One Stop Community Centre in connection with a recent planning application approved under PA/11/00474 relating to railway arches no.393-394, which are accessed off Maroon Street. The author confirms that a community centre currently occupies the arches and seeks confirmation that the application proposal would not prejudice the implementation of the approved scheme

(Officer comment: It is noted that the application redline includes the arches currently occupied by the community centre. The plans under PA/11/00474 show that an approved extension would extend into the application site. A further application (PA/12/03101) has been submitted to the Council for consideration in respect of the alterations to the approved scheme. The amendments include the omission of the rear extension and alterations to the elevations of the arches, which would accord with the application being considered)

7.4 A letter of comment was received from Commercial Boat Operators Association (CBOA) highlighted the firms' interest in promoting the use of canals and local waterways for carrying freight.

(Officer comments: The Canal & River Trust supports the initiative and suggests that the option be addressed by way of a condition).

## 8 MATERIAL PLANNING CONSIDERATIONS

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

- § Principle of Land Use and Density
- § Housing
- § Design/Impact on Conservation Area/Regents Canal
- § Density
- § Amenity
- § Sustainability and Energy
- § Transportation and Highways
- § Planning Obligations

Other

- § Localism Act

## **Principle of Land Use**

### Loss of Employment floor space

- 8.2 Policies 4.1 and 4.2 of the London Plan (2011) seek to ensure the availability of sufficient and suitable workspaces in terms of type, size and costs for small and medium sized enterprise. Policies S025 and SP06 of the Core Strategy (2010) support a range of flexible workspaces in both town and main street locations.
- 8.3 Saved Policies EMP3 and EMP8 of the adopted UDP and Policy DM15 of Managing Development: DPD (Submission Version May 2012) encourages employment growth in suitable locations.
- 8.4 The site is underused and has been mostly vacant since June 2011. A small portion of the site, approximately 724m<sup>2</sup> of the total site area was previously leased to a long-standing tenant for various car related and storage uses (Sui Generis). Since the tenant has vacated, the arches have been difficult to re-let.
- 8.5 The application site has no specific designations in the adopted Unitary Development Plan 1998 (UDP) or the Managing Development DPD (Submission Version May 2012) (MD DPD) and the site has been underutilised for some time and Network Rail consider that the potential of the site for long term employment use is undermined by its poor condition, and its 'back-street' location including lack of a 'main road' frontage, and the restricted access to and from the site (through primarily residential environments).
- 8.6 There are no objections in principle to a change of use of the site for residential purposes in land use terms given the site constraints and period of vacancy. Given the site constraints and void period, the loss of employment floor space would not be contrary to Policies 4.1 and 4.2 of the London Plan (July 2011), Policies S025 and SP06 of the Core Strategy (2010), Policy DM15 of the Managing Development: Development Plan Document (Submission Version May 2012), and Policies EMP3 and EMP8 of the Unitary Development Plan.

## **Housing**

### Affordable Housing

- 8.7 Increasing housing supply is a key priority both nationally and locally and this is affirmed in the National Planning Policy Framework.
- 8.8 London Plan Policies 3.3 and 3.4 reinforce this and also set out the London Mayor's aim to improve London's housing supply by encouraging boroughs to identify new sources of supply and to maximize the development potential of sites to an extent that is compatible with local context, public transport capacity and strategic design principles to ensure targets are achieved where appropriate.
- 8.9 The London Plan (2011) policies 3.9 – 3.13 set out guidance on the delivery of new affordable housing, which promotes mixed and balanced communities and has a good mix of housing tenures. This emphasises the requirement for borough councils to seek the maximum reasonable amount of affordable housing when negotiating on individual private residential and mix-use schemes. In doing so, each council should have regard to its own overall target for affordable housing provision. Policy 3.10 of The London Plan (2011) defines affordable housing as affordable rented and intermediate housing including shared ownership/equity and intermediate rental products.
- 8.10 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.

- 8.11 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.
- 8.12 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. Home Buy), other low cost homes for sale and intermediate rent but does not include Affordable Rented housing.
- 8.13 Strategic Objectives 7, 8 and 9 and Policy SP02 of the Core Strategy (2010) set out the borough's overall target for delivery of 43,275 new homes (2,885 a year) between 2010 and 2025. It requires 30% of developments to be 3 bedroom units or larger, but within the social rented sector 45% should be for families. Policy DM3 in the Managing Development DPD (Submission Version 2010) seeks to maximise all opportunities to secure 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
- 8.14 The application site is a brownfield site that is currently underutilised and the site has not been allocated for an alternative use. The principle of using the site for affordable housing is acceptable given the residential nature of surrounding uses. The proposal accords with 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), which seek to encourage key objectives of maximising the supply of family and affordable housing, where this is appropriate.

#### Dwelling Mix

- 8.15 London Plan Policy 3.8 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.
- 8.16 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 MD DPD Policy specify the particular mix of unit sizes required across different tenures in the Borough. This is discussed in more detail on the next page.

Table 1		Affordable Housing							
		Affordable Rent			Intermediate				
Unit size	Total units	units	%	LBTH target %	units	%	LBTH target %	Total	%
Studio	0	0	0%	0	0	0	0%	0	0%
1 bed	12	7	16%	30%	5	31%	25%	12	20%
2 bed	25	19	43%	25%	6	38%	50%	25	42%
3 bed flat	15	10	41%	45%	5	31%	25%	15	38%
3 bed houses	3	3			0			3	
4 bed house	5	5			0			5	
<b>TOTAL</b>	<b>60</b>	<b>44</b>	<b>100</b>	<b>100</b>	<b>16</b>	<b>100</b>		<b>60 (100%)</b>	

8.17 As shown in Table 1 above, 23 (38%) of the overall units provided will be for families. Policy SP02 requires 30% of developments to be 3 bedroom units or larger, and within the rented tenure 45% should be for families.

