

Committee: Development	Date: 8 th March 2012	Classification: Unrestricted	Agenda Item No: 7.3
Report of: Corporate Director of Development and Renewal		Title: Town Planning Application and Conservation Area Consent for Decision	
Case Officer: David Thompson		Ref No's: PA/11/03371 PA/11/03372	
		Ward(s): Bow West	

1. APPLICATION DETAILS

Location: Site at Bow Wharf Adjoining Regents canal and Old Ford Road, Old Ford London, E3

Existing Use: Commercial and Car Parking

Proposal: **PA/11/03371 – application for Full Planning Permission**

Demolition of existing buildings to facilitate the redevelopment of the site to provide three buildings ranging in height from 4 - 6 storeys including Block A (part 4 part 5 storeys to the north of the Hertford Union Canal), Block B (6 Storeys to the south of the Hertford Union Canal) and Block C (4 storeys to the south of the Hertford Union Canal) to provide 34 residential units comprising 10 x 1 bedroom, 15 x 2 bedroom, 4 x 3 bedroom and 5 x 4 bedroom houses, 64 square metres of commercial floor space to be used as either Use Class A1, A2, A4 B1 or D1, including provision of one accessible parking space, cycle parking, public and private amenity space and associated works.

PA/11/03372 – application for Conservation Area Consent

Demolition of existing buildings prior to redevelopment.

Drawing No's: Site Context Plan A1 1:500 A1-01 01
Site Ground Floor Plan A1 1:200 A1-10 01
Site First Floor Plan A1 1:200 A1-11 01
Site Second Floor Plan A1 1:200 A1-12 01
Site Third Floor Plan A1 1:200 A1-13 01
Site Fourth Floor Plan A1 1:200 A1-14 01
Site Fifth Floor Plan A1 1:200 A1-15 01

Supporting docs: Block 'A' Floor Plans A1 1:100 A 1-20 01
Block 'B' Floor Plans A1 1:100 A1-21 01

Block 'C' Floor Plans A1 1:100 A1-22 01
Site Sections A1 1:200 A 1-81 01
Site Elevations A1 1:200 A 1-82 01
Building 'A' Elevations A1 1:100 A1-91 01
Building 'B' Elevations A1 1:100 A1-92 01
Building 'C' Elevations A1 1:100 A 1-93 01
Existing Site Plan A1 1:200 A2-05 01
Demolition Site Plan A1 1:200 A2-10 01
Existing Site Sections A1 1 :200 A2-81 01
Existing Site Elevations A1 1:200 A2-82 01
Detail Sections & Elevations A1 1:50 A4-0 1 01
Detail Sections & Elevations A1 1:50 A4-02 01
General Arrangement Plan A1 1:200 L100 A
Materials and Furniture Plan Block A A1 1 :100 L201 A
Zone
Paving and Furniture A1 1 :100 201 A
Materials and Furniture Plan Block B A1 1:100 L202 A
and C Zone
Planting Plan A1 1:100 L700 A

Planning Statement by Dalton Warner Davis
Affordable Housing Assessment by Drivers Jonas
Deloitte
Air Quality Assessment by SKM Environ
Design and Access Statement, by Lewis and Hickey
Architects
Design and Access Statement prepared by Lewis &
Hickey Architects;
Extended Phase 1 Habitat Survey and Daytime Bat
Assessment (Biodiversity Survey and Report) prepared
by Ecosulis Ltd;
Daylight and Sunlight Assessment prepared by GVA
Schatunowski Brooks;
Heritage Statement prepared by Dalton Warner Davis
(DWD1 of Planning Statement);
Geotechnical and Geoenvironmental Report (Land
Contamination Assessment) prepared by STATS
Limited;
Landscape Statement prepared by Outerspace;
Lighting Assessment (within Design and Access
Statement);
Open Space Assessment (see paras 6.18-6.19 of
Planning & Impact Statement);
Photographs and Photomontages (see Design and
Access Statement);
Community Involvement Statement prepared by Quatro;
Transport Assessment prepared by TIP Consulting;
Arboricultural Report prepared by DPA;
Ventilation/Extraction Statement (see para 6.10 of
Planning & Impact Statement);
Amenity/Playspace Assessment (see para 6.18-6.19 of

Planning & Impact Statement);
Employment Statement See Commercial Agent's Letter (DWD 2 of Planning Statement);
Lifetime Homes and Wheelchair Accessibility Statement (within Design and Access Statement);
Regeneration Statement prepared by Dalton Warner Davis (DWD 3 of Planning Statement);
Refuse Disposal Details (within Design and Access Statement);
Secure by Design Statement (within Design and Access Statement);
Energy Report prepared by EcoConsulting & the Code for Sustainable Homes – Strategic Report prepared by EcoConsulting dealing with sustainability;
Asbestos Survey Report prepared by Chemtest onsite;
Accommodation Schedule (DWD5 of Planning Statement);
Fire Strategy (within Design and Access Statement).

