

LONDON BOROUGH OF TOWER HAMLETS

STRATEGIC DEVELOPMENT COMMITTEE

13th December 2012

UPDATE REPORT OF HEAD OF PLANNING AND BUILDING CONTROL

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Agenda item no	Reference no	Location	Proposal
7.1	PA/12/02107	Car Park at South East Junction of Preston's Road and Yabsley Street, Preston's Road, London, E14	Full planning application for the erection of two buildings of 7 & 26 storeys comprising 190 residential units (78 x 1 bed; 58 x 2 bed; 50 x 3 bed; 2 x 4 bed; 2 x 5 beds), 134sq.m of gym space at upper ground level, 42 car parking spaces and 244 cycling spaces at basement level, communal open space and associated works.
7.2	PA/12/02228	Fakruddin Street and Pedley Street, London	Redevelopment of site (including land at Fakruddin Street) to provide a car free development of 63 units for 100% affordable housing within three blocks measuring between two and seven storeys including associated shared and private amenity space, the provision of allotments, disabled parking, cycle parking, child play area and community centre (273sqm).
7.3	PA/12/02131	47 Repton Street, London, E14	Redevelopment of site to provide a car free development (seven storeys) of 60 units for 100% affordable housing including associated shared and private amenity space, landscaping, disabled parking, cycle parking and use of viaduct arches to provide ancillary plant room, residential storage area, waste storage, cycle parking and child play area.

Agenda Item number:	7.1
Reference number:	PA/12/02107
Location:	Car Park at South East Junction of Preston's Road and Yabsley Street
Proposal:	Full planning application for the erection of two buildings of 7 & 26 storeys comprising 190 residential units (78 x 1 bed; 58 x 2 bed; 50 x 3 bed; 2 x 4 bed; 2 x 5 beds), 134sq.m of gym space at upper ground level, 42 car parking spaces and 244 cycling spaces at basement level, communal open space and associated works.

1.0 TYPOGRAPHICAL ERRORS

- 1.1 Paragraph 8.45 of the Committee Report discusses the affordable housing provision within the scheme. There is a typographical error in the text, the current report states:

As detailed in table 1 below, the overall indicative proposal includes 31% affordable housing provision by habitable room, or 224 units.

- 1.2 This text should read:

As detailed in table 1 below, the overall indicative proposal includes 31% affordable housing provision by habitable units, or 224 units.

- 1.3 The typographical error does not alter the comments raised within the Affordable Housing chapter or the merits against which the scheme was assessed.

- 1.4 Paragraph 8.65 of the Committee Report discusses communal amenity space within the scheme. There is a typographical error in the text, the current report states:

For all developments of 10 units or more, 50sqm of communal amenity space (plus an extra 1sqm for every additional 1 unit thereafter) should be provided. For a scheme of 190 units the minimum communal amenity space required would be 90sqm. The overall indicative scheme should provide 230sqm of communal amenity space to accord with policy DM4 of the MD DPD. Overall, the proposal delivers approximately 200sqm of usable communal amenity space within a podium deck, whilst this provision does not fully accord with policy, it is a minor shortfall whilst providing a dedicated and quality usable communal space and on balance is considered acceptable.

- 1.5 This text should read:

For all developments of 10 units or more, 50sqm of communal amenity space (plus an extra 1sqm for every additional 1 unit thereafter) should be provided. For a scheme of 190 units the minimum communal amenity space required would be ~~90sqm. The overall indicative scheme should provide~~ 230sqm of communal amenity space to accord with policy DM4 of the MD DPD. Overall, the proposal delivers approximately 200sqm of usable communal amenity space within a podium deck, whilst this provision does not fully accord with policy, it is a minor shortfall whilst providing a dedicated and quality usable communal space and on balance is considered acceptable.

- 1.6 The typographical error does not alter the comments raised with regard to Communal Amenity Space or the merits against which the scheme was assessed.

- 1.7 Paragraph 8.89 of the Committee Report discusses Sunlight within the proposed development. There is a typographical error in the text, the current report states:

Due to the design of the proposed blocks which provides balconies which create a shading effect, the results show units are likely to experience losses of daylight, however the independent review of the assessment has concluded that higher levels of sun would be available on the balconies. This would occur in summer months when residents are most likely to appreciate it and use these amenity areas.

