

Committee: Strategic Development	Date: 6 th March 2013	Classification: Unrestricted	Agenda Item No: 7.2
Report of: Corporate Director Development & Renewal		Title: Planning Application for Decision	
Case Officer: Mandip Dhillon		Ref No: PA/12/00637	
		Ward(s): East India and Lansbury	

1. APPLICATION DETAILS

Location: Land adjacent to Langdon Park Station, corner of Cording Street and Chrisp Street, 134-156 Chrisp Street, London E14

Existing Use: Vacant/Cleared site

Proposal: Redevelopment of the site to provide a residential led mixed use development, comprising the erection of part 6 to 22 storey buildings to provide 223 dwellings and 129sqm of new commercial floorspace falling within use classes A1, A2, A3, A4, B1, D1 and/or D2, plus car parking spaces, cycle parking, refuse/recycling facilities and access together with landscaping including public, communal and private amenity space.

Drawing Nos: Submission Documents

Design and Access Statement dated March 2012,
Design and Access Statement Addendum dated January 2013,
Tower Analysis dated September 2012
Planning Impact Statement dated March 2012,
Affordable Housing Statement dated March 2012,
Daylight and Sunlight Analysis Report prepared by XC)2 dated November 2011,
Design Note prepared by XCO2 dated 30/7/12 (Daylight and sunlight),
Design Note prepared by XCO2 dated 02/08/12 (Daylight and Sunlight),

Flood Risk Assessment prepared by M3 Mayer Brown dated November 2011,
Air Quality Assessment prepared by M3 Mayer Brown dated November 2011,
Energy Report prepared by XCO2 dated November 2011,
Sustainability Statement prepared by XCO2 dated November 2011,
Transport Assessment prepared by M3 Mayer Brown dated November 2011,
Email from Tim Gaskell dated 13th August 2012 with supplementary Highways and Transport information,
Landscape Design report, prepared by HED (rev 02) dated 06.12.11,
Wind Microclimate Analysis Report prepared by XCO2 dated November 2011,

Noise & Vibration Assessment prepared by M3 Mayer Brown dated November 2011,
Ground-Borne Noise & Vibration Mitigation Package - Train Induced Vibration Assessment prepared by M3 Mayer Brown dated August 2012,
Air-Borne Noise Mitigation Package - External Building Fabric Report prepared by M3 Mayer Brown dated August 2011,
Note on Community Involvement prepared by polity dated November 2012,
Radio and Television Signal Interference Assessment prepared by HOARE LEA
Geo-Environmental Interpretative Report prepared by CARD Geotechnics dated Feb 2004
Landscape and Public Realm- Outline Specification dated 25 November 2011
Affordable Housing Viability Submission dated March 2012 (Confidential)
Letter from HEDC dated 1st February 2013 (with appendices) regarding Viability Revisions (Confidential)

Drawings - 3220 (PL) 001, 3220 (PL) 50, 3220 (PL) 09 Rev b, 3220 (PL) 10 Rev a, 3220 (PL) 11 Rev a, 3220 (PL) 12 Rev a, 3220 (PL) 13 Rev a, 3220 (PL) 14 Rev a, 3220 (PL) 15 Rev a, 3220 (PL) 16 Rev a, 3220 (PL) 17 Rev a, 3220 (PL) 18 Rev a, 3220 (PL) 19 Rev a, 3220 (PL) 20 Rev a, 3220 (PL) 100 Rev a, 3220 (PL) 101 Rev a, 3220 (PL) 102 Rev a, 3220 (PL) 103 Rev a, 3220 (PL) 104 Rev a, 3220 (PL) 105 Rev a, 3220 (PL) 106 Rev a, 3220 (PL) 107 Rev a, 3220 (PL) 108 Rev a and HED-949-L-100 05, Fire Strategy Diagram

Applicant: Ballymore
Owner: Ballymore
Historic Building: N/A
Conservation Area: N/A

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1 Officers have considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan 1998, (Saved policies); associated Supplementary Planning Guidance, the London Borough of Tower Hamlets adopted Core Strategy (2010), Managing Development DPD (Submission Version 2012 with modifications); as well as the London Plan (2011) and the National Planning Policy Framework, and has found that:

o The principle of redeveloping the site to provide a residential led development with ancillary ground floor commercial unit is acceptable in land use terms, and is consistent with adopted and emerging national and local planning policy, in accordance with policy 3.1 and 4.8 of the London Plan 2011, SP01, SP02 and SP12 of the Core Strategy (2010) and DM1, DM3 and DM8 of the Managing Development DPD (Submission Version 2012 with modifications) together with the aspirations of site allocation No. LS29 of the Leaside Area Action Plan 2006.

o The proposal makes efficient use of the site with a mixed use redevelopment and as such accords with policy 3.3 and 3.4 of the London Plan (2011), policies S07 and SP02 of the Core Strategy (2010), saved policy DEV3 of the Unitary Development Plan (1998) and HSG1 of the Council's Interim Planning Guidance (2007) which seek the maximum intensity of use compatible with local context.

o The density of the scheme does not result in any of the significant adverse impacts typically associated with overdevelopment, and is therefore acceptable in terms of policy 3.4 of the London Plan (2011), policies DEV1 and DEV2 of the Council's Unitary Development Plan (1998), policy SP02 of the Core Strategy (2010), policy DM24 and DM25 of the Managing Development DPD (Submission Version 2012 with modifications) and policies HSG1, DEV1 and DEV2 of Council's Interim Planning Guidance (2007), which seek to ensure development acknowledges site capacity and that it does not have an adverse impact on neighbouring amenity.

o Impacts of the development on the amenity of neighbours in terms of loss of light, loss of privacy or increased sense of enclosure are not considered to be unduly detrimental and as such the proposal accords with policies DEV1 and DEV2 of the Council's Unitary Development Plan (1998), policy SP10 of the Core Strategy (2010), policy DM25 of the Managing Development DPD (Submission Version 2012 with modifications) and policies DEV1 and DEV2 of Council's Interim Planning Guidance (2007), which seek to ensure development does not have an adverse impact on neighbouring amenity.

o On balance the quantity and quality of housing amenity space, communal space, public open space and child play space are acceptable and accords with policy 3.6 of the London Plan (2011), policies DEV1, DEV12 and HSG16 of the Council's Unitary Development Plan (1998), policy SP02 of the Core Strategy (2010), policy DM4 of the Managing Development DPD (Submission Version 2012 with modifications) and policies DEV2, DEV 3, DEV4 and HSG7 of the Council's Interim Planning Guidance (2007) which seek to improve amenity and liveability for residents.

o The building height, scale, bulk, design and relationship of the proposed development with relation to the surrounding context including the Langdon Park conservation area, the context of local and strategic views are considered to be acceptable, and accord with policies 3.5, 7.6, 7.7, 7.8 and 7.11 of the London Plan (2011), policies DEV1, DEV2, DEV8 of the Council's Unitary Development Plan (1998), policies SP04 and SP10 of the Core Strategy 2010, policies DM24, DM28 and DM27 of the Managing Development DPD (Submission Version 2012 with modifications) and policies DEV1, DEV2, DEV3, DEV4, CON2 and CON5 of the Council's Interim Planning Guidance (2007) which seek to ensure buildings are of a high quality design, sensitive to the boroughs heritage assets.

o Transport matters, including parking, access, servicing and cycle parking provision are acceptable and accord with policy 6.1, 6.3, 6.9, 6.10 and 6.13 of the London Plan (2011), policies T16 and T18 of the Council's Unitary Development Plan (1998), policy SP09 of the Core Strategy (2010), policies DM20 and DM22 of the Managing Development DPD (Submission Version 2012 with modifications) and policies DEV18 and DEV19 of the Council's Interim Planning Guidance (2007) which seek to ensure developments minimise parking and promote sustainable transport options.

o Sustainability matters, including energy, are acceptable and accord with policies 5.2 and 5.7 of the London Plan (2011), policy SP11 of the Core Strategy (2010), policy DM29 of the Managing Development DPD (Submission Version 2012) and policies DEV5 to DEV9 of the Council's Interim Planning Guidance (2007), which seek to promote sustainable development practices.

o The proposed development will provide appropriate contributions towards the provision of affordable housing, health facilities, transportation improvements, education

facilities and employment opportunities for residents, community facilities, public realm improvements and sustainable transport in line with the NPPF, policy DEV4 of the Council's Unitary Development Plan (1998), policy IMP1 of the Council's Interim Planning Guidance (2007) and the Council's Planning Obligations SPD (Adopted 2012) which seek to secure contributions toward infrastructure and services required to facilitate proposed development subject to viability.

○ The Local Planning Authority has worked with the applicant in a positive and proactive manner by making available and employing a formal pre-application process, including free duty officer advice and through the use of a Planning Performance Agreement. The Local Planning Authority has also produced policies and provided written guidance, all of which are available on the Council's website and which has been followed in this instance.

3. RECOMMENDATION

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

A. Any **direction** by **The London Mayor**

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

Financial Obligations

- a) Employment Skills and Training
 - £48,617 Employment and training during the construction phase
- b) Education
 - £237,280 primary school places in the borough
 - £156,429 secondary school places in the borough
- c) Health
 - £280,311 towards the NHS Primary Care Trust
- d) TfL contributions
 - £250,000 Contribution towards TfL infrastructure improvements
- e) Community Facilities
 - £236,841 towards Idea Stores, Archives and Libraries and Sports facilities
- f) Sustainable Transport
 - £26,045 towards highways improvements and cycling
- g) Public Realm Improvements
 - £497,382 towards public open space and works within the vicinity of the site
- h) S106 monitoring at 2% of sub total (£34,258)

Total Financial Contribution **£1,767,563**

Non-Financial Obligations

- i) 22.2% affordable housing by habitable room
- j) Access to employment (20% Local Procurement; 20% Local Labour in Construction; 20% end phase local jobs)
- k) On Street Parking and Permit-free development
- l) Travel Plan
- m) Code of Construction Practice

- n) Electric Vehicle Charging Points
- o) 8 parking spaces allocated to on site affordable family housing (£15,000 each).
- p) Communal play space and child space accessible to all future residents of the development
- q) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

3.2 That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above acting within normal delegated authority.

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

CONDITIONS & INFORMATIVES

1. Three year time limit
2. Compliance with approved plans and documents
3. Submission and approval of samples and materials
4. Submission of details to demonstrate adaptability of duplex units to provide accessible units
5. Details of Landscaping and Public realm to include play space, ramps and boundary treatments, to be approved in consultation with London city Airport
6. Delivery of Energy Strategy
7. Code for Sustainable Homes- Code Level 4
8. Development to comply with Secure by Design
9. 100% of homes secured to Lifetime Homes Standard
10. Submission and approval of Land Contamination details (and remediation works), details to be agreed in consultation with Environment Agency
11. Foundation design to include elastomeric bearings
12. Cycle parking for residential units to be provided in accordance with approved plans
13. Refuse and recycling provision to be provided in accordance with approved plans
14. Commercial cycle parking to be submitted and approved in consultation with TfL
15. Servicing Management Plan to be submitted and approved in consultation with TfL
16. Highway Improvement Works to be submitted and approved
17. Construction Environmental Management Plan to be submitted and approved in consultation with TfL
18. Impact study of existing water supply infrastructure, to be approved in consultation with Thames Water
19. Car Parking Management Plan to be submitted and approved in consultation with TfL
20. Detail of construction methodology adjacent to the DLR to be submitted and approved in consultation with TfL
21. Unrestricted access to be maintained to Langdon Park station during the construction phase of the development
22. No encroachment is permitted onto Carmen Street including the laying out of any tables and Chairs
23. Restricted hours of opening for the ground floor commercial unit
24. Environment Agency condition- Development to be completed in accordance with the FRA submitted and hereby approved
25. Submission and approval of any extraction flue associated with the commercial unit, to be routed internally
26. Environment Agency condition- Submission and approval of surface water drainage details

3.4 Any other conditions(s) considered necessary by the Corporate Director Development & Renewal

3.5 **Informatives:**

- S106 required
- S278 required
- Internal room layouts to comply with Inclusive Access BS8300:2009 (2010)
- Consultation with Building Control
- Thames Water Advice
- London City Airport Advice
- London Fire and Emergency Planning Authority Advice

3.6 Any other informative(s) considered necessary by the Corporate Director Development & Renewal

3.7 That, if within 3 months of the date of this committee the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.

4. PROPOSAL AND LOCATION DETAILS

Site and Surroundings

The application site

4.1 The subject site comprises an area of 0.41 hectares and is broadly rectangular in shape. The site is currently cleared and unoccupied, with hoardings surrounding its perimeter.