Applicant: H2O Urban (No 2) LPP
Owner: British Waterways Board
Historic Building: Stop Lock Bridge Grade II Listed
Conservation Area: Regents Park (formerly Victoria Park)

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 The design, appearance, height, scale, bulk and layout of the proposal of the proposal are considered to be acceptable. The reduction in the overall number of units, the reduction in the height and scale of the buildings from 4-8 storeys to 4-6 storeys, and the reduction in the overall mass of the development by providing a layout of three rather than two distinct blocks, is more in keeping with the scale and the character and appearance of development in the surrounding area, in accordance with policies 3.5, 7.4, 7.5, and 7.6 of the London Plan (2011), SP10 of the adopted Core Strategy (2010), policy DEV1 of the adopted Unitary Development Plan (1998), policies DEV2 and HSG7 of the Interim Planning Guidance (2007) and policy DM24 of the Managing Development DPD (Proposed Submission Version 2012,
- 2.2 The proposal in relation to its bulk, height, mass and design is not considered to have a harmful effect on the character and appearance of the Regent's Canal Conservation Area, and in particular on the open nature of the Regents Canal towpaths in accordance with PPS5: Planning and the Historic Environment, Strategic Policy SP10 of the adopted Core Strategy (2010), saved policies: DEV1, DEV2 and DEV37 of the adopted Unitary Development Plan (1998), policies CON1, CON2, CON3, CON5, DEV1, DEV2 and DEV3 of the Interim Planning Guidance (2007), policies SP10 and SP12 of the Core Strategy (2010) and policies DM24 and DM27 of the Managing Development Plan Document, which seek to ensure buildings and places are of high quality design and suitably located, whilst also respecting the special architectural and historic interest of Listed Buildings, and ensuring new development preserves and enhances the character and appearance of

conservation areas

- 2.3 The proposal provides an acceptable amount of affordable housing and mix of units, in the light of the viability of the scheme. As such, the proposal is in line with Planning Policy Statement 3, policies 3.8, 8.10, 3.11, 3.12, 3.13 of the London Plan (2011), saved policy HSG7 of the Council's Unitary Development Plan (1998), policies HSG2 and HSG3 of the Council's Interim Planning Guidance (2007), policy SP02 of the Core Strategy Development Plan Document (2010) and policy DM3 of Managing Development DPD (Proposed Submission Version 2012, which seek to ensure that new developments offer a range of housing choices.
- 2.4 On balance the scheme provides acceptable space standards and layout. As such, the scheme is in line with saved policy DEV2 of the Council's Unitary Development Plan (1998), policy DEV1 of Council's Interim Planning Guidance (2007), policy SP02 of the Core Strategy Development Plan Document (2010) and policy DM25 of the Managing Development DPD (Proposed Submission Version 2012), which seek to provide an acceptable standard of accommodation in all residential development.
- 2.5 On balance it is considered that the proposal would not give rise to undue impacts in terms of privacy, overlooking, sunlight and daylight, and noise upon the surrounding residents. As such, the proposal is considered to satisfy the relevant criteria of saved policy DEV2 of the Council's Unitary Development Plan (1998), policy DEV1 of the Interim Planning Guidance (2007), policy SP10 of the of the Core Strategy Development Plan Document (2010) and policy DM25 of the Managing Development DPD (Proposed Submission Version 2012) which seek to protect residential amenity.
- 2.6 Transport matters, including parking, access and servicing, are acceptable and accord with policy 3C.23 of the London Plan 2011), policy SP09 of the adopted Core Strategy (2010), saved policies T16 and T18 of the Council's Unitary Development Plan (1998), policies DEV18 and DEV19 of the Council's Interim Planning Guidance (2007) and policy DM22 of the Managing Development Development Plan Document, which seek to ensure developments minimise parking and promote sustainable transport options.
- 2.7 Contributions have been secured towards the provision of affordable housing; education improvements; public realm improvements; community facilities; transportation; health care provision and access to employment for local people in line with Regulation 122 of Community Infrastructure Levy 2010, Government Circular 05/05, saved policy DEV4 of the Council's Unitary Development Plan (1998), policy IMP1 of the Council's Interim Planning Guidance (2007), and policies SP02 and SP13 of the Core Strategy Development Plan Document (2010), which seek to secure contributions toward infrastructure and services required to facilitate proposed development.

3. RECOMMENDATION

- 3.1 That the Committee resolve to **GRANT** planning permission and conservation area consent subject to:
- A. The prior completion of a **legal agreement** to secure the following planning obligations:

Financial Contributions

- a) A contribution of £7,458 towards employment, skills, training and enterprise initiatives;
- b) A contribution of £29,268 towards community facilities and/or leisure .
- c) A contribution £99,497.14 towards education:
- d) A contribution of £789 towards Highways and Transportation for sustainable transport modes.
- e) A contribution of £23,848 towards Health
- f) A contribution of £3,282.86 towards s.106 monitoring fee

Non Financial Contributions

- g) 29% affordable rent residential units on a habitable room basis in building C
- h) The completion of a car-free agreement
- i) Access to employment initiatives for construction through 20% of non-technical total construction jobs to be advertised through the Council's job brokerage service.
- j) an expectation that 20% of total value of contracts which procure goods and services are to be achieved using firms located within the borough.
- k) Any other obligation(s) considered necessary by the Corporate Director Development and Renewal