8.18 The scheme will deliver 38% family housing overall and within the affordable rented mix, 41% of units would be family units of three or more bedrooms, which falls slightly below the Council's policy requirement of 45%. The intermediate mix proposed would deliver more than the required proportion of family housing at 31% against 25% required by the borough.

8.19 Whilst this level of provision of family sized accommodation for affordable rent is not policy compliant, the scheme on balance would be acceptable given that it is for the delivery of 100% affordable housing within a constrained urban site and the overall provision of family sized affordable housing is acceptable and has been maximised within the development.

#### Affordable Rent / Intermediate Ratio

8.20 Policy 3.11 in the London Plan seeks to attain a mix of affordable tenures with a split of 60% rent and 40% shared ownership. Policy SP02 of the Council's Core Strategy requires a split of 70% within the affordable rented tenure and 30% shared ownership to meet the housing needs identified in the borough. The sixty affordable units will comprise 44 units for rent and 16 intermediate units (this equates to 76% units for affordable rent and 24% intermediate units). As such, the proposal would broadly accords with Policy SP02 of the Core Strategy (2010) given that Borough's preference for affordable rented accommodation.

8.21 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 Council's Housing Strategy Team has assessed the proposal and is satisfied that it best reflects local housing need in its existing form. The rent levels proposed are:

The POD Borough average rents for the current financial year are:

- 1 Bed £192.26
- 2 Bed £213.58
- 3 Bed £240.35

4 Bed £270.65

- 8.22 Objections were received in connection with the proposed dwelling mix and type of affordable housing provided on grounds that it failed to meet local housing needs. Officers consider that a good mix of units including family housing has been incorporated into the scheme and this would improve housing choice and increase the overall supply of family sized housing in the locality. As such, the proposal would comply with Policy 3.8 of the London Plan (2011), saved Unitary Development Policy HSG7 and Policy SP02 of the Core Strategy Development Plan Document 2010 and Policy DM3 in the Managing Development DPD (Submission Version May 2012).

#### Wheelchair Housing and Lifetime Homes Standards

- 8.23 Saved Policies DEV1 of the Tower Hamlets Unitary Development Plan (2004) and Policy 3.8 of The London Plan (2011) seek to ensure that all new housing is built to Lifetime Homes standard. The London Plan (2011) Policy 7.2 requires all future development to meet the highest standards of accessibility and inclusion.
- 8.24 The proposal provides six wheelchair accessible units which are mainly the 4 bed units for Affordable rent. This meets the Council's 10% target requirement. Each of the six units will have a designated parking space. It is considered that the scheme would meet 100% Lifetime Homes standards and 10% of the units provided are to be wheelchair accessible, which meets the policy objectives above. The detail of this is to be secured by a condition.

#### Housing Quality and Amenity Space Provision

- 8.25 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 and this requires new dwellings to conform to the dwelling space standards set out in Table 3.3 to enable efficient layouts. The Mayor's London Housing Design Guide (Interim Edition, August 2010) provides further guidance on this. Policy SP02 of the Core Strategy (2010) and Policy DM4 of the Managing Development DPD reiterate the same policies.
- 8.26 The units proposed would all meet the minimum internal floor space standards and as such the layout and quality of the units would accord with Policy 3.5 of the London Plan 2011 and Policy DM4 in the Managing Development DPD (Submission Version May 2012). All units will have adequate natural lighting, good outlook and are double aspect.

#### **Density**

- 8.27 The London Plan (2011) Policy 3.4 requires that development should seek to optimise the number of residential units, having regard to the local context, matters of design and the level of public transport acceptability. Target guidance ranges for the density of new residential development are set out in Table 3.2 Sustainable Residential Quality (SRQ) density matrix, which supports Policy 3.4 of The London Plan (2011). The density guidance ranges specified in this table are related to the site location setting, the existing building form and massing, the indicative average dwelling size, and the Public Transport Accessibility Level (PTAL) of the site.
- 8.28 The application site has a Public Transport Accessibility Level of 4 and its immediate setting is considered to be 'urban' in character. The application site measures approximately 0.22 hectares. The London Plan density matrix suggests that sites in such locations can be developed at densities between 200-700 habitable rooms per hectare.
- 8.29 Policy HSG1 of the Interim Planning Guidance (2007) specifies that the highest development densities, consistent with other Plan policies, will be sought throughout the

Borough. The supporting text states that, when considering density, the Council deems it necessary to assess each proposal according to the nature and location of the site, the character of the area, the quality of the environment and type of housing proposed. Consideration is also given to standard of accommodation for prospective occupiers, microclimate, impact on neighbours and associated amenity standards.

8.30 The proposal will result in 219 habitable rooms or an equivalent density of 995 habitable rooms per hectare. The proposed density exceeds the indicative minimum range provided in the London Plan density matrix for a site within a central setting and in the simplest of numerical terms; this would appear to suggest an overdevelopment of the site. However, the intent of the London Plan and the Council's IPG is to maximise the highest possible intensity of use compatible with local context, good design and public transport capacity.

8.31 Policy HSG1 of the IPG states that solely exceeding the recommended density range (on its own) is not sufficient reason in itself to warrant refusing a planning application. What is more significant is how the densities translate in the form and layout of the proposal and whether there are unacceptable impacts on existing 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

These specific factors have been considered in detail in later sections of this report – and were found to be acceptable.