4.2 The site is located on Crisp Street which forms the sites western boundary. The site boundaries are formed by Carmen Street to the south which is a pedestrianised thoroughfare leading to Langdon Park DLR station and Langdon Park to the east. Cording Street forms the sites northern boundary and the eastern boundary comprises the DLR line.

4.3 The area to the south of the site comprises higher density development which have been permitted and/or constructed recently. The area of the north of the site is characterised by lower scale residential properties.

4.4 The site is not located in a conservation area, nor does it contain any listed buildings. The closest conservation area is Langdon Park, which lies to the east of the site.

Transport infrastructure and connectivity

4.5 The proposed development site has a Public Transport Accessibility Level (PTAL) of 4, with 6 being the highest. Langdon Park DLR station is located on the sites southeastern boundary and therefore provides excellent connectivity in and out of the borough providing connections to the West End, the City, Stratford and City Airport. Bus stops exist on Crisp Street located a 2 minute walk from the site and run in both directions providing connections around the borough to Canary Wharf, Mile End, Wapping, Whitechapel, Bethnal Green and Canning Town.

Proposal

4.6 Full planning permission is being sought for the following:

- Erection of a part 6 storey, part 22 storey building;
- 223 residential units, including 22.2% affordable housing;
- 129sqm of flexible floorspace comprising A1, A2, A3, A4, B1, D1 and/or D2 uses;
- 39 car parking spaces provided at basement level (including 4 disabled bays); and

- On site cycle parking spaces.

Relevant Planning History

- 4.7 PA/04/01620; Application for Demolition of existing buildings and construction of four blocks up to 17 storeys comprising 821sqm commercial/community floorspace (B1/D1 uses), 125sqm retail space (A1/A2/A3 uses) and 154 residential units, plus amenity space and car parking. Members resolved to grant planning permission subject to the completion of the S106, however the legal agreement was not signed and a decision was not therefore issued for this scheme.
- 4.8 Whilst the above application established a principle for the redevelopment of the application site, there is no extant consent at the site which the developers could seek to implement.

5. POLICY FRAMEWORK

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

5.2 Unitary Development Plan 1998 (as saved September 2007) (UDP)

Policies:	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV3	Mixed Use Developments
	DEV4	Planning Obligations
	DEV8	Protection of Local Views
	DEV9	Control of Minor Works
	DEV12	Provision Of Landscaping in Development
	DEV43	Archaeology
	DEV50	Noise
	DEV51	Contaminated Soil
	DEV55	Development and Waste Disposal
	DEV56	Waste Recycling
	DEV57	Nature Conservation and Ecology
	DEV69	Efficient Use of Water
	EMP1	Promoting Economic Growth & Employment Opportunities
	EMP6	Employing Local People
	HSG7	Dwelling Mix and Type
	HSG13	Internal Space Standards
	HSG16	Housing Amenity Space
	T7	Road Hierarchy
	T10	Priorities for Strategic Management
	T16	Traffic Priorities for New Development
	T18	Pedestrians and the Road Network
	T21	Pedestrians Needs in New Development
	T26	Use of the Waterways for Freight
	OS9	Children’s Playspace
	U2	Development in Areas at Risk from Flooding
	U3	Flood Protection Measures

5.3 Interim Planning Guidance (2007) for the purposes of Development Control (IPG)

Proposals:	LS29	Leaside Area Action Plan
Policies:	DEV1	Amenity
	DEV2	Character and Design

DEV3	Accessibility and Inclusive Design
DEV4	Safety and Security
DEV5	Sustainable Design
DEV6	Energy Efficiency
DEV7	Water Quality and Conservation
DEV8	Sustainable Drainage
DEV9	Sustainable Construction Materials
DEV10	Disturbance from Noise Pollution
DEV11	Air Pollution and Air Quality
DEV12	Management of Demolition and Construction
DEV13	Landscaping and Tree Preservation
DEV15	Waste and Recyclables
DEV16	Walking and Cycling Routes and Facilities
DEV17	Transport Assessments
DEV18	Travel Plans
DEV19	Parking for Motor Vehicles
DEV21	Flood Risk Management
DEV22	Contaminated Land
DEV27	Tall Buildings Assessment
HSG1	Determining Housing Density
HSG2	Housing Mix
HSG3	Affordable Housing
HSG7	Housing Amenity Space
HSG9	Accessible and Adaptable Homes
HSG10	Calculating Provision of Affordable Housing
SCF1	Social and Community Facilities
OSN2	Open Space
CON2	Conservation Areas
CON5	Protection and Management of Important Views

5.4 Interim Planning Guidance – Leaside Area Action Plan 2006 (LAAP)

Development Sites:	LS29	Carmen Street and Chrisp Street
Policies:	L1	Spatial strategy
	L2	Transport
	L3	Connectivity
	L4	Water Space
	L5	Open Space
	L6	Flooding
	L7	Education
	L8	Health
	L9	Infrastructure and Services
	L10	Waste
	L30	Residential and Retail uses in Poplar Riverside sub-area
	L32	Design and built form in Poplar Riverside sub-area
	L33	Site allocations in Poplar Riverside sub-area

5.5 Core Strategy Development Plan Document 2010 (CS)

Policies:	SP01	Town Centre Activity
	SP02	Urban living for everyone
	SP03	Creating healthy and liveable neighbourhoods
	SP04	Creating a green and blue grid
	SP05	Dealing with waste
	SP06	Delivering successful employment hubs
	SP07	Improving education and skills

SP08	Making connected places
SP09	Creating attractive and safe streets and spaces
SP10	Creating distinct and durable places
SP11	Working towards a zero-carbon borough
SP12	Delivering Placemaking
SP13	Planning Obligations

5.6 **Managing Development Plan Document - Submission Version May 2012 (MD DPD)**

Policies:	DM1	Development within the town centre hierarchy
	DM3	Delivering Homes
	DM4	Housing Standards and amenity space
	DM8	Community Infrastructure
	DM9	Improving Air Quality
	DM10	Delivering Open space
	DM11	Living Buildings and Biodiversity
	DM13	Sustainable Drainage
	DM14	Managing Waste
	DM15	Local Job Creation and Investment
	DM20	Supporting a Sustainable Transport Network
	DM21	Sustainable Transport of Freight
	DM22	Parking
	DM23	Streets and Public Realm
	DM24	Place Sensitive Design
	DM25	Amenity
	DM26	Building Heights
	DM27	Heritage and Historic Environment
	DM28	World Heritage Sites
	DM29	Zero-Carbon & Climate Change
	DM30	Contaminated Land

5.7 **Supplementary Planning Guidance/Documents**

Planning Obligations SPD 2012

5.8 **Spatial Development Strategy for Greater London (London Plan 2011)**

2.9	Inner London
2.18	Green Infrastructure: the network of open and green spaces
3.1	Ensuring Equal Life Chances for All
3.2	Improving Health and Addressing Health Inequalities
3.3	Increasing Housing Supply
3.4	Optimising Housing Potential
3.5	Quality and Design of Housing Developments
3.6	Children and Young People's Play and Informal Recreation Facilities
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 Targets
3.12	Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes
3.13	Affordable Housing Thresholds
3.14	Existing Housing
3.16	Protection and Enhancement of Social Infrastructure
3.17	Health and Social Care Facilities
4.1	Developing London's Economy
4.8	Supporting a successful and diverse retail sector

- 4.12 Improving Opportunities for All
- 5.1 Climate Change Mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.5 Decentralised Energy Networks
- 5.6 Decentralised Energy in Development Proposals
- 5.7 Renewable Energy
- 5.9 Overheating and Cooling
- 5.10 Urban Greening
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 5.14 Water Quality and Wastewater Infrastructure
- 5.15 Water Use and Supplies
- 5.22 Hazardous Substances and Installations
- 6.1 Strategic Approach to Integrating Transport and Development
- 6.3 Assessing the Effects of Development on Transport Capacity
- 6.9 Cycling
- 6.10 Walking
- 6.12 Road Network Capacity
- 6.13 Parking
- 7.1 Building London's Neighbourhoods and Communities
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.7 Location and Design of Tall and Large Buildings
- 7.8 Heritage Assets and archaeology
- 7.11 London View Management Framework
- 7.14 Improving Air Quality
- 7.15 Reducing Noise and Enhancing Soundscapes
- 8.2 Planning Obligations
- 8.3 Community Infrastructure Levy

5.9 London Plan Supplementary Planning Guidance/Documents

- London Housing Design Guide 2012
- Housing Supplementary Planning Guidance Nov 2012
- Sustainable Design & Construction 2006
- Accessible London: Achieving an Inclusive Environment 2004
- Shaping Neighbourhoods Play and Informal Recreation SPG 2012
- Early Minor Alterations to the London Plan June 2012- DRAFT

5.10 Government Planning Policy Guidance/Statements

- NPPF The National Planning Policy Framework 2012

5.11 Community Plan The following Community Plan objectives relate to the application:

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

5.12 As Members will be aware, the Council has received the Planning Inspector's Report in respect of the Development Management DPD, following on from the Examination in Public which took place between 18th and 21st November 2013. This represents a material planning consideration that needs to be taken into account when determining planning applications.

The Inspectors Report comments specifically on the Council's emerging affordable housing policy (Policy DM3), the emerging policy that deals with tall buildings and building heights generally across the Borough (Policy DM26) and site allocations which propose further educational infrastructure.

6. CONSULTATION RESPONSE

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

6.2 The following were consulted regarding the application:

LBTH Accessibility Officer

6.3 The following comments were provided:

The internal layout of units should comply with guidance in BS8300:2009 (2010);
(**Officer comment:** An informative will be added to ensure the applicants are aware of the standards the new build development should achieve.)

The site should be provided with level thresholds;

(**Officer comment:** The site provides level access with ramps in and around the site and internal lifts to the upper floors and basement level)

Details of adaptability of the duplex units should be provided;

(**Officer comment:** These details will be conditioned for approval at a later date)

Further information regarding disabled parking provision, visitor parking and taxi drop off requested;

(**Officer comment:** Four disabled parking spaces are provided within the basement, the scheme provides no visitor car parking on-site. Whilst there is no designated taxi drop off point, the basement is accessible for drop off purposes with lifts to provide access to the upper levels.)