Total financial contribution: £164,143

- 3.2 That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above
- 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:
- 3.4 **Conditions – Planning Permission**
 - 1. Time limit – Five Years
 - 2. Development in accordance with the approved schedule of drawings
 - 3. Arboricultural report and tree protection plan/measures
 - 4. Landscaping and public realm enhancement plan
 - 5. Travel Plan
 - 6. Scheme of Highway improvements necessitated by development
 - 7. Detail of Highway Works to be completed through S278 agreement
 - 8. Hours of construction (08.00 until 17.00 Monday to Friday; 08.00 until 13:00 Saturday. No work on Sundays or Bank Holidays)

- 9 Secured by Design Assessment;
- 10 Impact piling method statement;
- 11 Detailed specification of minimum 10% wheelchair units;
- 12 Lifetime Homes;
- 13 Details of hard and soft landscaping including materials;
- 14 Details of necessary highway works;
- 15 Details of secure cycle storage
- 16 Details of construction management plan
- 17 Details of delivery and servicing management plan
- 18 Details of ventilation and extraction;
- 19 Refuse and recycling;
- 20 Means of access and egress for people with disabilities;
- 21 Post-completion noise testing;
- 22 Energy Efficiency and Renewable Energy
- 23 Code for Sustainable Homes
- 24 Standard hours of construction unless otherwise agreed in writing;
- 25 Power/hammer driven piling/breaking (10am - 4pm Monday to Friday);
- 26 Details of external lighting
- 27 Details of a Biodiversity Management Plan
- 28 Hours of Operation of Commercial Use in Block C
- 29 Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal.

3.5 **Informatives**

- 1) Section 106 agreement required;
- 2) Section 278 Highways agreements required;
- 3) Contact Thames Water regarding installation of a non-return valve, petrol/oil-interceptors, water efficiency measures and storm flows;
- 4) Contact LBTH Environmental Health;
- 5) Contact LBTH Parking;
- 6) Contact Environment Agency;
- 7) Contact Thames Water
- 8) Contact London Fire & Emergency Planning Authority;

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

Conditions – Conservation Area Consent

- 1) Demolition work within 3 years;
- 2) Grampian condition preventing demolition works until submission of construction contract relating to associated planning permission;
- 3) Demolition Environmental Management Plan.

Informatives

- 1) Building Control Department with regard to the submission of a Demolition Notice;
- 2) Submission of a Demolition Notice to Building Control;

4. PROPOSAL AND LOCATION DETAILS

Background

- 4.1 The Council refused planning permission on the 4 August 2009 (PA/09/00766) for the *“Demolition of existing buildings and redevelopment to provide two buildings of between four and eight storeys comprising 50 (13 x 1 bed, 31 x 2 beds and 6 x 3 beds) residential units and 322 square metres of commercial floorspace (Use Classes A1, A2, A3 or A4) including parking, loading, cycle parking, public amenity space and associated development”*. A subsequent appeal by way of an Informal Hearing was dismissed on the 2 November 2010. The appeal was dismissed on the grounds that the form and scale of the proposed development would not preserve or enhance the character and appearance of the conservation area and the Grade II Listed Building.
- 4.2 An application for Conservation Area Consent was also submitted for (PA/09/00767) *“Demolition of existing buildings in association with redevelopment of the site for mixed commercial and residential use”*, this was also dismissed.

Proposal

- 4.3 Planning permission is sought for the development of the three separate buildings of the site, one on the north side (building A) and two on the south side of the Hertford Union Canal (Buildings B and C) to provide 34 flats and a mixed use element on the ground floor of block C to provide 64sqm of floor space within a range of Use Classes A1, A2, A3, B1 and D1. Creation of new public open space, together with associated works including landscaping, highway improvements, cycle parking, servicing and plant. The proposal is a car free development. The proposal involves the demolition of two unlisted former warehouse buildings, a single storey building at the southern boundary of the site and to the north of the canal a larger two storey building. An application for Conservation Area Consent has been submitted for this part of the scheme.
- 4.4 It is proposed to build a total of 34 residential units in a mix of 5 x 4 bedroom houses, 10 x 1 bedroom flats, 15 x 2 bedroom flats and 4 x 3 bedroom flats. Building A is located on the north west side of the canal junction and comprises a part three part four storey block (including roof space accommodation) six flats (4 x 1 bed and 2 x 2 bed) and five x 4 bed three storey houses. Building B, located on the south east side of the canal is the largest part of the proposal and comprises a six storey building (also with roof space accommodation) of 5 x 1 bed and 11 x 2 bed flats, including 2 wheelchair accessible units. Building C is the smallest element in the proposal and is a four storey block that includes the proposed commercial use on the ground floor with seven flats on the upper floors, comprising 1 x 1 bed, 2 x 2 bed and 4 x 3 bed flats including the 2 wheelchair accessible units.