- 1.8 This text should read:

Due to the design of the proposed blocks which provides balconies which create a shading effect, the results show units are likely to experience losses of **sunlight**, however the independent review of the assessment has concluded that higher levels of sun would be available on the balconies. This would occur in summer months when residents are most likely to appreciate it and use these amenity areas.

- 1.9 The typographical error does not alter the comments raised with regard to sunlight or the merits against which the scheme was assessed.

- 1.10 Paragraph 8.94 of the Committee Report discusses Sunlight within Arran House. There is a typographical error in the text, the current report states:

Arran House was not tested for daylight in accordance with the BRE guide as it does not face within 90degrees of due south.

- 1.11 This text should read:

Arran House was not tested for **sunlight** in accordance with the BRE guide as it does not face within 90degrees of due south.

- 1.12 The typographical error does not alter the comments raised with regard to sunlight or the merits against which the scheme was assessed.

- 1.13 Paragraph 8.131 of the Committee Report discusses the Energy and Sustainability of the Proposed development. There is a typographical error in the text, the current report states:

The Low and Zero Carbon Energy Appraisal Report, submitted in support of the planning application, follows the Mayor's energy hierarchy and sets out that the development seeks to make use of energy efficiency and passive measures to reduce energy demand (Be Lean), integrate a communal heating scheme incorporating a Combined Heat and Power engine to supply the space heating and hotwater requirements (Be Clean) and utilise photovoltaic panels (Be Green) to reduce overall CO2 emissions. The CO2 emissions achievable from this approach are noted as circa 30%. Whilst this falls short of the emerging DM29 policy requirements it exceeds the London Plan Policy 5.2 requirements and is considered acceptable for the first phase of the development proposals.

- 1.14 This text should read:

The **Low and Zero Carbon** Energy Appraisal Report, submitted in support of

the planning application, follows the Mayor's energy hierarchy and sets out that the development seeks to make use of energy efficiency and passive measures to reduce energy demand (Be Lean), integrate a communal heating scheme incorporating a Combined Heat and Power engine to supply the space heating and hotwater requirements (Be Clean) and utilise photovoltaic panels (Be Green) to reduce overall CO2 emissions. The CO2 emissions achievable from this approach are noted as circa 34%. Whilst this falls short of the emerging DM29 policy requirements it exceeds the London Plan Policy 5.2 requirements and is considered acceptable for the first phase of the development proposals.

- 1.15 The typographical error does not alter the comments raised with regard to energy and sustainability or the merits against which the scheme was assessed.

2.0 CLARIFICATIONS

- 2.1 Paragraph 8.154 of the Committee Report discusses the planning obligations secured for the scheme. No monetary sum is included for the monitoring fee, therefore a updated summary of obligations is set out below for clarification. The report states:

This can be summarised as follows:

Financial Obligations

- o Education: £586,907
- o Enterprise & Employment: £42,000
- o Community Facilities: 75,972.84
- o Health: £75,00
- o Transport for London: £30,000
- o Monitoring & Implementation 2% of total

Non-Financial Obligations

- o 35% affordable housing
- o Access to employment initiatives
- o Permit free agreement
- o Travel Plan
- o Code of Construction Practice
- o Electric Vehicle Charging Points- 20% active, 20% passive
- o 8 parking spaces allocated to on site affordable family housing
- o On site gym to be provided as a free facility for all future residents.

- 2.2 This text should read:

This can be summarised as follows:

Financial Obligations

- o Education: £586,907
- o Enterprise & Employment: £42,000
- o Community Facilities: 75,972.84
- o Health: £75,000
- o Transport for London: £30,000
- o Monitoring & Implementation 2% of total (**£16,528.16**)
- o **Total Financial Contributions Secured: £826,408**

Non-Financial Obligations

- o 35% affordable housing
- o Access to employment initiatives
- o Permit free agreement

- Travel Plan
- Code of Construction Practice
- Electric Vehicle Charging Points- 20% active, 20% passive
- 8 parking spaces allocated to on site affordable family housing
- On site gym to be provided as a free facility for all future residents.