The scheme should provide adequate external lighting;

(**Officer comment:** These details will be conditioned for approval at a later date)

Ramps within the public realm should be at a crossfall of no greater than 1:50;

(**Officer comment:** These details will be conditioned for approval at a later date, plans show the ramps being provided at 1:20)

Cycle parking should have the flexibility to accommodate tricycles and scooters;

(**Officer comment:** The applicants have now provided a dedicated mobility scooter/charging room within the basement.)

In principle no objections are raised.

LBTH Biodiversity Officer

6.4 No comments received to date.

LBTH Parks and Open Spaces

6.5 No comments received to date.

LBTH Arboricultural Officer

6.6 No objections.

LBTH Energy Officer

6.7 The information provided in the energy strategy is principally in accordance with adopted climate change policies. The integration of a communal heating scheme incorporating a

Combined Heat and Power (CHP) engine is in accordance with London Plan 2011 policies. Photovoltaic Panels (PV) are also proposed on site. The total anticipated CO2 savings are expected to be 36% which exceeds local policy requirements of the Managing Development DPD (Submission Version 2012 with modifications). The applicant is also achieving a Code for Sustainable Homes Level 4. A condition is recommended to secure the energy strategy. (**Officer Comment:** A condition will be imposed to secure the delivery of the energy strategy as proposed and the delivery of Code Level 4 is achieved within all new dwellings.)

LBTH Building Control Officer

6.8 No comments received to date.

Crime Prevention Officer

6.9 The following comments have been provided:

Gates to the car park should be secured to prevent unauthorised access and the basement should be provided with CCTV;

(**Officer comment:** Details of security, gates and boundary treatment will be conditioned and secured at a later date, although amended basement plans do incorporate the controlled access gates suggested by the CPO)

It is expected that no access should be provided to the rear of the site (abutting the DLR line);

(**Officer comment:** The design at ground floor level (gates at Cording and Carmen Street) will prevent access to the rear of the site.)

It is requested that only one pedestrian access is provided into the development;

(**Officer comment:** The access from Carmen Street and Cording Street provide level access into the various blocks within the site, whilst concerns are raised over the isolation of the access on Cording Street, should concerns arise from loitering, the applicants are able to provide gates to this elevation to secure the entrance.)

Metal Louvers are a climbing hazard;

(**Officer comment:** Through scheme revisions, louvres are now only proposed from the 2nd floor onwards and therefore present less concerns for climbing)

An access control system should be implemented at the site;

(**Officer comment:** This is a management consideration for review by the applicants at a later date. A concierge desk is provided at ground floor level within the Tower Block (Block 1))

Signage should be provided to deter unauthorised access;

(**Officer comment:** This is a management consideration for review by the applicants at a later date.)

A condition will also be imposed to ensure the development is compliant with Secure By Design standards.

LBTH Housing Officer

6.10 The following is a summary of the comments provided:

The scheme provides 22.2% affordable housing (by habitable room);

(**Officer comment:** This has been reviewed by an independent consultant as the maximum the scheme can deliver. This is discussed further within Section 8 of this report)

There is an overall provision of 50% family housing within the affordable housing provision;

There is a 68%/32% split of affordable rent and intermediate housing which is broadly in line with Council policy and London Plan policy;

The unit mix does not accord with policy requirements for the 1 and 2 bed units within the affordable housing tenures;

(**Officer comment:** Whilst a more policy compliant mix would be welcomed, given the over provision of family housing, on balance, the affordable housing provision is acceptable.)

10% wheelchair accessible housing throughout the scheme is supported;
All units to be built to Lifetime Homes Standards;
(**Officer comment:** A condition to secure all homes as Lifetime Homes Standard will be included on the decision notice.)
The amenity space should be accessible for all future residents;
(**Officer comment:** This will be secured within the legal agreement for the site)
All affordable rent levels are set at LBTH POD levels for the E4 area which is supported.

Environmental Health

6.11 Contaminated Land

No objections, subject to a condition to secure a site investigation and remediation.
(**Officer comment:** A contamination and remediation condition will be included)

6.12 Noise and Vibration

Officers are happy for Planning Permission to be considered . EH does request the provision of elastomericresilient bearings on the foundation during the construction stage as a mitigation method.
(**Officer comment:** A condition will be included to secure elastomeric resilient bearings.)

LBTH Highways Officer

- 6.13 A summary of the Highway comments are provided below:
The proposed level of car parking is acceptable;
The development should be secured as permit free;
(**Officer comment:** This will be secured through a legal agreement)
Revisions are requested to the disabled car parking bays;
(**Officer comment:** The layout has been amended to provide 4 policy compliant disabled parking bays)
Provision of electric vehicle charging points;
(**Officer comment:** charging points are proposed at basement level)
The proposal only shows 260 cycle parking spaces, the scheme is required to deliver 268;
(**Officer comment:** The scheme has been amended to provide 268 cycle parking spaces in accordance with policy requirements.)
No details have been provided for the commercial cycle spaces;
(**Officer comment:** Given the limited floorspace of this unit and the number of spaces required for the commercial unit, it is considered that these can be accommodated externally, this is to be conditioned with details to follow at a later date, subject to the use of the unit)
Servicing to the tower block is proposed via Carmen Street, with the remainder of the servicing via Cording Street and the on-site basement. In principle, the only concern raised is with the Carmen Street servicing arrangements. It has now been agreed that residential servicing will be provided on street, from Chrisp Street and only limited servicing to the commercial unit will be via Carmen Street. This will be restricted through a Servicing Management Plan to limited trips and hours of servicing, although a site wide servicing plan will be secured through condition;
(**Officer comment:** A condition will be included to secure a Servicing Management Plan.)
A Highway Improvement Works condition is also to be secured to ensure appropriate works around the perimeter of the site;
(**Officer comment:** A condition will be included to secure Highway Improvement Works.)
A Travel Plan and Construction Management Plan should also be secured by condition as part of any consent;
(**Officer comment:** A condition will be included to secure a Travel Plan and Construction Management Plan.)
Planning obligations of £20,000 should also be secured towards highways works within the

vicinity of the site;

(**Officer Comment:** This is discussed further within the main body of the committee report.)

LBTH Policy Officer

- 6.14 A3 and A4 uses are not supported at the site, as it is located outside the Crisp Street district town centre. D1 and D2 uses should be local in scale and nature but are considered appropriate on the edge of the existing town centre boundary;

(**Officer comment:** Whilst it is noted that the site is outside the Crisp Street district town centre boundary, given the prominent location of this site at the entrance to the Langdon Park DLR, the activation of the ground floor area of Carmen Street is supported as an exception to provision of a ground floor commercial unit. This is discussed further within 'Land Use' under Section 8 of this committee report.)

LBTH Employment and Enterprise Officer

- 6.15 No objection, subject to the following obligations:

Construction Phase

- The developer should exercise best endeavours to ensure that 20% of the construction phase workforce will be local residents of Tower Hamlets. The Council will support the developer in achieving this target through providing suitable candidates through the Skillsmatch Construction Services;
- To ensure local businesses benefit from this development we expect that 20% goods/services procured during the construction phase should be supplied by businesses in Tower Hamlets. We will support the developer in achieving this target through inter-alia identifying suitable companies through East London Business Place;
- A financial contribution of £48,617 to support and/or provide the training and skills needs of local residents in accessing the job opportunities created through the construction phase of all new development and for the end user/ commercial unit operation. This contribution will be used by the Council to provide and procure the support necessary for local people who have been out of employment and/or do not have the skills set required for the jobs created. .

(**Officer Comment:** The planning obligations requested have been agreed and will be secured through the S106 legal agreement.)

LBTH Communities, Localities and Culture

- 6.16 Communities, Localities and Culture note that the increase in population as a result of the proposed development will increase demand on the borough's open spaces, sports and leisure facilities and on the Borough's Idea Stores, libraries and archive facilities. The increase in population will also have an impact on sustainable travel within the borough. The proposed development of 223 units is calculated to result in 403 new residents and 13 employees. Accordingly the following financial contributions are requested:

- Idea Stores/Libraries/Archives: £51,060
- Sports Facilities: £185,781

- 6.17 (**Officer comment:** The planning obligations requested have been agreed and will be secured through the S106 legal agreement.)

LBTH Children, Schools & Families

- 6.18 No comments received to date.

(Officer comment: The education contributions for this proposed development will be calculated using the Planning Obligations SPD 2012. Accordingly, the school child yield from this development requires contributions for 16 primary school places and 7 secondary school places. This requires obligations of £393,709 towards education contributions.

(Officer comment: The planning obligations requested have been agreed and will be secured through the S106 legal agreement.)

LBTH Waste Policy and Development Officer

6.19 No objection to the waste storage arrangements.

London Fire and Emergency Planning Authority (LFEPA)

6.20 Initial comments were received requesting further information of pump appliance and water supplies, which should accord with Section B5 of Approved Document B. Following this, the applicants liaised with the LFEPA and prepared a plan to show compliance with the guidelines, drawing no. 3220/SK/100.

London City Airport

6.21 No objection is raised to the proposed development subject to the imposition of two conditions regarding the height of cranes during the construction phase and proposed landscaping.

(Officer Comment: The requested conditions will be added to the decision notice.)

English Heritage Archaeology

6.22 There are no known sites or finds within the immediate vicinity, and a watching brief during the construction of the new DLR station did not yield any significant results. As such, no watching brief or conditions are necessary for this development.

Thames Water

6.23 Thames Water have raised no in principle objections subject to the imposition of a condition which requires further impact studies of the existing water supply infrastructure to be submitted and approved in consultation with Thames Water. Other standard informatives have also been requested relating to drainage and fat traps.

(Officer Comment: The requested conditions and informatives will be added to the decision notice.)

National Air Traffic Services Ltd (NATS)

6.24 No objection raised.

Natural England

6.25 No objection raised.

London Underground Limited

6.26 No objection raised.

Greater London Authority (GLA - Statutory Consultee)

6.27 In summary, the GLA advised that the proposal did not comply with the London Plan, but that there were possible remedies. In particular, the GLA made the following comments:

Principle of development

The principle of the use of the site is acceptable and has previously been agreed under planning application PA/04/01620. The proposed commercial uses comply with London Plan policy 4.8; Supporting a successful and diverse retail sector.

Housing

Affordable Housing provision is below the borough requirement and therefore details of the viability review will determine the acceptability of this level of provision. Whilst the density of the scheme exceeds the guidance, given the highly accessible location and prominent corner location, the site is suitable for a landmark building and therefore justifies increased density levels.

Child play space

The scheme is within walking distance of Langdon Park, Limehouse Cut and Bartlett Park and all contain playspace facilities. It is also supported that 0-4 and most 5-11 years are provided with on-site child play space. Older children within the 5-10 and 11-15 year old group would be able to use Langdon Park, subject to a contribution toward public open space improvements.

Urban design

The overall principles of the scheme are considered acceptable, and it is of high design quality. The proportion of dual aspect units is encouraging and all units meet or exceed the minimum floorspace standards.

Tall Buildings/Views

The location of the tower in the south east corner is viewed as acceptable and there is no objection to a tall building on this site, subject to an assessment of the longer range views to demonstrate that there is no unreasonable harm to local or more distant environments. The lower block is also considered to be acceptable.

No concerns are raised with the layout and access of the proposed development, the proposal provides activation of frontages and enhances the street relationship.

The building line does not encroach into the safeguarded DLR space along the eastern boundary.

It has been requested that the 6th and 7th floor of the lower block to the north of the site are removed in order to enhance the quality of the courtyard amenity space.