Site and Surroundings

- 4.5 The application site has an area of 0.2437 ha. It is located on the west side of Grove Road adjacent to the junction with Old Ford Road. The site comprises the westernmost part of the Bow Wharf complex. It is bounded by Grove Road to the east, the Hertford Union Canal to the north, the Grand Union Canal (Regents Canal) to the west and Wennington Road and Gardens to the south.
- 4.6 The layout of the site features two parcels of land that are connected by the stoplock bridge which carries the towpath and road over the Hertford Union Canal. It is a Grade II Listed Building. On the northern plot is a large, vacant warehouse building that adjoins the towpath and is known as 221 Grove Road. On the southern plot is a smaller linear building. These are the buildings that it is proposed to demolish. Alongside that is another linear low rise warehouse building that is in use as a Thai restaurant. While the rest of the plot comprises hard standing and is in use as a car park
- 4.7 Access to the site is from Old Ford Road to the west (via the stoplock bridge) and from Grove Road to the north; this is also a pedestrian access. Due to weight restrictions on the listed bridge, vehicular servicing is carried out along Grove Road. The remainder of Bow Wharf is the already developed area to the east of the application site that comprises small scale warehouse buildings and a larger converted brick warehouse building with a striking tall chimney.
- 4.8 With the exception of the open land towards the south of the site, the surrounding area is predominantly residential; immediately to the north of the site on the opposite side of the Hertford Union Canal is a three storey terrace known as Royal Victor Place and its car parking area adjoins the northern boundary of the application site. To the north west of that is a Grade II Listed terrace, 236 – 256 Old Ford Road, while across the Regents Canal to the west of the site is newer high rise development in the six tower block development of the Cranbrook Estate, which rises from 14 to 16 storeys and dates from the 1950's. Eastwards, along the Hertford Canal are more warehouse buildings extending towards Grove Road, whilst to the south east of the host site is Wennington Green Park (Metropolitan Open Land).

Planning History

- 4.9 The following planning decisions are relevant to the application:

- BW/93/37 Victoria Park Wharf and Park Wharf (now known as Bow Wharf) - *Change of use from industrial use to a Canalside arts and crafts village comprising mixed B1 and retail use with artist studios and ancillary music workshop and two restaurants. Provision of 'Pavilion' retail units, external alterations to existing buildings, boundary treatment and landscaping together with car parking, granted planning permission, 18th November 1993.*
- BW/94/62 Victoria Park Wharf and Park Wharf (now known as Bow Wharf) - *Removal of Condition 1, limiting the use of site for 5 years, imposed on planning permission granted on 18th November 1993 (Ref. No. TH.668?BW/93/97), granted planning permission, 20th March 1995.*

- BW/95/26 Park Wharf (now known as Bow Wharf - *Provision of 'Diner' restaurant unit to north-east corner of site adjoining the Canal and bridge*, granted planning permission, 3rd April 1995.
- BW/95/110 First Floor, Former 'Nicobond Glue Factory' Building - *Change of use from mixed artist 'gallery' / A3 use to a childrens indoor soft play area*, granted planning permission, 15th November 1995.
- BW/95/109 Pavilion Arts/Crafts Retail Units', main piazza - *Change of use of approved retail pavilions in main 'Piazza' from A1 retail use to A3 restaurant use*, granted planning permission, 15th November 1995.
- BW/95/81 First Floor, British Waterways Warehouse - *Change of use to 'Comedy Theatre Cabaret Club' with ancillary dining and dancing*, granted planning permission, 11th December 1995.
- PA/08/616 Bow Wharf – *Change of use from warehouse to gymnasium/fitness centre*, granted planning permission, 17th July 1998.
- PA/98/1207 Glue Factory, part ground floor and first floor – *Change of use from galleria/A3 (restaurant) use to health club/gymnasium use*, granted planning permission, 15th December 1998.
- PA/98/1206 Units 1-6 – *Change of use from Galleria units to A3*, granted planning permission, 12th January 1999.
- PA/01/1581 Unit 4, The Pavilion – *Retention of a chauffeur service business*, granted planning permission, 24th January 2002.
- PA/01/1787 Unit C1 to C3 – *Continuation of use of an office to direct mini-cab, chauffeur, private-rental and courier services*, granted planning permission, 1st February 2002.
- PA/03/339 Unit P5-P7 – *Change of use to direct mini-cab, chauffeur, private-rental and courier services*, granted planning permission, 4th September 2003.
- PA/02/951 Bow Wharf - *Demolition of existing buildings and redevelopment of the site to provide a part four and part five storey development (with mezzanine), comprising the provision of 9no. Class B1 units and 32no. Residential units, together with the erection of new first floor level pedestrian footbridge over the canal*, refused planning permission, 26th July 2004.
- APP/
E5900
/A/04/
1159432 Appeal dismissed by the Planning Inspectorate, 31st May 2005.
- PA/02/952 Bow Wharf - *Demolition of a single storey warehouse on the north side of*

Hertford Union Canal and demolition of a single storey cottage on the boundary of Wennington Park to allow for construction of 9no. Class B1 units and 32no. Residential units, refused planning permission, 26th July 2007.