8.32 In this instance, officers consider that the site has the capacity to accommodate a higher density than the suggested minimum density range and on balance this is acceptable, given that (i) that site location is relatively sustainable, (ii) the proposal is of a high quality design and the units proposed are satisfactory in terms of layout and standards, (iii) the proposal also provides an acceptable quantum of external amenity space and (iv) it would not cause demonstrable harm in terms of its amenity impacts.

8.33 Some residents expressed concerns that the proposal will result in an overdevelopment of the application site. Officers considered that matters regarding overdevelopment of sites are considered on a case-by-case basis. In the case of the application being considered, officers are not of the view that the scheme would result in overdevelopment of the subject 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.

8.34 On balance, officers are satisfied that the development makes the most efficient use of land, whilst providing an increase in the supply of housing. As such, the proposal accords with Policies 3.4 and 3.8, policies of the London Plan, Policies S07 and SP02 of the Core Strategy (2010), policy DM3 in the Managing Development DPD (Submission Version May 2012), IPG policy HSG1 as well as guidance set out in National Planning Policy Framework (2012).

## **Design**

- 8.35 Paragraph 56 of Part 7 (requiring good design) of the National Planning Policy Framework 2012 highlights that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 8.36 Paragraph 57 of Part 7 highlights the importance of planning positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. Similarly, Paragraph 63 of the NPPF provides support for innovative designs, which help raise the standard of the area.
- 8.37 Policy SP10 of the Core Strategy seeks to ensure new developments is of a high quality design. Policies DM24 and DM26 in the Development Management DPD (Submission Version 2012) seek to ensure that taller buildings are of high quality and responds positively to its context.
- 8.38 London Plan policies 7.4, 7.6 and 7.9, saved Policies DEV2 and CON2 of the Interim Planning Guidance (2007) seeks to ensure that taller buildings are of a height and scale that is proportionate to its location, contribute positively to the skyline and take account of any historic context.



#### Impact on Conservation Area and Regents Canal

- 8.39 The site is located within the Regents Canal Conservation Area, which was designated in 2008. The conservation area extends along the boundaries drawn tightly around the Canal and features associated with it including bridges, locks, lock cottages, warehouses and industrial features such as the Bethnal Green gasholders. It is the association between all these elements that form part of the canal's special character and interest.
- 8.40 In terms of the townscape quality of the Canal, its historic features and the associated built fabric, are recognised as being of a special character requiring protection. The character of the canal is highly dependent upon buildings and uses which adjoin it and

these vary along the length of the Regent's Canal. Some sections retain more industrial heritage than others, some sections adjoining Mile End Park offer a more spacious open character, and some sections reflecting the changing nature of the canal with its increased amenity value. Examples of each of the different characters can be seen at different points along the canal's journey through the Borough.

- 8.41 The existing site is run down and of a poor quality, lacking a sense of distinctive place and in its current condition, it detracts from the character and appearance of the conservation area including the canal setting.
- 8.42 The proposed building delivers an active front to the canal, therefore improving its setting and providing opportunities for passive surveillance which relates back to the Canal's industrial heritage. The scale, proportions and height of the proposal will be similar to the adjacent residential development further south of the site at Guinea Point, which is also hard up on the canal boundary. The alignment of buildings along the canal frontage, including the massing, scale and height of the proposal would form an appropriate response to the waterside and conservation area context.
- 8.43 Regent's Canal forms part of the Ribbon Network and during the application process, Canal & River Trust engaged with the applicant to explore the mooring potential of the site and the opportunity to create a more active frontage, which has been welcomed by the applicant. An application will be submitted in due course to take this discussion forward.

#### Scale, design and appearance

- 8.44 The site is located within a challenging context where the architectural styles and heights of buildings are varied. The scale of buildings within the immediate locality range from 2 to 10 storeys high. Immediately south of the site, is a mixed-use residential led development at Guinea Point, which rises to 10 storeys in height along the canal frontage. On the east, side of the canal is the Locksley Estate, which reaches 6 storeys high.
- 8.45 Given the large variation in building heights, officers consider that the principle of a seven storey building on the application site would not be at odds with the overall building heights in the area. The bulk, mass, height, scale and form of the proposal including its alignment along the canal frontage, would form an appropriate design response to the canal context. The scale, proportions and height of the proposal will be similar to the adjacent residential development immediately south of the site at Guinea Point, although it is recognised that the intensity of development would reduce the openness of the site adjoining the canal, which is welcomed given the surrounding context.
- 8.46 The proposed siting and scale of the proposed building is acceptable from a design perspective. The architectural approach will be sympathetic to the varied urban grain of the site and would complement the existing buildings in the area.
- 8.47 Officers consider that the high quality finish to the building is still critical to the success of the scheme and given the importance of these details, a condition is required to ensure that external materials are subject to a condition to ensure a high quality appearance and finishes.
- 8.48 Advice was sought from the LBTH Crime Prevention Officer who welcomed the principle of the scheme. Although there were a number of points of issues raised to improve the safety and to create defensible space to units, most of the suggestions and advice has been incorporated into the proposal. A condition is recommended to ensure secure by design objectives are further addressed within the proposal.
- 8.49 Overall, it is considered that the proposal would be acceptable in terms of its urban



townscape principles and the proposed bulk, mass; scale, height including design and use of materials would be sympathetic to the canal side setting and Regents Canal Conservation Area. As such, the scheme subject to conditions will accord with London Plan Policies 7.1 – 7.8(Inc.) which seeks to ensure buildings and places are of a high quality design and visually appropriate. The application schemes also accords with saved policies DEV1, DEV2 and DEV3 of the Council's Unitary Development Plan (1998), SO20, SO21, SO22, SO23 and SP10 and SP12 of the Core Strategy (2010) and policies DM24, DM26, DM27 and DM28 of the Managing Development DPD (Submission version May 2012)

### **Amenity**

8.50 Policy 7.6 of The London Plan (2011), Policy SP10 (4) of the adopted Core Strategy (2010), Policy DM25 in the Managing Development DPD, policy DEV2 and DEV50 of the UDP 1998 and Policy DEV10 of the Interim Planning Guidance, seek to ensure that developments, protect and improve residential amenity and proposals which cause unacceptable impacts on privacy and overlooking; overshadowing and outlook; noise and vibration levels; odour, fumes and dust or microclimate should be resisted.