(Officer comment: This has not been incorporated and on balance it is not considered that this reduction in bulk and scale is likely to reduce overshadowing. A full assessment of overshadowing of the courtyard has been undertaken and the courtyard area meets the BRE standards. The loss of the floorspace would also reduce the affordable housing provision at the site as this block comprising the majority of the affordable housing within the scheme.)

Residential Quality

All units comply with the floorspace standards of policy 3.5 and 72% of units will be dual aspect with no north facing single aspect units, which is acceptable. The provision of 10% accessible units is also welcomed.

Access and Inclusive design

Wheelchair accommodation is provided across all three tenures and is welcomed. The amenity space and balconies will all be fully accessible, as will access to and from the residential cores. Blue badge parking spaces are provided in the basement. Public realm improvements are proposed around the vicinity of the site and these should be level or gently ramped. The proposal broadly complies with London Plan policies.

(Officer comment: As the area is within the vicinity of the site and formal public highway land, the works will be undertaken through the S278 agreement, and not by the developer)

Sustainable Development

The carbon dioxide savings within the development are 36%. This exceeds the targets within policy 5.2 of the London Plan.

Confirmation is requested of the size of the energy centre.

(Officer comment: The energy centre measures 180sq.m)

Climate Change Mitigation

The application proposes a green/brown roof. The proposals therefore comply with London Plan policies and supplementary planning guidance.

Transport

In principle the scheme is supported subject to conditions and provision of planning obligations- full comments set out with the 'TfL' section below.

Community Infrastructure Levy

The applicant will need to include appropriate contributions relating to CIL.

Conclusions

Whilst the application is broadly acceptable in planning terms, the following remedies could possibly lead to the application being compliant:

- Housing- further interrogation of the viability information

(Officer comment: This is discussed in full in the body of the committee report)

- Children's Playspace- Applicant to confirm the playspace facilities within Langdon Park and LBTH to secure contributions

(Officer comment: Whilst there are facilities within Langdon Park, obligations have been secured for improvements to public open spaces in the vicinity of the site.)

- Urban design- further information/revisions sought

(Officer comment: Whilst it is noted that a reduction in height is sought for the lower block. This reduction was sought in order to improve the courtyard amenity space. The daylight and sunlight assessment has found that the courtyard would meet the BRE requirements and would not be overshadowed. It is not therefore considered necessary to reduce the height as requested. The height is considered acceptable in townscape terms.)

- Transport- further information and obligations are required

(Officer comment: see TfL comments below for full information)

Transport for London (TfL)

6.28 Car Parking

The level of car parking is supported. Provision of 20% of all spaces to be fitted with active Electrical Vehicle Charging Points (EVCP) and a further 20% fitted with passive EVCP infrastructure to allow for future conversion. A permit free agreement should be secured to prevent future residents parking in the area. The applicants are asked to identify on or off street car club parking spaces. A car parking management plan should be conditioned as part of any approval.

(Officer comment: The EVCP and permit free agreement will be secured through the S106 agreement. The applicants are providing 8 on-site basement car parking spaces for affordable family sized units, therefore it is not considered that there is sufficient capacity on site to provide a car club space. Whilst a car club cannot be accommodated on site, a car

club space is proposed as part of an adjoining development, therefore this space will be promoted through the Travel Plan delivered at the site. A condition will be imposed requesting a car parking management plan.)

DLR Infrastructure

- 6.29 TfL request a condition regarding construction methodology adjacent to the DLR line. A condition is required to ensure unrestricted access to Langdon Park station during the construction phase of the development. It is also requested that a condition is imposed preventing encroachment into Carmen Street through the laying out of tables and chairs. Full details of the boundary treatment along the DLR boundary line shall be submitted to TfL for approval, via an appropriate condition. Any construction method statement secured at the site should be consulted on with TfL given the proximity of the DLR line.
(**Officer comment:** All requested conditions will be added to the decision notice.)

DLR Capacity

- 6.30 Contributions are requested of £250,000 to fund enhancements to passenger facilities at the station.
(**Officer comment:** This has been agreed and will be secured through the S106 agreement.)

Cycle Parking

- 6.31 The cycle parking provision complies with London Plan standards. The applicant should seek to provide access to showering and changing facilities for the ground floor commercial unit.
(**Officer comment:** The applicants have investigated options to provide showering facilities, however, there is considered to be insufficient floorspace to provide the facilities without significantly reducing the floorspace of the unit. It is considered excessive to provide these facilities for the scale of commercial unit proposed. On balance, officers do not consider that this could be a reason for refusal on the grounds that it is unlikely to be upheld on appeal.)

Buses

- 6.32 The impact of this development on the bus network is negligible and can be accommodated within the existing infrastructure.

Construction Deliveries and Servicing

- 6.33 The principle of using Carmen Street, and relocating the existing fire access gate is acceptable, subject to a Delivery and Servicing Plan being secured. A construction and logistics plan is also required to be submitted and approved via an appropriate condition.
(**Officer comment:** This will be secured via conditions.)

Travel Planning

- 6.34 Full details of a Travel Plan should be secured through the S106 agreement.
(**Officer comment:** This will be secured through the S106 agreement.)

Canal and River Trust

- 6.35 No comments received to date.

Commission for Architecture and the Built Environment (CABE – part of the Design Council)

- 6.36 No comments received to date.

Environment Agency

- 6.37 No objection to the development as proposed.

Conditions are requested to be attached regarding implementation in accordance with the

assessment submitted and surface water drainage.
(**Officer Comment:** The requested conditions will be added to the decision notice.)

BBC

6.38 No comments received to date.

British Telecom

6.39 No comments received to date.

EDF Energy

6.40 No comments received to date.

English Heritage

6.41 No comments received to date.

Tower Hamlets Primary Care Trust

6.42 Planning obligations of £280,311 are required for this development to secure appropriate capacity within local healthcare facilities.
(**Officer comment:** The obligations requested have been agreed and will be secured through the S106 agreement).

National Grid

6.43 No comments received to date.

Olympic Delivery Authority

6.44 No comments received to date.

7. LOCAL REPRESENTATION

7.1 A total of 4546 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and public notices have been displayed on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses:	12	Objecting:	12	Supporting:	0
No of petitions received:	0				

7.2 The following issues were raised in representations that are material to the determination of the application, and they are addressed in the next section of this report:

7.3 In objection

7.4 Land Use

- Commercial ground floor use will increase anti-social behaviour and disturbance in the area- lack of policing resources to patrol this problem

(**Officer comment:** The provision of a ground floor commercial unit will add activity and natural surveillance to Carmen Street, this is discussed in detail within the Land Use section of this committee report.)

- Overdevelopment of Poplar/density of this development
- Given the scale of adjoining development it is not considered that this proposal is necessary to regenerate the Poplar area

(Officer comment: The density of the site is considered acceptable given the site's PTAL and lack of overdevelopment symptoms, this is discussed in detail within the 'Land Use' section of the committee report.)

7.5 Design & Heritage

- Height is too tall

(Officer comment: It is considered that the proposal steps down appropriately to the surrounding lower scale development. In addition, it is considered there is adequate justification for a tall building on this site)

- The height does not relate to the surrounding area

(Officer comment: It is considered that the proposal sits comfortably within the backdrop of the skyline, local views, and other landmarks)

7.6 Amenity

- Construction impacts – noise, air pollution and associated health risks;

(Officer comment: If planning permission is granted, a construction management plan would be secured in order to ensure that impacts during construction are appropriately controlled)

- Loss of light/overshadowing.

(Officer Comment: On balance, the impact of the proposed development is not considered to be unduly detrimental on the existing residential occupiers. An independent daylight and sunlight review has been undertaken and full details are set out within Section 8 of the report.)

- Overlooking/Loss of Privacy and perception of overlooking from high level balconies

(Officer comment: The separation distances between the application site and the proposed development are considered to be acceptable and will not lead to a substantial loss of privacy. This is discussed further within Section 8 of the committee report.)

- The large windows within the development add to the perception of overlooking and should be amended

(Officer comment: The large windows will be set behind the proposed balconies/amenity spaces and it is considered that this set back reduces the level of overlooking to adjoining properties, it is not considered that amendments to the windows details are necessary.)

7.7 Housing

- No private amenity space within the units which will lead to increased pressure on public open spaces

(Officer comment: Private amenity space is proposed for all residential units.)

- There is no information provided on affordable housing provision within the scheme
- Insufficient affordable housing is proposed within this scheme (less than 20%)

(Officer comment: The development proposes the delivery of 22.2% of affordable housing, affordable housing is discussed in detail within the main body of the report.)

7.8 Highways & Transportation

- Increased vehicular congestion in the area.

(Officer Comment: LBTH and TfL have assessed the Transport Assessment submitted and consider the proposal to be acceptable subject to the imposition of a permit free agreement.)

- Conflict between vehicles and school children crossing to get to Langdon Park school.

(Officer Comment: There is an existing pelican crossing at the site which provides safe crossing for pedestrians along Chrisp Street.)

- Car free policy should be secured at the site
(**Officer Comment:** The residential and commercial unit will both be secured, through the legal agreement, as car and permit free.)

7.9 Other

- Impact on local infrastructure including traffic, drainage, doctors surgeries.
(**Officer comment:** full planning obligations are being secured to mitigate against the infrastructure impacts of this development.)
- The provision of open space at the junction of Carmen Street and Chrisp Street will encourage loitering
(**Officer comment:** The redevelopment of the site and the provision of natural surveillance from the new residential units is likely to enliven the space and deter loitering. The delivery of public open space is supported given the borough wide shortage.)
- No real/substantial efforts at pre-application community engagement were undertaken.
(**Officer comment:** The applicants undertook a public consultation event on the 19th October 2011 and notified local residents in advance that the event was taking place. In addition, through the planning application process, community engagement has been undertaken as part of the formal submission.)

7.10 The following issues were raised in representations, but it is considered that they should be not be attributed substantial weight in the determination of the application:

- Loss of Views;
(**Officer comment:** The loss of an unprotected view is not considered to be a material planning consideration)

8. MATERIAL PLANNING CONSIDERATIONS

8.1 The main planning issues raised by this application that the committee are requested to consider are:

- Principle of Development and Land Uses
- Density
- Design
- Heritage and Conservation
- Housing
- Amenity
- Transport, Connectivity & Accessibility
- Energy & Sustainability
- Contamination
- Flood Risk
- Health Considerations
- Section 106 Planning Obligations
- Localism Act
- Human Rights Considerations
- Equalities Act Considerations

Principle of Development and Land Uses

8.2 At national level, the NPPF (2012) promotes a presumption in favour of sustainable development, through the effective use of land through a plan-led system, driving sustainable economic, social and environmental benefits.

8.3 The regeneration of sites such as this within East London is also a strategic target of the London Plan (2011). Policy 1.1 states “the development of East London will be a particular

priority to address existing need for development, regeneration and promotion of social and economic convergence with other parts of London and as the location of the largest opportunities for new homes and jobs”.

- 8.4 The site allocation for the application site as detailed within the Leaside AAP supports residential (Use Class C3) development at the site under the sites allocation reference LS29. The principle of residential development at the application has also been established through the resolution to grant planning permission in 2005 for a 17 storey residential led development.
- 8.5 The principle of the delivery of a residential-led mixed-use development is therefore supported at strategic and local level. The key issues for consideration under this planning application are whether the current proposals meet current planning policies.