APP/E5900 /E/04/1159433 Appeal dismissed by the Planning Inspectorate, 31st May 2005.

PA/03/293 Bow Wharf - Reinforcement and restoration works to the existing bridge, refused planning permission, 26th July 2004.

App/1159434 Appeal dismissed by the Planning Inspectorate, 31st May 2005.

PA/05/78 Unit P5-P7 – Continuation of use as a mini-cab/chauffeur service/courier service. (Following expiry of temporary use), granted planning permission, 24th March 2005.

PA/00766 Demolition of existing buildings and redevelopment to provide two buildings of between four and eight storeys comprising 50 (13 x 1 bed, 31 x 2 beds and 6 x 3 beds) residential units and 322 square metres of commercial floorspace (Use Classes A1, A2, A3 and A4) including parking, loading, cycle parking, public amenity space and associated development, refused planning permission 4th August 2009

PA/00767 Demolition of existing buildings in association with redevelopment of site for mixed commercial and residential use (Conservation Area Consent), refused 4th August 2009

APP/E5900/A/10/ 2121940 Appeal dismissed by the Planning Inspectorate, 2nd November 2010.

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:

Government Planning Policy Guidance/Statements

5.2	PPS1	Delivering Sustainable Development
	PPS3	Housing
	PPS5	Planning and the Historic Environment
	PPG13	Transport
	PPG 17	Planning for Open Space , Sport and Recreation
	PPG24	Planning and Noise
	NPPF	Draft National Planning Policy Framework

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

5.3	Policies:	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 recreational facilities
- 3.7 Large residential development
- 3.8 Housing Choice
- 3.9 Balanced and mixed 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
- 4.4 Managing industrial land and premises
- 5.1 Climate change mitigation
- 5.2 Mitigating carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.4 Retrofitting
- 5.5 Decentralised energy in development proposals
- 5.7 Renewable energy
- 5.8 Innovative energy technologies
- 5.9 Overheating and cooling
- 5.10 Urban greening
- 5.11 Green roofs and development site environs
- 5.21 Contaminated land
- 6.3 Assessing 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
- 7.8 Heritage assets and archaeology

Core Strategy 2010

- 5.4 Strategic Policies
 - SP02 Urban living for everyone
 - SP06 Delivering Successful Employment Hubs
 - 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

Unitary Development Plan 1998 (as saved September 2007)

- 5.5 Policies:
 - DEV1 Design Requirements
 - DEV2 Environmental Requirements
 - DEV3 Mixed Use Developments
 - DEV4 Planning Obligations

DEV12	Provision of Landscaping in Development
DEV28	Demolition in Conservation Areas
DEV37	Alterations of Listed Buildings
DEV39	Development Affecting the Setting of a Listed Building
DEV50	Noise
DEV51	Soil Tests
DEV55	Development and Waste Disposal
DEV56	Waste Recycling
DEV57	Development Affecting Nature Conservation Areas
DEV60	Vacant/Derelict land as Nature Areas
DEV63	Designation of Green Chains
DEV64	Strategic Riverside Walkway Designation
DEV65	Protection of Existing Walkways
EMP1	Encouraging New Employment Uses
EMP8	Encouraging small business growth
HSG7	Dwelling Mix and Type
HSG13	Standard of Converted Dwellings
HSG15	Preservation of Residential Character
HSG16	Provision of Housing Amenity Space
T7	The Roads Hierarchy
T16	Traffic Priorities for New Development
T18	Pedestrians and the Road Network
T21	Pedestrian Needs in New Development
OS9	Children's Play Space
U2	Development in Areas at Risk from Flooding
U3	Flood Protection Measures

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

5.6	Policies	DEV1	Amenity
		DEV2	Character and Design
		DEV3	Accessible and Inclusive Design
		DEV4	Safety and Security
		DEV10	Disturbance from Noise Pollution
		DEV13	Landscaping and Tree Preservation
		DEV15	Waste Recyclables Storage
		DEV16	Walking and Cycling Routes and Facilities
		DEV17	Transport Assessments
		DEV18	Travel Plans
		DEV22	Contaminated Land
		EE2	Redevelopment / Change of Use of Employment Sites
		HSG1	Determining Residential Density
		HSG7	Housing Amenity Space
		HSG9	Accessible and Adaptable Homes
		CON1	Listed Buildings
		CON2	Conservation Areas

Supplementary Planning Guidance/Documents

5.7	Planning Obligations SPD
	SPG Residential Space Standards
	SPG Canalside Development

SPG Landscape Requirements

Managing Development DPD Proposed Submission Version (2012)

5.8	DM3	Delivering Homes
	DM4	Housing Standards and Amenity Space
	DM8	Community Infrastructure
	DM9	Air Quality
	DM10	Delivering Open Space
	DM11	Living Buildings and Biodiversity
	DM12	Water Spaces
	DM13	Sustainable Drainage
	DM14	Managing Waste
	DM15	Local Job Creation and Investment
	DM16	Office locations
	DM22	Parking
	DM23	Streets and the Public Realm
	DM24	Place Sensitive Design
	DM25	Amenity
	DM 27	Heritage and the Historic Environment
	DM29	Achieving a zero-carbon borough and addressing climate change

Community Plan

5.9 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

6. CONSULTATION RESPONSE

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

6.2 The following were consulted regarding the application:

Corporate Access Officer

6.3 The existing public realm/estate environs including access up and on to the canal is in a poor state and development should not commence until a binding condition is met that provides an accessible public realm for the application site.