2.3 The clarification set out above does not alter the comments raised within the planning committee report.

3.0 FURTHER STATUTORY CONSULTEE COMMENTS

3.1 The Tower Hamlets NHS Primary Care Trust has sought a contribution of £322,360 to help mitigate the demand of the additional population on local healthcare facilities.

3.2 (OFFICER COMMENT: Due to the financial viability of the scheme, a sum of £75,000 have been secured towards local healthcare facilities.)

3.3 This planning obligation of £75,000 had been secured for healthcare facilities within the original committee report in accordance with the Councils Planning Obligations SPD 2012.

4.0 FURTHER NEIGHBOUR REPRESENTATIONS RECEIVED

4.1 One additional letter of representation has been received objecting to the proposal. The comments raised the following points:

- Loss of daylight and sunlight
- Overlooking
- Loss of local views
- Loss of River Views
- Disruption during construction phase
- Loss of value to property

4.2 These comments raised have all previously been raised and have been addressed fully within Section 7 of the committee report, of Section 8, the main body of the committee report.

4.3 The loss of local and river views and the loss of value to the properties in the area are not however material planning considerations.

5.0 RECOMMENDATION

Officer's recommendation remains unchanged.

Agenda Item number:	7.2
Reference number:	PA/12/02228
Location:	Fakruddin Street and Pedley Street
Proposal:	Redevelopment of site (including land at Fakruddin Street) to provide a 63(100% affordable housing) units within three blocks measuring between two and seven storeys including associated shared and private amenity space, landscaping, disabled parking, cycle parking, child play area and community centre (273sqm).

1. ADDITIONAL REPRESENTATIONS AND AMENDMENTS TO BE NOTED WITHIN THE REPORT

- 1.1 Since the publication of this report, further representations have been made to the Council in respect of the proposal. Supplementary information has also been submitted to officers to support the objections and the petition letters submitted to date. The information has been reviewed and the following points are noted:

Planning History

- 1.2 Correspondence was submitted to show that a previous application was submitted to the Council under **PA/00/00574** for the removal of existing temporary building and erection of a two storey building to create a single wheelchair accessible house and six flats on the application site. The application proposal is documented on the council's website and it appears that officers were minded to recommend approval. However, no further action was taken in respect of the application.
- 1.3 Copies of historic information and correspondence between objectors, Spitalfields Housing Association (SHA), Oona King MP and Officers of the Council in respect of planning application PA/04/00459, which forms part of the application site.
- 1.4 The correspondence includes a copy of planning officers response to a Members Enquiry to Councillor Alexander dated 23rd October 2006 for PA/04/00459 relating to land at rear of 22-32 Fakruddin Street for a proposal comprising the removal of temporary buildings (in community use), erection of a part two, part four storey building comprising of 18 residential units (2 x one bedroom, 10 x two bedroom and 6 x three bedroom flats). This application was submitted to the Council's on 20/04/2004, but was withdrawn on 12 June 2004
- 1.5 The Members enquiry sought officers' response as to why the planning application had been withdrawn. The letter outlined officers concerns about the unacceptability of the scheme and illustrated that they were minded to recommend refusal for the proposal reasons cited below:
- The site is within the Cross rail safeguarding line and it would impede the construction of the construction of the Cross rail project if developed
 - Absence of detailed noise and vibration assessment to address the impact of the existing railway on future occupiers of the scheme.
 - The proposal would result in an unacceptable sense of enclosure to the current occupiers of No.29-32 Fakruddin Street;

- The ground floor of the new residential properties would be unsafe and insecure
- There would be direct overlooking of existing residents at No.28-32 Fakruddin Street and a resultant loss of privacy
- No refuse storage was provided
- No cycle parking was provided
- The loss of the existing community facilities was acceptable

1.6 **(Officer Comment:** Whilst the site history is noted, officers consider that the current application should be considered on its own planning merits.

The following points should be noted:

- (a) Crossrail has been consulted on this proposal and no objections were raised, and the safeguarding status as provided for in the UDP no longer carries significant weight and has not been carried forward in current policy as the East London Line has been constructed and is operational.
- (b) A Noise and Vibration assessment was lacking in the previous scheme whilst a Noise and Vibration report was submitted with this application. The report has been reviewed by the Council's Environmental Health Team, who advised that subject to mitigation, the scheme would be acceptable. The mitigations required are to be secured by condition and therefore officers are satisfied that the application will not unduly impact on the amenity of future residents within the proposal.
- (c) Officers have considered the sense of enclosure issue arising from the proposal. It is not considered that there would be any undue impacts on the amenity of existing and future residents.
- (d) The refuse storage provision for the proposal has been considered and is acceptable.
- (e) The Council's Highway and Transportation Team considered the level of cycle parking proposed to be acceptable.
- (f) The proposal re-provides a community facility on site.