Commercial Uses- Ground Floor Level

- 8.6 The application proposes the provision of 129 (NIA) square metres of ground floor commercial space fronting Mile End Road. This could be used for uses falling within Classes A1 – Retail Shops; A2 – Financial and Professional services; A3 – Restaurants/Cafes; A4 – Drinking Establishments; B1 – Offices; D1 – Non-Residential Institutions and/ or D2 – Assembly and Leisure.
- 8.7 The provision of this commercial element adds interest and activity to the Carmen Street pedestrianized frontage, which also forms the gateway into the Langdon Park DLR station. The application site is located on the edge of the existing Chrisp Street district town centre boundary and will create a natural end to the existing town centre as residents approach to the DLR station entrance. Other land uses including offices, non-residential institutions and assembly and leisure uses are also proposed as possible uses at ground floor level. These will also add activity to the Carmen Street frontage.
- 8.8 At 129 square metres (NIA), the level of commercial provision is not considered sufficient to cause a detrimental impact on the existing commercial provision adjoining the application site and within Chrisp Street district centre. It is therefore acceptable in land-use terms as it accords with policy DEV3 of the UDP which encourages mixed use developments and the provision of shops and services to meet the needs of local residents. The potential amenity impacts of these uses are considered below – and are found acceptable in terms of planning policies. This modest sized commercial unit is likely to cater for local needs without detriment to the Chrisp Street District Centre and other local commercial operators, and as such it would accord with saved UDP policies ST34, ST35 and S7 and policy RT3 of the IPG and DM1 of the MD DPD which seek to provide a range of commercial uses in the borough, including local shops, within a short walking distance of all residents.

Density

- 8.9 Policies 3.4 of the London Plan (2011) and SP02 of the Core Strategy (2010) seeks to ensure new housing developments optimise the use of land by relating the distribution and density levels of housing to public transport accessibility levels and the wider accessibility of the immediate location.
- 8.10 The NPPF stresses the importance of making the most efficient use of land and maximising the amount of housing. This guidance is echoed in the requirements of London Plan Policy 3.4, which requires development to maximise the potential of sites, and policy 3.5 which details design principles for a compact city. Policies S07 and SP02 of the CS and policy HSG1 of the Interim Planning Guidance 2007 (IPG) also seek to maximise residential densities on individual sites subject to acceptable environmental impacts and local context.
- 8.11 As detailed earlier in this report, the site has a good public transport accessibility level

(PTAL) of 4.

- 8.12 In terms of density characteristics, the site and surrounding area has a largely urban character. Table 3.2 of the London Plan sets out that where accessibility to public transport is highest, densities in urban settings can reach up to 700 habitable rooms per hectare. The applicant has provided an indicative accommodation schedule which states that the density of the proposal will be circa 1,534 habitable rooms per hectare. In the simplest of numerical terms, the proposed density 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.
- 8.13 Policy HSG1 of the IPG specifies that the highest development densities, consistent with other Plan policies, will be sought throughout the Borough. The supporting text states that, when considering density, the Council deems it necessary to assess each proposal according to the nature and location of the site, the character of the area, the quality of the environment and type of housing proposed. Consideration is also given to the standard of accommodation for prospective occupiers, microclimate, impact on neighbours and associated amenity standards.
- 8.14 Policy HSG1 of the IPG states that solely exceeding the recommended density range (on its own) is not sufficient reason to warrant refusing a planning application. It would also be necessary to demonstrate that a high density was symptomatic of overdevelopment of the site. Typically an overdeveloped site would experience shortfalls in other areas which include:
- Access to sunlight and daylight
 - Sub-standard dwelling units
 - Increased sense of enclosure
 - Loss of outlook
 - Increased traffic generation
 - Detrimental impacts on local social and physical infrastructure
 - Visual amenity
 - Lack of open space; or
 - Poor housing mix
- 8.15 These specific factors are considered in detail in later sections of the report – and are found, on balance, to be acceptable.
- 8.16 In the case of this proposal it is considered that:
- The proposal is of a particularly high quality and responds to the local context by delivering a positive relationship to the surrounding area.
 - The proposal does not result in any of the adverse symptoms of overdevelopment to warrant refusal of planning permission.
 - The proposal provides good quality homes, including larger family houses, of an appropriate mix alongside the delivery of on-site affordable housing.
- 8.17 In overall terms, officers are satisfied that the development makes the most efficient use of land. Furthermore, as discussed further below, it is not considered that the proposed scheme gives rise to any of the symptoms of overdevelopment. As such, the density is considered acceptable given that the proposal poses no significant adverse impacts and meets the recommended guidelines.
- 8.18 The GLA Stage I response also noted that the site location is on an important arterial road,

on a prominent corner, immediately adjacent to a park, where a landmark building is promoted through planning policy and that this may justify increased density levels.

- 8.19 The development does not present any unacceptable symptoms of overdevelopment nor have any significantly adverse impacts on the amenity of existing and future residential occupiers as discussed further on within this report. As such, it is considered that the proposal maximises the intensity of use on the site and is supported by national, regional and local planning policy, and complies with Policy 3.4 the London Plan (2011) and Policies SP02 and SP10 of the Core Strategy (2010) which seek to ensure the use of land is appropriately optimised in order to create sustainable places.

Design

- 8.20 The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character.
- 8.21 CABE's guidance, By Design (Urban Design in the Planning System: Towards Better Practice) (2000) lists seven criteria by which to assess urban design principles, as follows: character, continuity and enclosure, quality of the public realm, ease of movement, legibility, adaptability and diversity.
- 8.22 Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.4 specifically seeks high quality urban design having regard to the local character, pattern and grain of the existing spaces and streets. Policy 7.6 seeks highest architectural quality, enhanced public realm, materials that compliment the local character, quality adaptable space and optimising the potential of the site.
- 8.23 Saved UDP policies DEV1, DEV2 and DEV3 seek to ensure that all new developments are sensitive to the character of their surroundings in terms of design, bulk, scale and use of materials. CS policy SP10 and Policy DM23 and DM24 of the MD DPD seek to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds.
- 8.24 The planning application is a full planning application for the provision of a part 6 storey and part 22 storey development. The development is provided as a 6 storey block where the site adjoins lower rise residential properties located to the north of the site. The scale of the proposed development is in keeping with the neighbouring developments which adjoin the site and provide an appropriate transition to the north of the application site.
- 8.25 The proposed 22 storey block is proposed at the southern end of the application site, in closer proximity to the higher rise developments which exist around Langdon Park station. The design of the tower block is a simple and contemporary building which relates well to the existing developments to the south of the site. The provision of external balconies allows adequate amenity space to be provided to all units whilst providing a positive relationship and contribution at street level with a double height ground floor commercial units fronting Carmen Street.

Assessment

- 8.26 At street level the proposal seeks to provide ground level publicly accessible amenity space at the junction of Carmen Street and Chrisp Street. The lower 6 storey block to the north of the site is provided with ground floor buffer zones and external balconies which are located above ground level due to the change in level at the site. The Cording Street frontage replicates the form of the Chrisp Street frontage with a buffer zone and direct entry into the residential units at ground floor level. The Carmen Street frontage has been provided with ground level commercial floorspace, which is provided with a double height unit, to add

interest and detail to the Carmen Street frontage. There is a strong sense of animation at street level providing overlooking and natural surveillance which is supported.

- 8.27 As such, the scheme accords with Chapter 7 of the London Plan (2011), saved policies DEV1, DEV2 and DEV3 of the Council's UDP (1998), Policies SP10 and SP12 of the Core Strategy (2010) and Policy DM23, DM24 and DM26 of the MD DPD (submission version 2012) which seek to ensure buildings and places are of a high quality of design and suitably located.

Building Heights and Tall Buildings

- 8.28 With regards to appropriateness of the development for tall buildings, this has been considered in the context of London Plan and local plan policies. A tall building is described as one which is significantly taller than their surroundings and /or having a significant impact on the skyline. Policy 7.7 of the London Plan (2011) deals with tall and large buildings, setting out criteria including appropriate locations such as areas of intensification or town centres, that such buildings do not affect the surrounding area in terms of its scale, mass or bulk; relates to the urban grain of the surrounding area; improves the legibility of the area; incorporates the highest standards of architecture and materials; have ground floor uses that provide a positive experience to the surrounding streets; and makes a significant contribution to local regeneration.
- 8.29 The tall buildings guidance paper prepared by CABE and English Heritage (EH), 'Guidance on Tall Buildings' (2007) recognises that in the right place, tall buildings can make a positive contribution to city life.
- 8.30 SP10 of the Core Strategy also provides guidance on the appropriate location for tall buildings requiring them to relate to design and context, environment, socio-economic factors, access and transport and aviation requirements. The Core Strategy also seeks to restrict the location of tall buildings to Canary Wharf and Aldgate. Policy DM26 of the MD DPD reinforces the Core Strategy and states that for buildings outside of the areas identified for tall buildings, building heights will be considered in accordance with the town centre hierarchy and will be of a height and scale that is proportionate to its location within it, whilst also being sensitive to the context of its surroundings.
- 8.31 The proposed development provides a transition in scale between the high rise developments located at the edge of the Crisp Street district town centre, and the residential scale of the area to the north of the site. The image below provides a proposed view of the site, demonstrating this transition, and subject to localised impacts concerning amenity and heritage as discussed below, the principle of a tall building at the application the site is considered acceptable in principle.



- 8.32 In terms of views, the application is accompanied by a number of views including Langdon Park to the east of the site, Chrisp Street (looking north and south), Canning Town DLR and Greenwich Park. The overall height of the tower has been reduced following negotiations, to 22 stories in height. The adjoining development to the south of the site has recently been granted planning permission to provide an additional 3 storeys above the existing 16 storey tower. Following consideration of the site and surrounding context and extant consent, it is considered that the proposal will relate positively to the surrounding site context. The development is considered to form a positive addition to the skyline, without causing detriment to local or long distant views. This is further discussed below in the heritage and conservation section of this report.

Heritage & Conservation

- 8.33 The NPPF sets out the Government's objectives in respect of conserving and enhancing the historic environments.
- 8.34 Policies 7.3, 7.4, 7.8, 7.9 and 7.10 of the London Plan (2011), saved policies DEV1 and DEV34 of the UDP, policies DEV2 and CON2 of the IPG, policies SP10 and SP12 of the CS and policies DM24, DM26, DM27 and DM28 of the MD DPD seek to protect the character, appearance and setting of heritage assets and the historic environment, which include the Borough conservation areas.
- 8.35 London Plan (2011) policies 7.11 and 7.12, policy SP10 of the Core Strategy Development Plan Document (2010) and policies DM26 and DM28 of the Managing Development DPD (Submission Version May 2012) seek to ensure large scale buildings are appropriately located and of a high standard of design whilst also seeking to protect and enhance regional and locally important views.

Strategic Views

- 8.36 Assessment point 5A.1 of the Draft Revised London View Management Framework is relevant to the application (relating to the General Wolfe Statue in Greenwich Park overlooking Maritime Greenwich World Heritage Site). The view analysis submitted suggests that the proposed development would be visible but there would be no significant impact on the setting of the view or the Outstanding Universal Value of the World Heritage Site. The GLA does not raise any objections in this respect.

Local Views and Impacts

- 8.37 Views surrounding the site have been considered and assessed, although there are no

protected local views.