8.51 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2011).

### Daylight

8.52 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.

8.53 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.

### Sunlight

8.54 Sunlight is assessed through the calculation of annual probable sunlight hours (APSH). This method of assessment considers the amount of sun available in the summer and winter for each window within 90 degrees of due south (i.e. those windows which receive sunlight). 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.

8.55 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. This assessment included properties at Shaw Crescent; No.86-144 and 146-204 Rhodeswell Road and the north facing windows (upper ground, first and second floors) within the residential block at Guinea Point, which lies to the south of the site.

### Shaw Crescent,

8.56 In respect of the two storeys residential properties at Shaw Crescent, 22 properties were analysed containing windows at ground floor and first floors.

8.57 The study illustrates that most of the ground and first floor rear windows along the terrace would retain a vertical sky component of between 20% and 27%, which is acceptable given the site context and the fact that the rear elevations of these properties back onto the existing railway viaduct. Four of the windows failed the VSC test, however it is noted

that the rear elevations of these properties possess overhanging balconies at first floor level.

8.58 Existing windows with balconies above them typically receive less daylight. Because the balcony cuts out light from the top part of the sky, even a modest obstruction may result in a large relative impact on the VSC levels, and on the area receiving direct skylight. Additional tests were undertaken without the obstructions, and this demonstrated that daylighting would meet the BRE guideline, demonstrating that the impacts are symptom of the building's own design.

8.59 The results of the study show annual and winter sunlight levels for the same properties and all of the windows except those located directly under balconies retained in excess of 25% of annual probable sunlight hours. Most of the units also retain 5% of winter sunlight hours. Although, the report show that some of the units will experience minor reductions in daylight and sunlight levels, on balance, the reductions are part of a pre-existing condition and not considered so significant as to warrant refusal of the planning application.

Flats No.'s 86-144 and No.'s 146-204 Rhodeswell Road

8.60 The VSC tests were undertaken for a total of 48 windows (ground and first floors) within the above two residential blocks. The report asserts that above first floor level, all windows if tested would meet the BRE guidelines.

8.61 As assessed, the report illustrates that eight of the twenty four windows assessed at ground and first floors of each block would experience acceptable daylighting levels within BRE Guidelines or marginally below (2%). The report illustrates that eight of the tested windows (which equates to 33% of the habitable windows tested) would fail the VSC daylight test.

Photograph 1-showing Rhodeswell Road Block



8.62 The photograph above shows 146-204 Rhodeswell Road; there is the same window arrangement at 86-144 Rhodeswell Road. The sixteen windows affected (eight in each block) are all set within recessed balconies. Given the proximity of these windows to recessed balconies, it would be typical for minor variations in daylighting levels to have more of a disproportionate impact on rooms.

8.63 Although the submitted report indicates that there may be a noticeable reduction in daylighting to some habitable rooms within this development, it is considered that much of the impacts would arise by virtue of the window location being behind the balcony rather than from the direct impacts of the proposal. On balance, officers consider that there would not be a significant or unreasonable worsening of prevailing lighting conditions for these rooms. Additionally, the flats themselves would continue to receive adequate lighting levels by virtue of being dual aspect.

8.64 As neither of the blocks faces within 90 of due south, no sunlight analysis was undertaken.

#### Guinea Point

8.65 There are multiple windows on the north facing elevation of the residential development at Guinea Point on all levels. The report tested sixteen windows for loss of daylight on the upper ground, first and second floors, being the worst-case affected windows.

8.66 The submitted report indicates that eight of the north-facing windows tested (50%) for the Guinea Point development would retain above 70% of its original lighting levels. However, eight of the windows failed the VSC Test (as they will retain between 53% and 69% of their original lighting levels) and as a result these affected rooms (upper ground, first and second floor flats) would experience variations in daylight reductions. It is noted that one of the windows (J) will retain approximately 1% of its original lighting level, which indicates that the light loss reduction will be particularly noticeable. This window lies within a recessed balcony.

8.67 The approved floor plans for the Guinea Point development (PA/05/02100) indicate that the affected windows relate to six flats. Five of these flats form part of dual aspect units and therefore the lighting levels will not be significantly reduced to the whole flat. There is only one single aspect unit affected, and it is considered that much of the impacts to this window would arise by virtue of its location behind a balcony rather than from the direct impacts of the proposal.

8.68 In considering development proposals, the BRE guidelines emphasise that in densely developed urban area, greater flexibility should be applied in interpreting the results. Therefore, where the daylight/sunlight reports that a development proposal may involve significant or unreasonable worsening of existing lighting levels, other factors would need to be considered including pre-existing lighting conditions or the relationships between existing and proposed developments. It is a fact that lower lighting levels are experienced to all north-facing windows. However, in this case, the windows in Guinea Point with north facing aspect are hard up against the development's northern boundary. Accordingly, any new development of a modest size would have an impact on these windows. North facing windows would also have lower expectations to sunlight due to their aspect.