1.7 A copy of Greater London Authority Stage 1 assessment on planning applications PA/11/00460 and PA/11/00459 was submitted to officers. It should be noted that the planning applications were validated by the Council in March 2011, but were subsequently withdrawn by the applicant on 21 November 2011

1.8 Planning application PA/11/460 was validated by the Council on 1st March 2011 for the erection of buildings of part 1, 2, 3, 4 & 11 storeys in height comprising 43 dwellings (Use Class C3); a community centre (Use Class D1); the relocation of the existing pedestrian and cycle route together with hard and soft landscaping across the site, plus other works incidental to the application.

The application comprises the affordable housing element of concurrent planning application for The Huntingdon Industrial Estate, Bethnal Green Road (application reference PA/11/00460). The application was withdrawn on 21 November 2011

- 1.9 Planning application PA/11/00459 validated on 1 March 2011 was for the erection of buildings of part 1, 2, 3, 4 & 11 storeys in height comprising 43 dwellings (Use Class C3); a community Centre (Use Class D1); the relocation of the existing pedestrian and cycle route together with hard and soft landscaping across the site, plus other works incidental to the application.

The application comprises the affordable housing element of concurrent planning application for The Huntingdon Industrial Estate, Bethnal Green Road (application reference PA/11/00460). The application was withdrawn on 21/11/2011.

- 1.10 A copy of the consultation forms submitted to residents of Fakruddin Estate. The consultations undertaken by Tower Hamlet Homes on 11th July 2012 sought residents' views as to whether the design was appropriate for the area and in respect of the proposed dwelling mix.

The following comments were made:

- Since Pedley Street has been opened to traffic, there has been various anti-social behavior issues
- That residents do not want a development which causes problems to existing walls and boundaries
- Too much noise and traffic
- The existing port cabins should be replaced with a permanent community Centre
- That the car parking that KPM use should be in the Fakruddin estate
- That the crime rate will go up;
- The new map plan should replace the current one
- Concerns about safety and security in the area and for high walls and fences within the development to be removed
- The proposed community Centre should be under the management of Shahjalal committee
- That the green areas should be retained for children to play

(Officer comments: The consultation feedback has been provided for information purposes only and is separate to the statutory planning consultations that have been undertaken during the planning application process. The outcome of the applicants consultation events have been presented in the Statement of Community involvement submitted as part of the application.

Representations

- 1.11 13 letters of representations plus an email letter dated 13/12/2012 have been received making detailed objections to the proposal on the following grounds:

- land use,
- amenity,
- design
- highway considerations
- lack of adequate infrastructure to accommodate the proposal

- 1.12 The points raised above, are similar in content to previous points raised in earlier representations which has been addressed in detail within the body of the committee report.

- 1.13 Additional points not addressed in the Committee report are addressed under the headings below:

Housing

- 1.14 The site is unsuitable for housing and it is protected as a Green and Common Space from any encroachment by the Commons Act 1857 (section 12 and section 29).

(Officer comment: The application site does not form part of a village green and as such Section 12 of the Enclosure Act 1857 and Section 29 of the Commons Act 1876 which relates to the encroachment onto or enclosure of a green are not applicable to the application proposal)

- 1.15 **The proposal is unacceptable as it lies within Strategic Views Consultation Area**

(Officer comment: The proposal does not have any impact on any Strategic Views)

- 1.16 Due to the recent Welfare Benefit Reforms, the rental levels for the proposed units will be unaffordable for local residents

(Officer comment: this is considered in the main report)

There is no funding or legal requirement for affordable housing

- 1.17

(Officer comment: whilst there is limited funding for affordable housing, it is still a requirement within national planning framework and within the adopted Development Plans)

- 1.18 There are a number of community centres within close proximity to the site and a further one would saturate the need for community venues