8.38 The proposal is not considered to have a detrimental impact on local views as demonstrated within the views/CGIs submitted alongside this application. The impacts of the taller 22 storey development would be seen in the context of the surrounding built form, which also comprises tall buildings. As set out in the GLA comments, the site forms a prominent location that provides a gateway to the Langdon Park DLR station. The building acting as landmark to the DLR station would not in itself form a new and significant introduction to the skyline.

8.39 On balance it is considered that the proposed development safeguards local and strategic views, conserving the setting of the Greenwich Naval College (World Heritage Site), as well as the adjoining Langdon Park conservation area.

Housing

8.40 Policy 3.3 of the London Plan (2011) seeks to increase London's supply of housing, requiring Boroughs to exceed housing targets, and for new developments to offer a range of housing choices, in terms of the mix of housing sizes and types and provide better quality accommodation for Londoners.

8.41 Policy SP02 of the CS seeks to deliver 43,275 new homes (equating to 2,885 per year) from 2010 to 2025 in line with the housing targets set out in the London Plan.

8.42 The application proposal will deliver up to 223 residential units.

Affordable Housing

8.43 As detailed in table 1 below, the overall indicative proposal includes 22.2% affordable housing provision by habitable room, or 223 units.

	Units	% of units	Habitable rooms	% Hab rooms
Affordable Social Rent	0	0%	0	0%
Affordable Rent	23	10.3%	94	16.6%
Affordable Intermediate	11	4.9%	32	5.6%
Total Affordable	34	15.2%	126	22.2%
Market Sale	189	84.8%	442	77.8%
Total	223	100%	568	100%

Table 1: The proposed tenure mix

8.44 The proposed overall delivery of 22.2% affordable housing by habitable room does not meet the Council's minimum requirement of 35%, in accordance with policy SP02 of the Core strategy 2010. The proposed amount of affordable housing has been scrutinised through the assessment of a viability appraisal, and it has been determined that this is the maximum reasonable amount of affordable housing and planning contributions have been secured, whilst ensuring the scheme can be delivered and is viable. On balance, the provision of 22.2% of affordable housing is considered to be acceptable.

Housing Type and Tenure Mix

8.45 Pursuant to Policy 3.8 of the London Plan, new residential development should offer genuine housing choice, in particular a range of housing size and type.

- 8.46 Further to this, Saved Policy HSG7 of the UDP requires new housing to provide a mix of unit sizes where appropriate, including a substantial proportion of family dwellings of 3 bedrooms and above.
- 8.47 Policy SP02 of the CS also seeks to secure a mixture of small and large housing, requiring an overall target of 30% of all new housing to be of a size suitable for families (three-bed plus), including 45% of new affordable homes to be for families.
- 8.48 Policy DM3 (part 7) of the MD DPD requires a balance of housing types including family homes. Specific guidance is provided on particular housing types and is based on the Councils most up to date Strategic Housing Market Assessment (2009).
- 8.49 Table 3 shows the applicant's unit and tenure mix:

	Studio	1 bed	2 bed	3 bed	4 bed	5 bed	TOTAL
Market Sale	16	98	70	5	0	0	189
Intermediate	0	3	6	2	0	0	11
Social Rent	0	0	0	0	0	0	0
Affordable Rent	0	4	6	10	3	0	23
	16	105	82	17	3	0	223

Table 2: Summary of tenure unit mix

- 8.50 In order to assess the acceptability of the indicative mix against the Council's preferred mix as set out in the Policy SP02 of the Core Strategy, the table below describes the proposed overall mix in the context of the Borough's preferred dwelling mix:

		Affordable Housing						Private Housing		
		Affordable Rent			Intermediate			Market Sale		
Unit size	Total Units	Unit	%	LBTH target %	Unit	%	LBTH target %	Unit	%	LBTH target %
Studio/1bed	121	4	17.4%	30%	3	27.3%	25%	114	60.3%	50%
2bed	82	6	26.1%	25%	6	54.5%	50%	70	37.1%	30%
3bed	17	10	43.5%	30%	2			5		
4bed	3	3	13%	15%	0	18.2%	25%	0	2.6%	20%
5bed	0	0			0					
Total	223	23	100%	100	11	100%	100	189	100%	100

Table 3: unit and tenure mix

- 8.51 Within the Affordable Housing tenure, the application proposes affordable rented and Intermediate housing.
- 8.52 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% of the local market rent.

- 8.53 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.
- 8.54 The Council's Housing team are supportive to the provision of affordable housing. As part of the independent review of the applicants viability toolkit, options to provide the larger family affordable accommodation as social rented accommodation were fully investigated, however it was found that the change in tenure provision would render the scheme unviable and undeliverable.
- 8.55 The affordable element is split 68:32 in favour of affordable rented, this is broadly in line with the Council's policy target of 70:30, as set out in the CS 2010.
- 8.56 The scheme proposes to deliver the Affordable Rents, with rent levels in line with research POD undertook for the Council to ensure affordability. The LBTH Housing team support this approach. The applicants rent levels shown below are inclusive of service charges.

	1 bed (pw)	2 bed (pw)	3 bed (pw)	4 bed (pw)
Proposed development POD levels/E4 POD rent levels	£151.00 (inc service charge)	£151.00 (inc service charge)	£187.00 (inc service charge)	£229.00 (inc service charge)
Social Target Rents (for comparison Only)	£157.57 (including estimated £30 service charges)	£165.06 (including estimated £30 service charges)	£172.57 (including estimated £30 service charges)	£180.07 (including estimated £30 service charges)

Table 4: Proposed Rent Levels for Affordable Rented units.

- 8.57 Though there is an under provision of one beds within the affordable rented tenure, this is considered acceptable as it would lead to an above target provision of much needed family accommodation, providing a 56.5% provision against a 45% target, including 4 bed homes.
- 8.58 There is an over provision of one and two beds and an under provision of three beds within the private/market sale tenure. However, given that the proportion of family housing within the affordable rented tenures exceeds targets and within the intermediate tenure is broadly policy compliant, officers consider the housing mix acceptable.
- 8.59 On balance, it is considered that the proposal would provide an acceptable mix of housing and contributes towards delivering mixed and balanced communities across the wider area. Furthermore, the provision of 22.2% on site affordable housing is welcomed. Therefore, on balance, it is considered that the application provides an acceptable mix in compliance with Policy 3.8 of the London Plan (2011), Policy SP02 of the CS and Policy DM3 of the MD DPD which seek to ensure developments provide an appropriate housing mix to meet the needs of the borough.

Internal Space Standards

- 8.60 London Plan policy 3.5 seeks quality in new housing provision. London Plan policy 3.5, MD DPD policy DM4 and saved UDP policy HSG13 requires new development to make adequate provision of internal residential space.

8.61 The proposed development is designed to the Housing Design Guide standards and therefore is acceptable in terms of internal space standards.

Private and Communal Amenity Space

8.62 Policy DM4 of the MD DPD sets out standards for new housing developments with relation to private and communal amenity space. These standards are in line with the Mayor’s Housing Design Guide (2010), recommending that a minimum of 5 sq. m of private outdoor space is provided for 1-2 person dwellings and an extra 1 sq. m is provided for each additional occupant. Each residential unit within the proposed development provides private amenity space in accordance with the housing design guide and policy requirements, in the form of balconies and gardens.

8.63 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 223 units the minimum communal amenity space required would be 263sqm. Overall, the proposal delivers approximately 365sqm of usable communal amenity space located within the courtyard area of the lower residential block. This provision of on-site communal amenity space accords with policy DM4 of the MD DPD and provides a dedicated and quality usable communal space and is considered acceptable.

Child Play Space

8.64 Policy 3.6 of the London Plan (2011), Saved Policy OS9 of Tower Hamlets UDP (1998), Policy SP02 of Tower Hamlets Core Strategy (2010) and Policy DM4 of the MD DPD seeks to protect existing child play space and requires the provision of new appropriate play space within new residential development. Policy DM4 specifically advises that applicants apply LBTH child yields and the guidance set out in the Mayor of London’s SPG on ‘Shaping Neighbourhoods: Play and Informal Recreation’ (which sets a benchmark of 10 sq.m of useable child play space per child).

8.65 Using the GLA SPG child yield calculations, the overall development is anticipated to accommodate 48 children and accordingly the development should provide a minimum of 480sq.m of play space in accordance with the London Plan and the emerging MD DPD’s standard of 10sq.m per child. This requirement is broken down as follows:

	London Plan/SPG Policy Req't	%	Proposed within scheme
Child Play Space- Under 5	190sq.m	40%	250sq.m
Child Play Space- Under 5-11	170sq.m	36%	
Child Play Space- Under 12+	120 sq.m	26%	
Total	480sq.m		
Shortfall Child Play Space	230sq.m		

Table 5: Child Play Space Details

8.66 The scheme delivers 250sqm of on-site playspace, this caters for all of the children aged 0 – 5 and a proportion of the 5-11 year old age group, this playspace is also proposed to provide play equipment/furniture. There is an obvious shortfall of on-site playspace for some 5-11 year olds and the 12 and above age groups.

- 8.67 The Mayor's SPG identifies maximum walking distances to play areas for different age groups, this being 400m for those aged 5 to 11, and 800m for 12 and over. Langdon Park is located to the east of the application site and is less than 50metres walking distance from the site. Planning obligations have been secured towards local public open spaces and this would include Langdon Park. Whilst no child play space is provided on site for some 5-11 year olds and the 12 + age groups, it is considered that there are adequate facilities within close proximity to the site to accommodate these children. On balance, the provision of on site communal and child play space, alongside private amenity space for all future residents is considered to be acceptable.

Wheelchair Housing and Lifetime Homes Standards

- 8.68 Policy 3.8 of the London Plan and Policy SP02 of the LBTH Core Strategy require that all new housing is built to Lifetime Homes Standards and that 10% is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users.
- 8.69 Across the development, 22 residential units are proposed to be provided as wheelchair accessible which is 10% of all units and accords with Council policy. The units are to be distributed across the proposed tenures which is supported by LBTH housing. The delivery of 10% wheelchair accessible units is considered acceptable. If planning permission is granted a condition would be attached to ensure that the 22 wheelchair accessible units are delivered within the scheme.

Amenity

Daylight, Sunlight and Overshadowing

- 8.70 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2011).
- 8.71 Saved Policies DEV1 and DEV2 of Tower Hamlets UDP (1998), Core Strategy Policy SP10 and Policy DM25 of the draft Managing Development DPD (2012) seek to protect amenity, by ensuring development does not result in an unacceptable material deterioration of the sunlight and daylight conditions of surrounding development. Policy DM25 also seeks to ensure adequate levels of light for new residential developments.

Daylight and Sunlight

- 8.72 For calculating daylight to neighbouring properties, affected by a proposed development, the primary assessment is the vertical sky component (VSC) method of assessment together with the no sky line (NSL) assessment where internal room layouts are known or can reasonably be assumed. In order to assess the quality of light, it is necessary to consider both measures of daylight as the VSC measures the amount of light received by the window whereas the no skyline (NSL) daylight distribution contour measures the amount of light penetrating into the room. The 2011 BRE guide emphasises the VSC and NSL as the primary method of assessment. Average Daylight Factor or ADF measures the internal living conditions of new build dwellings, or in this case, the proposed development.
- 8.73 The submitted daylight and sunlight report assesses the impact of the proposed development upon neighbouring properties.

Proposed Development

- 8.74 The daylight assessment for the new blocks to be constructed has been carried out by testing the mid point on the elevation of all proposed blocks.
- 8.75 It is indicated that all habitable rooms would meet their daylight requirements (ADF).