6.4 **Officer Comments:** *Along with a condition requiring that the development be built to Lifetime Homes standards, another condition is recommended in the report requiring that details of a fully accessible and inclusive public realm for the scheme are submitted for approval before the development commences.*

LBTH Biodiversity

- 6.5 Although there is little of biodiversity interest on the application site itself, it is a key location for enhancing biodiversity. The site is at the junction of two canals, both of which are part of a site of Metropolitan Importance for Nature Conservation. The Hertford Canal is also a Green Corridor, linking the Grand Union Canal system with Victoria Park, Mile End Park and the Lea Valley.
- 6.6 The survey report does not address the impact, which is likely to be minor, on biodiversity along the canal banks from Block B, a six storey building. The Lighting Strategy in the Design and Access Statement indicates that there would be light spillage across the whole width of the canal from blocks A and B and there is concern regarding the effect on habitats, notably bats, which are a protected species. Mitigation of shading on canalside biodiversity and light spillage on habitats will be required by a condition.
- 6.7 To ensure that no breach of protected species legislation occurs, the condition should also require that the demolition of buildings that is proposed should take place during the winter period (November to March) as there is a possibility, referred to in the survey report, that small numbers of bats and black redstarts roost there. If this is not feasible, soft demolition techniques, carried out with an ecologist present should be arranged. If demolition is proposed between may and July then black redstart surveys should be carried out beforehand and if species are found to be nesting there, demolition would have to be delayed before the young have fledged.
- 6.8 **Officer comment:** *The advice regarding mitigation of light spillage on habitats and shading impacts on canal side bio diversity is noted and conditions are recommended requiring details to be submitted in the form of a Biodiversity Management Plan showing how these impacts can be ameliorated satisfactorily.*

Head of Building Control

- 6.9 No response received

Energy Efficiency Unit

- 6.10 Whilst the proposed energy strategy falls short of the requirements of DM Policy DM29 (which seeks a 35% reduction in CO2 emissions) the anticipated CO2 savings are in accordance with adopted development plan of 25% (London Plan Policy 5.2) and the applicant has demonstrated the CO2 savings have been maximised through energy efficiency measures and the integration of renewable energy technologies.
- 6.12 The applicant has provided a robust justification for the omission of a CHP and a communal gas system is also not considered feasible due to the scale of the development and site constraints (including the Hertford Union Canal).
- 6.13 Therefore, the CO2 savings proposed for this development are considered acceptable in this specific instance. The applicant has proposed to achieve a Code for Sustainable Homes Level 4 rating for all units which is also supported by Sustainable Development Team. The energy strategy (including the additional

information) and Code for Sustainable Homes level 4 achievement should be secured through appropriate conditions. The following conditions are recommended: Energy Efficiency and Renewable Energy and Code for Sustainable Homes.

- 6.14 **Officer comment:** *This advice is noted; the two conditions have been included in the recommendation.*

LBTH Development Design and Conservation

- 6.15 The redevelopment of the site is welcomed; The overall treatment of the design and appearance of the proposed development, the materials and character, scale, height, bulk and massing of the scheme and the palette of materials that have been selected are in accordance with the detailed discussions that took place at the pre - application meeting.
- 6.16 At the meeting careful consideration was given to how the three distinct units would relate to the existing setting of buildings and places in the canal side conservation. Officers stressed that the proposed blocks must not dominate the domestic scale of the existing buildings. A contemporary design was not ruled out providing it complied with this requirement; however the applicants have chosen a pitched roof and a perpendicular design that respects the traditional Victorian dockside character of the locality, which is acceptable.
- 6.17 The layout of the proposed development has taken account of the need to have the entrances and approach to the three buildings designed and located so that natural surveillance can be achieved through active frontages that create interaction between the public, semi private and private spaces in the scheme. The access to Block A from the canal is consistent with this approach, as is the location of the entrance, refuse bin and cycle storage and the layout of private amenity space, all of which are in open, legible places.
- 6.18 The overall massing of Block A has been reduced in comparison with the previous proposal, with only a single residential unit in the roof space. The part two storey part three storey terrace of houses respects the human scale and rhythm of the adjacent terrace, Royal Victor Place. The discreet ramp at the side of the canal path leading to the gated entrance is another understated feature that reduces the overall impact of the building in relation to the changing levels of the canal towpath.
- 6.19 The pre application advice stressed that the relationship between Block B and the local listed warehouse building is important, as it is the block that provides a transition between the old and the new. In this regard the applicants have taken care to design all three of the buildings to respect the architectural integrity of the original canal side buildings, of which the locally listed warehouse is the best example.
- 6.20 The design of Block C, which has a mixed use element on the ground floor of the building, has also been designed to concur with the advice given at the pre application stage. The need to have an active frontage that provides a transition between the public nature of the piazza and the semi private entrance to the residential accommodation on the upper floors has been met. The taller floor to ceiling heights of the mixed use element on the ground floor of the building responds well to the location of the public zone, creating a transition and distance between the

private, residential part of the building and the public realm.