8.69 The occupant of Flat 502 Guinea Point expressed concern about the potential impacts of the proposal on habitable rooms (bedroom and balcony windows) at fifth floor level. As noted in the submitted daylight and sunlight report, all the habitable rooms above second floor level would receive adequate daylighting.

8.70 In conclusion, officers acknowledge that the proposal would have some impact on adjoining north facing windows; however, this will be more noticeable for the single aspect unit rather than the dual aspect ones. The poor lighting to this flat window already occurs by virtue of its recessed design, rather than from the direct impacts of the proposal. On balance, officers consider that there would not be a significant or unreasonable worsening of prevailing lighting conditions to the flats affected, particularly where they are dual aspect.

### Proposed properties

- 8.71 Daylight provision in the form of Average Daylight Factor was calculated for sample number of flats within the proposed development (Units 1, 2, 3 and 7) containing rooms considered to represent a worst-case scenario. Five of the rooms assessed would achieve the Average Daylight factor recommended. Of the three rooms that do not meet the sunlight requirement, it is noted that these are combined Kitchen/Dining rooms with southeast aspect. Although failures are acknowledged, it should be noted that the rooms affected are all dual aspect and any reduction to these areas would be more than compensated for by the satisfactory outlook, and the size of the units.
- 8.72 In terms of sunlight, a number of windows were tested on the southern elevation of the proposed development and it should be noted that all the windows assessed achieve the recommended level of both annual probable sunlight hours and winter sunlight hours.
- 8.73 Whilst, the proposal would provide a relatively intensive form of development with significant site coverage, it is considered that the overall impacts of the scheme 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, DM25 of the MD DPD (Submission Version May 2012) and IPG policy DEV1.

### Privacy

- 8.74 Saved UDP Policy DEV2 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.
- 8.75 The proposed development achieves a separation distance of 10.5 metres between the proposed development and the Guinea Point to the south of the site, however instances of overlooking have been designed out by the staggered positioning of balconies/windows which reduces the intervisibility between units.
- 8.76 Due to the height of the proposal, it would rise above the railway viaduct affording views over Shaw Crescent, Carr Street and Maroon Street, however, the privacy distance (between 17 metres and 24 metres) would ensure that any direct overlooking would be minimised.
- 8.77 Within the development, a certain degree of overlooking will be permitted between residential units obliquely looking towards the inner courtyard and most of the units would be dual aspect. It is considered that the proposed layout of the site will provide sufficient space between main blocks so as to provide a satisfactory level of privacy overall.
- 8.78 Concerns have been raised during the consultation process regarding the impact of the proposal on privacy; however it is considered that the relationship of the proposal to surrounding buildings would not be unduly detrimental to amenity.

### Sense of enclosure

- 8.79 The above-noted policies seek to ensure that there is no unacceptable increase in the sense of enclosure, which is something, which cannot easily be measured. As noted above, the relationship of the proposal to surrounding buildings is considered acceptable. The distance between the proposal and surrounding buildings are also typical of an urban

context. The taller elements of the proposal are to the corner of the Repton Street end, and the building steps down towards Maroon Street, which reduces the impact on the adjoining properties. Given the proposed layout and the distance of surrounding properties, it is considered that the proposal would not result in any material loss of amenity.

- 8.80 Representations have been received on grounds that the proposal would result in unacceptable increases in the sense of enclosure and a loss of outlook. As noted above, this is subjective and cannot be readily assessed in terms of a percentage or numerical loss of outlook. Whilst the built form on the site would increase, it is not considered that this would result in an unduly detrimental material loss of amenity, given the urban context of the site and its relationship to adjoining buildings.

#### Noise and Vibration

- 8.81 Policy 7.15 of the London Plan, saved policies DEV2 and DEV50 of the UDP, Policies SP03 and SP10 of the Core Strategy (2010) and Policy DM25 of the MD DPD seek to ensure that new development proposals reduce noise impacts by minimising the existing and potential adverse impact and separate noise sensitive development from major noise sources.
- 8.82 There are potentially significant noise impacts that could arise from the proposal. These are high levels of noise and vibration from the adjoining railway viaduct on the eastern boundary. There are also potential noise impacts arising from construction noise, which may impact on residential amenity and objections have been received in this regard.
- 8.83 A Noise Impact Assessment Report accompanied the application and the Council's Environmental Health (EH) Team has assessed this. Officers were generally supportive of the proposal, but remain concerned about the impacts of rail noise and ground borne vibration. EH recommends conditions to ensure high performance acoustic glazing and ventilation is provided on all residential facades. Additionally, a Post Completion Testing for Internal Noise levels of all habitable rooms on all floors and facades is recommended to ensure that all habitable rooms meet the 'Good standard' of BS8233. Similar tests are required for the proposed amenity spaces, and these have been secured by condition.
- 8.84 In respect of the concerns raised about the impact of noise pollution during the construction phase, Environmental Health has powers under the Control of Pollution Act to agree or impose limits on the hours of work and noise and vibration levels and this can be secured by condition.

#### Microclimate

- 8.85 The planning application is supported by Wind Microclimate Desk Study, which seeks to identify the likely wind impacts arising from the proposal including the general suitability of areas around the application site for likely pedestrian activities. The report takes account of factors such as building heights, orientation, and site context and seeks to identify where unpleasant wind speeds might be expected and if necessary general mitigation that may be taken to mitigate the impacts of wind speed.
- 8.86 The report concludes that most of the site would be suitable for its intended purpose, however, there is likely to be localised wind at the pinch points between the southeast boundaries of Repton Street. As a result, the south-eastern elevation may experience pockets of localised winds, which may render the private amenity spaces unsuitable for the most wind sensitive pedestrian activity (i.e. such as long-term sitting). Given that this impact is localised and the majority of the site is fit for purpose, officers accept the findings of this report and note that no mitigation is required to address this.