Neighbouring Properties

8.76 The daylight and sunlight assessment for the neighbouring properties has been undertaken. The buildings tested include:

- Terraces along Chrisp Street
- L11 consented scheme on Chrisp Street
- Langdon Park school building 1
- Langdon Park school building 2
- New build scheme on Carmen Street

8.77 The report submitted to the Council has been independently reviewed and it is found that the impact to the two Langdon Park school buildings will be acceptable and in accordance with the BRE guidelines. An assessment was undertaken of the adjoining industrial site, located to the north of Cording Street. Whilst the property does experience a loss of light in excess of the BRE guidelines, the guidance does advise that the criterion should be applied flexibly for non-domestic buildings. Given the use of this premises and as a number of the rooms are served by more than one window, it is not considered unacceptable that the site experiences some loss of light in this urban location.

Terraces along Chrisp Street

8.78 There are 8 terrace houses located to the west of the proposed development site on Chrisp Street. Of the units tested, 4 units fail to meet the VSC targets and 5 units (including the 4 which fail the VSC targets) fail the daylight distribution targets (NSL). The report concludes that the 4 residential units which fail both the VSC and NSL targets will experience a material loss of internal daylight.

8.79 Of the 16 ground and first floor windows tested, 8 windows comprising the ground and first floor windows of 4 residential units fail to achieve the BRE guidelines. The failures are considered to be minor adverse impacts on the existing residential units. In relation to VSC, the ground floor windows suffers a loss of 36%, 35%, 32% and 31% of their former value against a target of 20%. The upper floor windows suffer a loss of 35%, 30%, 31% and 31%, again against a target of 20%. Generally, the losses are between 10% and 15% above the recommended acceptable losses in the BRE guidelines. With regards to the NSL the losses of their former value range between 24% and 49% where again the target is 20%. It should however be noted that after taking into account the losses in former values identified, all the properties will still receive above 20% VSC and between 47% and 60% NSL which is considered acceptable in a dense urban location

8.80 The analysis identifies that the proposed development will, in some cases, result in an impact on daylight levels to the residential properties to the west of the site that is in excess of the guidelines set out in BRE guidance. However, it should be acknowledged that the application site is a cleared site and as a result these properties currently receive significantly high levels of daylight, in some cases as much as 97% NSL which is considered unusual in a city centre or urban context such as Poplar. Thus, any modest development of the site would result in sunlight and daylight impacts. Significant daylight reductions are anticipated by the BRE which allow a degree of pragmatism. The 2011 BRE report states that numerical guidelines "should be interpreted flexibly because natural lighting is only one of many factors in site layout design." The application of these greater levels of flexibility are also influenced by the existing absolute values of Daylight and Sunlight that are presently enjoyed. In this case the existing levels are exceptionally good.

8.81 Whilst the impact on sunlight and daylight will be noticeable in many cases, the residual levels of daylight (and sunlight) that these neighbouring properties will continue to enjoy will not be incomparable to other properties in this part of the Borough. Officers consider that given the low number of failures, the urban location of the site, the separation distances and building heights which have been integrated with the site and surroundings, that on balance,

impact of the development on daylight to neighbouring properties is considered to be acceptable.

L11 Consented Scheme on Chrisp Street

- 8.82 The L11 consented scheme on Chrisp Street is currently under construction and not yet occupied, and is known in the local area as the Equinox development. Whilst the independent review notes that this development will experience a material loss of light due to the VSC results from the proposed development where the losses are between 44% and 29% of their former value against a target of 20%.
- 8.83 Officers note that the design of this unit affords some units to have dual aspect properties and the layout also accommodates for many living/dining areas to be served by more than one window which will limit the impacts. This development is also designed with external balconies which serve the living dining rooms within the block. Balconies and overhangs are acknowledged with the BRE guidance to significantly reduce the light entering windows below them. The combination of the balconies and the proposed development results in the loss of daylight and sunlight at this property.
- 8.84 A supplementary assessment has also been undertaken against the Average Daylight Factor. In this regard, it is concluded that whilst the impact as a result of the development will be noticeable, the habitable rooms will meet the ADF standards. On balance, given the design of this new build development it is not considered that the impact on this particular building will be unreasonable given the circumstances.

New Build Residential Scheme on Carmen Street

- 8.85 This site is located directly to the south of the application site and comprises a 16 storey residential led development with a commercial unit located at ground floor level. The development presently receives very good levels of natural daylight, well above the BRE recommendations.
- 8.86 Officers have reviewed the approved layout of this building which comprises dual aspect living rooms and bedrooms on the northern elevation. The dual aspect living rooms are served by high level windows which face the development site, and full size bedroom windows. Only the bedroom windows on this elevation were assessed given that the living room windows serve as secondary room windows, the independent review considered this approach to be acceptable.
- 8.87 All bedrooms tested on the northern elevation of the Carmen Street development experienced failures of daylight, with windows losing between 37% and 42% VSC of their former value against a target of 20%. Whilst the new development will result in a noticeable loss of daylight to the existing Carmen Street residential development, as the existing levels of natural daylight are exceptionally good, the BRE guidelines state that greater percentage losses may be acceptable in these cases. As a result, the residual levels of natural light will not be substantially below comparable dwellings in this part of the borough, therefore the impact is considered to be acceptable.

Overshadowing

- 8.88 *Communal Space and Childrens Play Space*
- 8.89 In terms of permanent overshadowing, the BRE guidance in relation to new gardens and amenity areas states that *“it is recommended that for it to appear adequately sunlit throughout the year, at least half of a garden or amenity space should receive at least 2 hours of sunlight of 21 March”*.

8.90 The overshadowing results for the proposed amenity areas are acceptable and accord with the BRE guidelines. This provides assurance that the space will provide a quality, usable amenity area for all future residents.

8.91 On balance, the development will result in a material loss of light to the terrace of residential properties located to the west of the application site, however given the urban nature of the application site and surrounding area, this is not uncommon in an urban area and will be comparable to other properties in this part of the borough. It is not considered that the impact of this development on these minimal number of units warrants refusal of this application given the merits of this scheme and the significant delivery of housing, including affordable housing.

Noise and Vibration

8.92 Chapter 11 of the NPPF gives guidance for assessing the impact of noise. The document states that planning decisions should avoid noise giving rise to adverse impacts on health and quality of life, mitigate and reduce impacts arising from noise through the use of conditions, recognise that development will often create some noise, and protect areas of tranquillity which have remained relatively undisturbed and are prized for their recreational and amenity value for this reason.

8.93 Policy 7.15 of the London Plan, saved policies DEV2 and DEV50 of the UDP, policies SP03 and SP10 of the CS and policy DM25 of the MD DPD seek to ensure that development proposals reduce noise by minimising the existing and potential adverse impact and separate noise sensitive development from major noise sources.

8.94 As discussed above, the application site adjoins the DLR route which has the potential to cause noise disturbance to the future residents located to the rear of the site. Throughout the course of the application, officers have sought to establish the mitigation proposed through the provision of adequate glazing on this elevation of the building. Environmental Health officers are now happy with the proposed treatment of this elevation and it not considered that there will be a detrimental impact on future residents.

8.95 Conditions are also recommended which restrict construction hours and noise emissions and requesting the submission of a Construction Environmental Management Plan which will further assist in ensuring noise reductions for future and existing neighbouring occupiers.

8.96 As such, it is considered that the proposals are in keeping with the NPPF, policy 7.15 of the London Plan, saved policies DEV2 and DEV50 of the UDP, policies SP03 and SP10 of the CS and policy DM25 of the MD DPD.

Sense of Enclosure, Outlook and Privacy

8.97 Policy SP10 of the CS seeks to protect residential amenity and policy DM25 of the MD DPD requires development to ensure it does not result in the loss of privacy, unreasonable overlooking, or unacceptable increase in sense of enclosure, or loss of outlook. These policies are further supported by policies DEV1 of the IPG and DEV2 of the UDP.

8.98 In terms of impacts upon neighbouring properties, those which are the most sensitive are to the west on Chrisp Street and to the south on Carmen Street. In accordance with policy DM25 of the MD DPD, a reasonably acceptable separation distance between directly facing habitable rooms windows to ensure privacy is maintained is 18 metres.

8.99 Along Chrisp Street and Carmen Street separation distances between directly facing habitable rooms windows are between 18 and 24 metres, which accords with policy requirements.

- 8.100 Accordingly the separation distances between the proposed development and directly facing neighbouring properties is considered acceptable and would not lead to overlooking between existing and proposed residential occupiers.

Transport, Connectivity and Accessibility

- 8.101 The NPPF and Policy 6.1 of the London Plan 2011 seek to promote sustainable modes of transport and accessibility, and reduce the need to travel by car. Policy 6.3 also requires transport demand generated by new development to be within the relative capacity of the existing highway network.
- 8.102 Saved UDP policies T16, T18, T19 and T21, CS Policy SP08 & SP09 and Policy DM20 of the MD DPD together seek to deliver an accessible, efficient and sustainable transport network, ensuring new development has no adverse impact on safety and road network capacity, requires the assessment of traffic generation impacts and also seeks to prioritise and encourage improvements to the pedestrian environment.
- 8.103 As detailed earlier in this report, the site has a good public transport accessibility level (PTAL) of 4 (1 being poor and 6 being excellent). The site is located at the Langdon Park DLR station, providing excellent links in and out of the borough. The existing site is well served by bus routes on Chrisp Street and further links available at East India Dock Road which is a short walk to the south of the site.

Car Parking

- 8.104 Policies 6.13 of the London Plan, Saved Policy T16 of the UDP, Policy SP09 of the CS and Policy DM22 of the MD DPD seek to encourage sustainable non-car modes of transport and to limit car use by restricting car parking provision.
- 8.105 IPG Planning Standard 2 sets a policy maximum car parking ratio of 0.5 spaces per residential unit, where it can be shown that the proposed level would not result in a detrimental impact on the safe and free flow of traffic on the surrounding highway network. MD DPD Parking Standards sets specific parking levels based on the PTAL of a given site, at the development site, units with less than 3 bedrooms have a minimum parking standard of 0.2 spaces per unit with 3 bedrooms plus being 0.3 spaces per unit. At the application site, the MD DPD policy parking standards would permit the provision of 46.6 spaces. The proposed development seeks to deliver 39 car parking spaces within the basement which is considered to accord with planning policy.
- 8.106 The application proposes to close the existing vehicular access point and provide a single vehicular access into a basement from Cording Street, where the 39 car parking spaces will be provided within a basement level. It is recommended that the development would be secured as permit free to prevent future residents from securing parking permits for the local area.
- 8.107 Of the 39 basement car parking spaces proposed, the applicant has agreed to deliver 8 spaces which will be allocated and secured for the future family units within the affordable housing provision at the site. Officers welcome this provision in light of the parking stress in the area and the concerns raised by local residents.
- 8.108 A travel plan will also be secured for the new development to encourage future residents to use public transport and alternative modes for all journeys.
- 8.109 Considering the above, the Borough's Highways department support the proposed parking levels.
- 8.110 Accordingly, it is the view of officers that subject to securing the provisions outlined above,

the proposed car parking on site is considered acceptable. It will serve to meet the demands of the proposed District Centre, whilst ensuring the free flow of traffic on the surrounding highway network.