- 6.21 The introduction of a colonnade between Blocks B and C comprising an arcade of brick columns to support the upper floors of Block B continues the openness of the piazza and retains views of the locally listed warehouse from the direction of the canal towpath. The layout of the public realm and routes through the site is well designed and legible.
- 6.22 The relationship between Block B and the existing locally listed warehouse building is important; Block B has also been sensitively designed as per the pre application discussions that took place. The footprint of the proposed building has been set back from southern wall of the existing warehouse building by 4m and set aside by 3m from the western flank wall to ensure that no uneven junction is created between the proposed gable end wall and the gable end wall of the existing building.
- 6.23 A link between the two buildings is proposed on the eastern flank wall of Block B in the form of a lightweight steel and glass fire escape staircase, which will be enclosed by a one - way gate at ground floor level. This creates unity between the two buildings, whilst ensuring that views of the locally listed building are preserved.
- 6.24 Overall the proposal respects the architectural integrity and the open layout of the canal side locality. The buildings have sufficient setting around them to respect the canal banks and the listed towpath, rather than bearing down on them and cramping the space around these features.
- 6.25 The use of common building materials in each of the three buildings, i.e., dark stock brickwork with limited dark rendered panels, slate tiled roofs and steel railings and balustrades also welcomed and in keeping with the character of the conservation area.

Crime Prevention Design Advisor

- 6.27 The undercroft adjacent to Block C could be an opportunity for anti social behaviour and loitering; it will need to be well lit and have CCTV installed to reassure passers by that it will be a safe passage. This will be secured by a condition and undertaken and monitored by the landowner (British Waterways Board) as an extension to their existing security management arrangements at the adjacent commercial/ retail development.
- 6.28 A similar arrangement will need to be made for the entrance to Block B, because it faces trees and shrubs, it is not overlooked and therefore does not have natural surveillance. The entrance gate leading to this block should be 2.4m in height, it should be robustly built and be non-climbable.
- 6.29 All boundary walls and fences should be 2.4m in height. All entrances, doors, walls, fences and railings, external and internal lighting should be designed to meet SBD (Secured By Design) standards.
- 6.30 **Officer comment:** *The comments are noted and a condition is recommended requiring that the proposal will be compliant with the principles of 'Secured by*

Design' and 'Safer Places'.

Waste Policy and Development

- 6.31 No objection is made provided that the commercial units that are proposed have adequate storage for waste and that it is segregated from the storage units for the residential part of the development. Access to bin stores must be located without hindrance from bollards, trees, parking bays and dropped kerbs. These details should be sought by a condition.
- 6.32 **Officer comment:** *The advice is noted and an appropriate condition is recommended in the report.*

LBTH Housing Development and Private Sector

- 6.33 Following an independent review of the applicant's viability toolkit, it has been established that the scheme cannot deliver more than 29% affordable housing. This is below the Council's minimum requirement of 35%, however policy does allow for viability to be considered.
- 6.34 The affordable element is split 83%:17% in favour of rented, this is outside the Council's policy target of SP02 (4) 70%:30% split.
- 6.35 The unit mix within the affordable rented proposes 14% of one beds against a target of 30%, 29% of two beds against our target 25%, 57% of three beds against our target of 30%. The scheme proposes no four or five within this tenure type. Overall our SP02 target requires 45% affordable family housing within so we would find the higher provision of three beds acceptable.
- 6.36 Within the intermediate the applicant proposes to deliver 50% one beds against our target of 25%, 50% of two beds against our target of 50%. There is no provision of family units within the tenure type.
- 6.37 The applicant is proposing to deliver the rented element at Affordable rent. We need to see the rent assumptions to ensure they are in line with the parameters set by POD for that area.
- 6.38 This offer has undergone independent viability testing and on balance we would be supportive.

LBTH Environmental Health – Air Quality

- 6.39 The scheme must comply with statutory requirements including the Housing Act and the Building Regulations
- 6.40 **Officer Comments:** *This advice is noted and will be the subject of an Informative in the recommendation.*

LBTH Environmental Health - Contaminated Land:

- 6.41 The proposal must comply with the Tower Hamlets Construction Policy, The Control

of Pollution Act 1974 and BS5228:2009 (Code of Practice for Noise and Vibration Control on Construction Sites) to ensure prevention of noise and dust nuisance infringements under the Environmental Protection Act 1990.

- 6.42 **Officer Comments:** *This advice is noted and will be the subject of an Informative in the recommendation.*

LBTH Environmental Health – Micro Climate

- 6.43 To date no response received.

LBTH Environmental Health – Noise and Vibration

- 6.44 To date no response received.