#### Air Quality

8.87 Policy 7.14 of the London Plan, Policy SP03 of the Core Strategy and Policy DEV11 of the Interim Planning Guidance (2007) seek to ensure that air quality is protected. The application was accompanied by an Air Quality Assessment Report, which illustrates the measures that the applicant is proposing to minimise impact on local air quality (such as providing a car free development, gas fired CHP and boilers). The measures in place are considered to be acceptable and no further mitigation has been proposed with the report.

8.88 Concerns were expressed regarding dust emissions during the construction phase and its impacts on residential amenity. These concerns have been taken into account in the report, however, it is considered that a condition can be imposed requiring the developer to submit a Construction Management Plan which should go some way to address this concern.

#### TV and Radio reception

8.89 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. The application is supported by a report to assess potential impacts to terrestrial and satellite television and radio reception associated with the proposed development. This concludes that there will be some adverse impacts on up to four TV signals installations during the construction phase. Officers recommend that a clause is secured through the s106 Legal Agreement, requiring further details of potential impacts and details of mitigation of these impacts.

#### Contaminated Land

8.90 There is historic evidence of contamination within the immediate vicinity of the site. The Council's Environmental Health Team has raised no objection to the proposed development, but has recommended planning conditions seeking information regarding contamination assessments and appropriate mitigation.

8.91 The conditions are accepted 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), Policy DEV22 of the Interim Planning Guidance which states that developments on land that may be contaminated must contain a site investigation.

#### Flood Risk

8.92 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, 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.

8.93 The application has submitted a flood risk assessment that was reviewed by Environment Agency (EA). No objection was raised because the application site lies within Flood Zone 1 and typically the only flood risk issue would relate to the management of surface water run-off.

8.94 In conclusion, the proposal does not give rise to significant flood risk. A planning condition is recommended relation to surface water run-off and drainage that would mitigate the effects of the development.

#### Residential Amenity Space

8.95 Saved UDP Policy HSG 16 requires that new development should make adequate

provision for amenity space, Policy HSG7 in the Interim Planning Guidance (2007) and Policy DM4 in the Managing Development DPD(submission version 2012) 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.

- 8.96 Policy DM4 in the Managing Development DPD (submission version 2012) 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). The policies above seek to ensure that amenity space is integrated into a development, in a safe, accessible and usable way.
- 8.97 The application proposes private amenity space in the form of ground floor gardens and balconies to all properties. The private external amenity space for each of the units would meet the policy requirements for the delivery of adequate private amenity space.
- 8.98 In respect of the child play space, the total expected child occupancy generated by the proposal would be approximately 65 children. This should generate a requirement for 650 sq metres of child play space requirements of which 250 sq. metres would be expected to be provided on site (25 children will be under 5 years old) to comply with policy requirements.
- 8.99 The application proposes a hard play area beneath one of the railway arches which is approximately 103m<sup>2</sup>. Although the proposal falls short of overall policy requirements, officers consider that it will go some way to meeting the recreational needs of under 5's subject to conditions regarding its layout. This level of provision is supported given the site constraints. Additionally, all children will have access to private amenity space. There are other play facilities within walking distance of the site for older children within Stonebridge Wharf within 90 metres from the site.
- 8.100 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 sqm for each additional unit. In this case, it is considered that to meet the communal amenity space policy provision, a minimum of 100sq metres should be provided. The scheme proposes 395 sq. metres of communal amenity space, which exceeds policy requirements. A condition is to be attached in respect of the landscaping proposal on the canal walkway.
- 8.101 Given the physical constraints of the site, there will be no open space provision. Under normal circumstances, the developer will be required to mitigate this requirement through a financial contribution. However, the s106 package for the proposal will be limited and as such, this will not provide any opportunity to address this requirement. However, as part of the s106 financial obligations proposed £8,946 is to be secured for public realm improvements. Whilst this in no way compensates for the lack of open space, it should go some way to improve the public realm around the site

### Refuse

- 8.102 Policy 5.17 of the London Plan, Policy DM14 of the Managing Development DPD (Submission Version, 2012), Policy SP05 of the Core Strategy, and Policies DEV55 and DEV56 of the UDP require developments to make suitable waste and recycling provision.
- 8.103 The scheme incorporates two Underground Refuse Systems (URS), which will be located adjacent to the plant room near Repton Street, and the second on the far side of the railway arches in Maroon Street.
- 8.104 The Council's Waste Management Team has no objections in principle and support the

use of URS systems where feasible subject to the highway considerations being satisfied. However, the Council's Highway and Transportation Team remain concerned about the impact of the URS scheme on highway safety, in particular the URS Hopper location/operation proposed adjacent to Maroon Street.

- 8.105 Revisions were sought to address this, but officers are unsatisfied with the servicing implications for refuse. Further revisions will be required and the applicant has accepted that for this to be addressed by a condition. Overall, subject to the imposition of conditions, the Council's Highway Team would be satisfied with the proposal, and are of the view that the principle of the refuse arrangements is acceptable, subject to detailed design.