(Officer comment: The principle of a community centre is supported by officers and in this instance, it will result in the upgrade of an existing community facility)

Amenity

- 1.19 A copy of a Noise Report, prepared by Bickerdike Allen Partners (1st May 2009 ref A9073-R01-Tg-VT) on behalf of Gateway Housing was submitted to officers to illustrate that the noise levels from the trains were beyond acceptable levels and therefore the assertion is that the proposal would be adversely affected by rail noise

(Officer comment: This aspect is addressed in the 'Amenity' section of the Committee report and the requirement for mitigation is to be secured by conditions)

S106

- 1.20 The proposal does not indicate any support for the local community particularly as it does not employ at least 25% of local unemployed people within the development

(Officer comment: This aspect is addressed within the part of the committee report under the planning obligations heading.)

- 1.21 Consultation – A copy of the public notice dated 5/09/2012 was submitted to the council citing that insufficient time has been given to residents during the consultation process.

(Officer comment: Officers do not agree that this is the case and this point is addressed within the officers response to residents objections in paragraph 7.22 of the committee report)

Other

- 1.22 Request for the application to be called in by the Secretary of State under Section 77 of the Town and Country Planning Act :

(Officer Comment: there is a procedure for objectors to request for the application to be called in by the Secretary of State, and this independent of the council. The onus is on the objectors to follow through with the process)

- 1.23 The proposal will lead to an increase in anti-social behaviour and increased crime in the locality

(Officer Comment: The scheme has evolved in close consultation with the Crime and Prevention Officer and is found to be acceptable. A condition has been imposed that addresses secure by design within the development. Notwithstanding this, officers have not seen any evidence to suggest that the proposal would lead to an increase incidence in crime or anti-social behaviour)

- 1.24 An email was received from Spitalfields Women's Network on 13th December 2012 raising objections to the proposal. It is considered that save one point (considered below), the concerns outlined in the email have been previously addressed in the Committee report.

The concerns states:

"There is strong conflict of interest in this proposal, as this is the affordable housing element of the larger private development at the Royal Mint Street jointly owned by Tower Hamlets Council, as such decision made by the Council as a planning authority for this housing scheme will be biased. Although this application is not a strategic proposal, it clearly does not fall into that category, it should be considered by the Development Committee, and however the Council has unfairly decided to consider this application in its Strategic Development Committee."

It is not considered that there is any conflict of interest arising from the proposal. The Council has no interest in the land at Royal Mint Street and at the time of grant of the Royal Mint Street scheme, the application site had already been identified as a donor site to meet the applicant's off-site affordable housing requirement. In this case, the application has been referred to the Strategic Development Committee under part 8.5 of the Council's constitution (scheme of delegations), which allows the applications to be referred to either Development Committee or Strategic Development Committee at the discretion of the Corporate Director. In this case, the Corporate Director considered that given the link between this current proposal, and the Royal Mint Street scheme, it would be appropriate for both applications to be considered by the same committee.

Amendments to the planning report

- 1.25 Paragraph 3.3(21) of the report contains a typographical error accordingly, the proposed hours for the community use should be between 8.00am and 10.30pm Mondays to Fridays and 10.00-10.00pm Sundays and Bank Holidays.
- 1.27 Paragraph 7.26. The officer comment made requires clarification in respect of the current uses on the site. It is noted that a precedent exists for part of the site which lies within the Fakruddin estate for residential use. The site to the west of Pedley Street is currently used as an informal car park and is considered to be brownfield land, which is unallocated for any particular use within the adopted Unitary Development Plan (1998) and Core Strategy (2010). Given the current designation of the application site as a whole, a residential proposal would be acceptable in

principle. As such, officers are not of the opinion that the descriptions of the development or the site attributes are in any way misrepresented)

1.28 "Further to paragraph 8.16 of the original report, Officers have confirmed that TfL are obliged under the London Underground (East London Line Extension) Order 1997 to provide compensatory open space at Allen Gardens".

- 1.29 Paragraph 8.52 of the report requires further clarification in respect of the density figures proposed so as to address the concerns raised by objectors in respect of overdevelopment of the site. It is stated in the report before committee that:

"The proposal itself does not exceed the suggested minimum densities set out in the density matrix in the London Plan and as a result it is not considered that any overdevelopment of the site will result"

- 1.30 It should be clarified that the proposed density is 734 habitable rooms per hectare, and therefore it exceeds the suggested minimum density (700 habitable rooms) set out in the density matrix in the London Plan by 34. This is considered to be a small margin and as such, officers do not consider that this will not lead to the overdevelopment of the site.