Servicing and Deliveries

- 8.111 London Plan Policy 6.13 states that developments need to take into account business delivery and servicing. This is also reiterated in IPG CS Policy DEV17, which states that developments need to provide adequate servicing and appropriate circulation routes.
- 8.112 Deliveries and servicing are proposed from Cording Street and Chrisp Street. The Chrisp Street block will be served by residential servicing on-street, however some limited commercial servicing will be permitted on Carmen Street. This servicing arrangement is subject to agreement with the LB Tower Hamlets highways team and be subject to agreement on out of hours servicing arrangements. A Delivery and Servicing Plan is requested by condition alongside a Construction Logistics Plan to minimise the impact on the Local Highway and TfL network

Waste, Refuse & Recycling

- 8.113 Full details of the waste, refuse and recycling would also be managed and co-ordinated through a Delivery & Servicing Plan (DSP) to be prepared and submitted prior to occupation of the development.
- 8.114 Notwithstanding the above, the scheme shows adequate storage facilities on site to serve the proposed development and indicative locations for refuse collection within the basement of the development and also fronting Cording Street. Cording Street is an existing refuse collection route and this arrangement is therefore considered to be acceptable. .

Provision for Cyclists

- 8.115 In accordance with cycle parking requirements, 268 cycle parking spaces have been provided in various storage areas around the site. This provision includes visitor parking to serve the development. The proposal therefore complies with London Plan policy 6.13.

Public Transport Improvements

- 8.116 CS policy SP08 seeks to promote the good design of public transport interchanges to ensure they are integrated with the surrounding urban fabric, offer inclusive access for all members of the community, and provide a high-quality, safe and comfortable pedestrian environment.
- 8.117 Planning obligations have been sought by TfL for improvements to the DLR. These contributions have been secured for strategic infrastructure improvements to the DLR line and Langdon Park station.

Energy & Sustainability

- 8.118 At a National level, the NPPF encourage developments to incorporate renewable energy and to promote energy efficiency.
- 8.119 The London Plan sets out the Mayor of London's energy hierarchy which is to:
- Use Less Energy (Be Lean);
 - Supply Energy Efficiently (Be Clean); and
 - Use Renewable Energy (Be Green)
- 8.120 The London Plan 2011 also includes the target to achieve a minimum 25% reduction in CO2

emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy (Policy 5.2).

- 8.121 The information provided in the submitted energy strategy is principally in accordance with adopted the climate change policies. Policy SO3 of the Core Strategy (2010) seeks to incorporate the principle of sustainable development, including limiting carbon emissions from development, delivering decentralised energy and renewable energy technologies and minimising the use of natural resources. The London Borough of Tower Hamlets Core Strategy Policy SP11 requires all new developments to provide a 20% reduction of carbon dioxide emissions through on-site renewable energy generation. The Council's Sustainability & Renewable Energy Team have commented that the proposed development will need to ensure it complies with draft Policy DM29 of the draft Managing Development DPD (2012) which requires:
- 2011-2013 = 35% CO2 emissions reduction;
 - 2013-2016 = 50% CO2 emissions reduction; and
 - 2016-2031 = Zero Carbon
- 8.122 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 development (Be Clean) and utilise photovoltaic panels (Be Green) to reduce overall CO2 emissions. The CO2 emissions achievable from this approach are noted as circa 36%. This exceeds the policy requirements of emerging policy DM29 and the London Plan Policy 5.2 requirements and is considered acceptable.
- 8.123 Code (Level 4) ratings are currently proposed as minimum levels for all new residential units, and considered acceptable.

Contamination

- 8.124 In accordance with the requirements of the NPPF, saved UDP policy DEV51 and policy DM30 of the MD DPD.
- 8.125 The Council's Environmental Health Officer has reviewed the documentation, and noted that further characterisation of the risks are necessary via a detailed site investigation. A condition to secure further exploratory works and remediation has been requested.

Flood Risk

- 8.126 The NPPF, policy 5.12 of the London Plan, and policy SP04 of CS relate to the need to consider flood risk at all stages in the planning process.
- 8.127 The development falls within Flood Risk Zone 3. The application is supported by a flood risk assessment.
- 8.128 The Environment Agency and Thames Water have raised no in principle objections to the proposal subject to the imposition of suitable conditions which would be attached if planning permission was granted.
- 8.129 Subject to the inclusion of conditions as per the recommendation of the Environment Agency, it is considered that the proposed development by virtue of the proposed flood mitigation strategy complies with the NPPF, Policy 5.12 of the London Plan and Policy SP04 of the CS.

Health Considerations

- 8.130 Policy 3.2 of the London Plan seeks to improve health and address health inequalities having regard to the health impacts of development proposals as a mechanism for ensuring that new developments promote public health within the borough.
- 8.131 Policy SP03 of the Core Strategy seeks to deliver healthy and liveable neighbourhoods that promote active and healthy lifestyles, and enhance people's wider health and well-being.
- 8.132 Part 1 of Policy SP03 in particular seeks to support opportunities for healthy and active lifestyles through:
- Working with NHS Tower Hamlets to improve healthy and active lifestyles.
 - Providing high-quality walking and cycling routes.
 - Providing excellent access to leisure and recreation facilities.
 - Seeking to reduce the over-concentration of any use type where this detracts from the ability to adopt healthy lifestyles.
 - Promoting and supporting local food-growing and urban agriculture.
- 8.133 The applicant has agreed to financial contributions towards leisure, community facilities and health care provision within the Borough.
- 8.134 The application will also propose open spaces within the site which are to be delivered. This will also contribute to facilitating healthy and active lifestyles for the future occupiers of the development and existing residents nearby.
- 8.135 It is therefore considered that the financial contribution towards healthcare and community facilities and leisure will meet the objectives of London Plan Policy 3.2 and Policy SP03 of the Council's Core Strategy which seek the provision of health facilities and opportunities for healthy and active lifestyles.

Section 106 Agreement

- 8.136 The NPPF requires that planning obligations must be:
- (a) Necessary to make the development acceptable in planning terms;
 - (b) Directly related to the development; and
 - (c) Are fairly and reasonably related in scale and kind to the development.
- 8.137 Regulation 122 of CIL Regulations 2010 brings the above policy tests into law, requiring that planning obligations can only constitute a reason for granting planning permission where they meet such tests.
- 8.138 Securing appropriate planning contributions is further supported by saved policy DEV4 of the UDP and Policy IMP1 of the Council's IPG and policy SP13 in the CS which seek to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development.
- 8.139 The Council's Supplementary Planning Document on Planning Obligations was adopted in January 2012. This SPD provides the Council's guidance on the policy concerning planning obligations set out in policy SP13 of the adopted Core Strategy. The document also set out the Borough's key priorities being:
- Affordable Housing
 - Employment, Skills, Training and Enterprise
 - Community Facilities
 - Education

The Borough's other priorities include:

- Public Realm
- Health
- Sustainable Transport
- Environmental Sustainability

8.140 This application is supported by a viability toolkit which detailed the viability of the development proposal through interrogation of the affordable housing provision and the planning obligations required to mitigate the impacts of this development proposal. The viability appraisal has established that it is not viable for the proposal to deliver more than 22.2% affordable housing alongside the full contribution request of planning obligations. The scheme is therefore able to mitigate against the full impacts of the proposed development by providing contributions to all key and other priority areas, whilst delivering a lower affordable housing contribution overall.

8.141 The toolkit provides an assessment of the viability of the development by comparing the Residual Value against the Existing Use Value (or a policy compliant Alternative Use value), in broad terms, if the Residual Value equals or exceeds the Existing Use Value, a scheme can be considered as viable, as the requirements of paragraph 173 of the NPPF for competitive returns to the developer and the landowner have been satisfied. In summary, the Toolkit compares the potential revenue from a site with the potential costs of development. In estimating the potential revenue, the income from selling dwellings in the market and the income from producing specific forms of affordable housing are considered and in testing the developments costs matters such as build costs, financing costs, developers profit, sales and marketing costs are considered.

8.142 Based on the Council's s106 SPD, the viability of the proposal and the need to mitigate against the impacts of the development, LBTH Officers sought to deliver 22.2% on-site affordable housing and a full contribution of planning obligations, to mitigate against the impacts of the development.

8.143 The obligations can be summarised as follows:

Financial Obligations

- Education: £393,709
- Enterprise & Employment: £48,617
- Community Facilities: £236,841
- Health: £280,311
- Transport for London: £250,000
- Sustainable Transport: £26,045
- Public Realm Improvements: £4976,382
- Monitoring & Implementation 2% of total

Non-Financial Obligations

- 22.2% affordable housing
- Access to employment initiatives
- Permit free agreement
- Travel Plan
- Code of Construction Practice
- Electric Vehicle Charging Points
- 8 parking spaces allocated to on site affordable family housing.

8.144 The applicant has demonstrated through the submission of a viability assessment that there is no additional provision to deliver further affordable housing without reducing the level of S106 that could be secured. The Council has independently reviewed the submitted viability assessment and concludes that the maximum reasonable amount of affordable housing which can be delivered on this site is 22.2% by habitable room. The developer has agreed to

the additional s106 contributions beyond the output of the financial appraisal, to ensure the development mitigates against its impacts.

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

- 8.145 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:
- 8.146 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 consideration.
- 8.147 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.
- 8.148 In this context “grants” might include the new homes bonus and payment of the community infrastructure levy.
- 8.149 These issues now need to be treated as material planning considerations when determining planning applications or planning appeals.
- 8.150 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 applicable to a scheme of this size is £543,060 which is based on the gross internal area of the proposed development. The scheme is proposed to provide 22.2% affordable housing and will therefore qualify for social housing relief on a proportion of this sum.
- 8.151 The New Homes Bonus was introduced by the Coalition Government during 2010 as an incentive to local authorities to encourage housing development. The initiative provides unrung-fenced 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.
- 8.152 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 £285,285 within the first year and a total of £1,711,712 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.

Human Rights Considerations

- 8.153 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application the following are particularly highlighted to Members:-

- 8.154 Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-
- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
 - Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and
 - Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that *"regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole"*.
- 8.155 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.
- 8.156 Members need to satisfy themselves that the measures which are proposed to be taken to minimise, inter alia, the adverse effects of noise, construction and general disturbance are acceptable and that any potential interference with Article 8 rights will be legitimate and justified.
- 8.157 Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate.
- 8.158 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 8.159 As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.
- 8.160 In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered. Officers consider that any interference with Convention rights is justified. Officers have also taken into account the mitigation measures governed by planning conditions and the associated section 106 agreement to be entered into.

Equalities Act Considerations

- 8.161 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty inter alia when determining all planning applications. In particular the Committee must pay due regard to the need to:
1. eliminate discrimination, harassment, victimisation and any other conduct that is

- prohibited by or under the Act;
- 2. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- 3. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

8.162 The contributions towards various community assets/improvements and infrastructure improvements addresses, in the short-medium term, the potential perceived and real impacts of the construction workforce on the local communities, and in the longer term support community wellbeing and social cohesion.

8.163 Furthermore, the requirement to use local labour and services during construction enables local people to take advantage of employment opportunities.

8.164 The community related uses and contributions (which will be accessible by all), such as the improved public open spaces and play areas, help mitigate the impact of real or perceived inequalities, and will be used to promote social cohesion by ensuring that sports and leisure facilities provide opportunities for the wider community.

8.165 The contributions to affordable housing support community wellbeing and social cohesion.

Conclusions

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.



- Planning Application Site Boundary
- Locally Listed Buildings
- Consultation Area
- Statutory Listed Buildings



This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. © Crown copyright and database rights 2013 Ordnance Survey. London Borough of Tower Hamlets 100019288