#### Biodiversity

- 8.106 London Plan 7.19 states "Development Proposals should where ever possible make a positive contribution to the protection, enhancement and, creation and a management of biodiversity". This is supported in London Plan Policy 5.10 relating to Urban Greening and Policy 7.21 regarding trees.
- 8.107 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.
- 8.108 An Initial Ecological Survey was submitted with the application to assess the biodiversity potential of the site. This concludes that the potential for biodiversity exists and recommends the provision of a biodiversity enhancement plan, as part of the proposed landscaping plan. It recommends that any of the trees to be retained should be protected where possible. The survey also advises for all vegetation to be disturbed or removed should be checked to ensure that there are no nesting birds.
- 8.109 An initial Bat survey was undertaken in connection with the application proposal, the report highlights that the canal and bordering vegetation on site would provide a potential foraging habitat for bats and it was concluded that although most of the site does not show any habitat potential, an endoscope survey was recommended for the areas not surveyed.
- 8.110 The Council's Biodiversity officer has been consulted and recommends that a condition be attached to ensure that the survey is undertaken prior to any commencement works on site. In addition, conditions are recommended for a biodiversity enhancement plan and for vegetation removal to comply with Wildlife and Countryside Act 1981(as amended). A condition is also advised to ensure that the protection is provided for any trees to be retained on site.
- 8.111 The Canal & River Trust were consulted on the proposal, which incorporates part of land in their ownership. They originally raised concerns about the proposal in terms of its impact on the canal setting and lack of mooring potential within the scheme and the need to softening the impact of the development through softer landscaping. Meetings have been held with the applicant in this regard and it was agreed that the landscaping arrangement be reconfigured, improving access to the canal. It has also been agreed that softer landscaping be provided and mooring infrastructure be put in place. The applicants have agreed revisions to the canal towpath although it will be maintained as private space for residents and the walkway above this will also be private space. Officers are satisfied that this requirement can be secured by way of a condition, and the principle of residential moorings in planning terms would need to be assessed by way of a separate planning application.
- 8.112 It is considered that the measures above would provide new habitat opportunities for ecological enhancement, and with the proposed conditions described above, the proposal would accord with the London Plan and Council's policy objectives.



## Trees

- 8.113 An Arboricultural Survey was submitted with the application. This highlights that there are 15 trees (11 Sycamore Trees, 3 Cherry Trees, 1 x Ash and a Goat Willow tree) located on the canal embankment to the east of the site. The report highlights that the Goat willow Tree is in poor condition and should be removed. The remaining trees (9 Category 'B' and 5 Category 'C' trees) are to be felled to facilitate the proposal.
- 8.114 Whilst it is normally desirable to retain 'B' category trees, the Council's Arboricultural officer has raised no objections in this instance. The loss of the trees would therefore be acceptable to the council in view of the applicant's intention to re-provide some trees as part of the landscaping proposal. Canal & River Trust was consulted about the tree works on their land and no objections were raised.
- 8.115 The removal of trees would not harm the visual amenity of the conservation area, and subject to a landscaping condition secure details of replacement planting and canal-side landscaping, the proposal accords with saved policies DEV14 and DEV15 of the Tower Hamlets Unitary Development Plan (1998) and policy DEV13 of the Council's Interim Planning Guidance (2007), policy SP04 of the Adopted Core Strategy (2010), Policy DM23 and DM27 of the Managing Development DPD (Submission Version May 2012)

## **Sustainability and Energy**

- 8.116 London Plan energy policies aim to reduce carbon emissions by requiring the incorporation of energy efficient design and renewable energy technologies.
- 8.117 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
- 8.118 Policy 5.1 of The London Plan (2011) seeks to achieve an overall reduction in London's carbon dioxide emissions of 60 per cent by 2025. Policy 5.2 of The London Plan (2011) sets out the 'lean, clean, green' approach to sustainability, which is expanded upon in Policies 5.3, 5.7, 5.9, 5.10 and 5.11 of the London Plan. Overall, The London Plan (2011) requires a 25% reduction in carbon dioxide emissions over Building Regulations 2010 Target Emissions Rate (TER), and to achieve Code for Sustainable Homes (CSH) Level 4 (for residential).
- 8.119 Policy 5.2 and 5.7 state that new developments should achieve a reduction in carbon dioxide emissions of 40%. Core Strategy Policy SP11 has similar aims to London Plan Policy.
- 8.120 The applicant submitted an Energy Statement with the application, which explores the various sustainability options for the development and advises of what measures are recommended. Alongside passive energy measures such as using MVHR, PIR and improved U values for the fabric of the building, beyond that required for Part L, a gas fired CHP system is proposed together with 150m<sup>2</sup> PV. The report confirms that the London Plan requirements for 20% reduction in on site renewables, is technically feasible if the PV surface area is increased to 305m<sup>2</sup>. However, this option is not financially viable.

- 8.121 The Council's Energy Team have assessed the energy statement and welcome the proposed range of passive design features and measures to reduce carbon emissions of the proposal. To ensure compliance with the above planning policies, it is recommended that a planning condition be applied to address sustainability matters and ensure that the development will achieve the appropriate level to meet the Code for Sustainable Homes standards. Details of the PV's on the roof of the proposal and layout of the CHP details are to be secured by condition.