- 1.31 Paragraph 8.80 of the report contains a typographical error, as such it should be amended as follows:

"In the case of existing lighting levels to east facing habitable rooms at the ground floor of Weavers House, it is considered that the affected ground floor window has relatively good lighting levels at present, however, it is noted that the natural lighting is lower when compared to the upper windows by virtue of its location behind a high brick wall with railings. Therefore in such instances, any minor variations in lighting levels will have more of a disproportionate effect taking account of the current lack of existing obstructions to the development."

- 1.32 Paragraph 8.92 contains typographical errors. The paragraph should be amended to read:

"The proposal would provide a relatively intensive form of development with significant site coverage and the taller elements of the blocks will be at the junction of Weaver Street/Pedley Street. Whilst officers acknowledge that the proposal will cause some impacts in terms of reducing daylighting to adjoining to adjoining developments, officers are satisfied that given the urban context the new proposal would not result in any unduly detrimental loss of amenity for existing neighbouring occupants or future residents. On balance, the proposal is therefore acceptable and complies with UDP policy DEV2, Core Strategy Policy SP10 and DM25 of the MD DPD (Submission Version May 2012).

- 1.33 Paragraph 8.94 requires further clarification in respect of the impact of the proposal on the privacy of surrounding developments as this remains a concern for objectors.

Further clarification

Impact on Weavers House

- 1.34 It is considered that the application proposal will not result in any undue impact on privacy to Weavers House. The proposal will achieve an acceptable separation distance of approximately 15 metres between windows and this is considered to be acceptable given the urban context.

Impact on existing dwellings within the Fakruddin estate

- 1.35 To the west of the application site (the former car park), it is considered that there will be some overlooking will result between the proposal and the residential dwellings within Fakruddin Estate (No.'s 13-21), however, it is considered that given that the separating distances between interfacing windows would be between 10-12 metres, it is not considered that the proposal will result in an unacceptable reduction to privacy given the urban context.
- 1.36 The residential dwellings within Fakruddin estate (No.'s 28-32) are the closest buildings to the community centre. There are no windows on the southern elevation of the propose corner block, however, there are balconies linked to the residential elements on the first and second floors. The location of the proposed balconies will introduce some incidental overlooking to the rear windows of the existing dwellings, however, this will be minimised by way of a condition to secure the provision of privacy screens.

Within the application site

- 1.37 Due to location and orientation of windows within the proposal, it is considered that some incidental overlooking will result as the separating distances between windows will between 6-10 metres. Given the site constraints and the urban context, it is considered that level of overlooking permitted within the development would be acceptable and would not give rise to any undue impacts on the amenity of future residents. Furthermore, the level of overlooking will be minimized through the use of a condition to provide privacy screens, translucent glazing and boundary enclosures.

1.38 Paragraph 8.122 contains a numerical error; the reference to 374 square metres of community centre amenity space should in fact read 329 square metres.

2. RECOMMENDATION

- 2.1 The above points have been considered and do not change the officers' recommendation as set out in the committee report.

Agenda Item number:	7.3
Reference number:	PA/12/02131
Location:	47 Repton Street
Proposal:	Redevelopment of site by the erection of a seven storey residential building comprising 60 (100%) affordable housing including associated shared and private amenity space, landscaping, disabled parking, cycle parking and use of viaduct arches to provide ancillary plant room, residential storage area, waste storage, cycle parking and child play area.

1. AMENDMENTS

- 1.1 The overage clause referred to in Paragraph 3.2 (under Non-Financial Contribution) and paragraph 8.141 to be deleted.
- 1.2 Para 8.61, reference to eight out of twenty four windows on the first line should be amended to read sixteen. The full paragraph should read as follows:

“As assessed, the report illustrates that sixteen of the twenty four windows assessed at ground and first floors of each block would experience acceptable levels within BRE Guidelines or marginally below (2%).……”

2. RECOMMENDATION

- 2.1 The above points have been considered and do not change the officers' recommendation as set out in the committee report.