## **Transportation and Highways**

### Car Parking

- 8.122 Paragraph 29 in the National Planning Policy Framework states that transport policies have an important role to play in facilitating sustainable development but also in contributing to the wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The NPPF maintains a town centre first approach and encourages the development of sites close to good public transport at higher densities.
- 8.123 London Plan Policies 6.3, 6.9 and 6.13, Policies SP08 and SP09 of the Core Strategy (2010), saved UDP policies T16, T18, T19 and T21 and Policy DM22 in the Managing Development DPD supports reduction in car travel and encourage uses the use other more sustainable means of travel.
- 8.124 The application site is relatively sustainable and has a PTAL of 4 and for this reason; the applicant has proposed a car free development. This is to be secured by a section 106 agreement to ensure that residents are not eligible for a resident's permit to park on the adopted highway.
- 8.125 The scheme provides for 6 disabled parking units (four parking spaces on site and two at the stub end of Repton Street). The Council's Highways and Transportation Team has no objections to the parking provision save that two of the parking bays be relocated in arches closer to Repton Street. The applicant has agreed that the revisions can be secured by condition.
- 8.126 The Council operates a Permit Transfer Scheme (PTS), which allows prospective occupiers of existing 3+ bedroom social rented units to retain one car-parking permit per household. This could be potentially applicable to the 23 of the proposed family units within the scheme. The Council's Highway and Transportation Team have assessed that there will be sufficient capacity within the adjoining streets to accommodate the additional level of parking associated with the scheme.

### Cycle Parking

- 8.127 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 and Policies DM22 and DM23 in the Managing Development DPD (submission version 2012) seek to provide better facilities and a safer environment for cyclists.
- 8.128 The scheme provides for 98 cycle parking spaces proposed within two separate locations (88 in the railway arches within the site adjacent to Repton Street and a further 10 at Maroon Street end). The spaces are to be provided using the semi-vertical bike rack supplied by Bike Dock solutions.
- 8.129 The Council's Highway and Transportation Team have considered the location and type of cycle parking provided, however, justification is required as to why Sheffield Stands are not provided. The cycle stands should be provided in a secure location. As such, revisions are required for the final design of the cycle parking stands and this can be

secured by condition.

- 8.130 In conclusion, the provision of the 6 disabled parking spaces alongside a car and permit free agreement for the proposal is acceptable. Officers consider that the proposal subject to conditions will not have an adverse impact on the adjoining highway network. The applicant will be required to enter into an s278 agreement with the Council in respect of highway improvement works necessary to facilitate the proposal.

### **Planning Obligations**

- 8.131 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.

- 8.132 Policy DEV4 of the adopted UDP and policy SP13 of the Core Strategy (2010) state that the Council will seek to enter into planning obligations with developers where appropriate and where this is necessary for a development to proceed.

- 8.133 Community Infrastructure Levy Regulations 2010 (“the CIL Regs”), establish 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 CIL Regs (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.

The general purpose of S106 contributions is to ensure that development is appropriately mitigated in terms of impacts on existing infrastructure such as such as health, community facilities and open space and to ensure that appropriate infrastructure exists to accommodate the impacts of the new development

- 8.134 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 £177,030, based on the Gross Internal Floor Area (GIA) of the proposal. As the proposal is to provide 100% affordable housing, it will qualify for Social Housing Relief.

- 8.135 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 militate against associated impacts on the local infrastructure within the locality.

- 8.136 Based on the Planning Obligations SPD, the planning obligations required to mitigate the proposed development would be approximately £990,944. This has been calculated using the following heads of terms set out in the SPD:

- (a) £13,176 towards employment initiatives for the construction phase
- (b) £19,782 towards the Idea stores and Library facilities
- (c) £668,778 towards the provision of education
- (d) £52,469 towards leisure
- (e) £125,980 towards public open space (amend)
- (f) £98,072 is required towards the provision of health and well being
- (g) £10,332 is required towards public realm improvements.
- (h) £2,355 towards sustainable transport

## Non-Financial Contributions

- a) 100% affordable housing units (44 units for affordable rent at POD level rents and 16 units for intermediate)
- b) Car and permit free agreement
- c) Commitment to utilise employment initiatives

8.137 Following a financial assessment of the approved scheme on the Royal Mint Street site, 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.

8.138 This £1.5 million is to be apportioned across both of the donor sites. 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.

8.139 The provision has therefore been apportioned according to the housing densities on each donor site. Therefore, £705,000 is the total financial contribution available in this instance to mitigate any associated impacts arising from this development, whilst £795,000 is apportioned to the scheme proposed at Pedley Street.

8.140 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.

8.141 Given the overall s106 package that can be delivered, the financial contribution has been apportioned to meet the key priorities for the Council under the following heads:

### Financial contribution

- (a) **£13,176** Towards employment initiatives for the construction phase
- (b) **£668,778** towards education
- (c) **£8,946** towards public realm
- (d) **£14,100** towards monitoring

**TOTAL: £705,000**

### Non financial contribution

- § 100% affordable housing units (44 units for affordable rent at POD level rents and 16 units for intermediate)
- § Car and permit free agreement
- § Commitment to utilise employment initiatives (reasonable endeavours to secure 20%)
- § Overage Mechanism – to review the financial viability of the proposal prior to completion
- § TV Reception

8.142 The Planning Contribution Overview Panel has 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.

- 8.143 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:
- 8.144 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
- 8.145 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.
- 8.146 In this context “grants” might include the new homes bonus and payment of the community Infrastructure levy.
- 8.147 These issues now need to be treated as material planning considerations when determining planning applications or planning appeals.
- 8.148 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.
- 8.149 The Coalition Government introduced the New Homes Bonus during 2010 as an incentive to local authorities to encourage housing development. The initiative provides finance to support local infrastructure development. The New Homes Bonus is based on actual council tax data, which is ratified by the CLG, with additional information from empty homes and additional social housing, included as part of the final calculation. It is calculated as a proportion of the Council tax that each unit would generate over a rolling six-year period.
- 8.150 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 £106,852 within the first year and a total of £641,114 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.

## **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.