LBTH Highways and Transportation

- 6.45 The proposal includes a single on site disabled car parking space which is welcomed. The development is car - free, which is also welcomed. The planning permission must include a S106 car free agreement to promote sustainable development and to prevent future occupiers from applying for on-street parking permits. 38 cycle spaces will be provided for the residential element of the scheme and 2 spaces for the commercial use. Whilst this level of provision is supported, there is no information provided on the type of cycle stand to be used, nor is it demonstrated that the minimum number of stands can be accommodated in the areas shown on the plans. Details of secure cycle storage will therefore be required by a condition.
- 6.46 The proposed commercial unit (approximately 64sqm) is unlikely to generate large volumes of servicing trips. The development proposes an area of hard standing adjacent to the proposed commercial unit which can be used by a transit van sized vehicle for servicing. The proposed commercial unit can also use the same servicing arrangements as the existing units on the site whereby vehicles can park in a designated area within the adjacent Bow Wharf car park and then transport the goods to the proposed commercial unit.
- 6.47 A Service Management Plan should be secured via condition to control the servicing (locations, size of vehicle using the area of hard standing, frequency of servicing movements and times during which servicing can take place). The Applicant is advised to avoid service vehicle movements along the access road during peak times of pedestrian and cyclist movement.
- 6.48 Refuse collection activities will also have to be managed as part of the Delivery and Servicing Management Plan.
- 6.49 Highways will seek a contribution towards public realm/highway improvement works. As identified in the previous Highway comments and within the TS submitted in support of the current application, works are required at the site access junction onto Old Ford Road, including the provision of visibility splays at the site access junction onto Old Ford Road. This will be secured in a S278 agreement with the applicants.

- 6.50 A Construction Management Plan and a Delivery and Servicing Management Plan are to be secured via condition along with a condition requiring all private forecourt/areas to be drained within the site and not into the Public Highway.
- 6.51 A condition requiring highway improvements on Old Ford Road will be necessary to serve this development.
The works shall include:
- i. Any Closure of the existing accesses;
 - ii. Reconstruction of footway adjacent to site boundary;
 - iii. Removal, trimming or planting of highway trees;
 - iv. Construction of a new carriageway where necessary;
Alteration and/ or reconstruction of existing carriageways including all necessary stripping and resurfacing;
 - vi. Taking up and reuse of existing kerbs where appropriate;
 - vii. Alteration of existing surface water drainage systems as appropriate and where necessary;
 - viii. Taking down and erection of existing traffic signs and the provision of all new necessary traffic signs;
 - ix. Provision of all necessary road markings;
Diversion of statutory undertakers equipment where essential as part of the highways works with the costs of such diversions being met by the owner;
Preparation and implementation of all necessary traffic regulation orders where appropriate.
- 6.52 The footway and carriageway on the surrounding highway must not be blocked during the construction and maintenance of the proposal. Temporary obstruction during the construction must be kept to a minimum and should not encroach on the clear space needed to provide safe passage for pedestrians, or obstruct the flow of traffic along the surrounding highway.
- 6.53 No skips or construction materials shall be kept on the footway or carriageway on the surrounding highway at any time.
- 6.54 All construction vehicles must only load/unload/park at locations and within the times permitted by existing on-street restrictions.
- 6.55 ***Officer comments:*** *The proposed highway improvements will be secured by a S278 agreement, which will also be subject to a condition. The car and permit fee development will be included in the heads of terms of the S106 agreement. A service management plan and secure cycle storage is also recommended to be conditioned.*

LBTH Arboriculture Officer

- 6.56 No objections are made to the proposal

LBTH Directorate of Children's Services.

- 6.57 To date no comments have been received.

LBTH Communities Localities and Culture

6.58 To date no comments have been received.

Olympic Delivery Authority

6.59 To date no comments have been received.

Property Shared Service Centre (British Waterways)

6.60 To date no comments have been received.

English Heritage

6.61 To date no comments have been received.

Environment Agency

6.62 To date no comments have been received

Tower Hamlets Primary Care Trust

6.63 To date no comments have been received

Inland Waterways Association

6.64 To date no comments have been received

Canalside Consult Committee

6.65 To date no comments have been received

Thames Water Utilities Limited

6.66 To date no comments have been received

London Fire and Civil Defence Authority

6.67 To date no comments have been received

Lee Valley Regional Park Authority

6.68 To date no comments have been received

7. LOCAL REPRESENTATION

7.1 A total of 298 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. [The application has also been publicised on site.] The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

7.2 No of individual responses: 68 Objecting: 67 Supporting: 1

7.3 The following local groups/societies made representations:

CADAP (Conservation and Design Advisory Panel)

7.4 The majority of the group concluded that the proposed development is a reasonable use of the site that will enhance the existing location, although concern was had for what was regarded as an over development of the canal side. The balconies that are proposed are regarded as intrusive and that Juliette balconies with a space behind them should be considered as an alternative.

7.5 **Case Officer comment:** *The suggestion that the projecting balconies be replaced by recessed Juliette balconies set within an internal space has been considered, but it was agreed by officers and the applicants that to provide them would compromise internal floor space requirements and reduce amenity standards for the development.*

7.6 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:

Effect on the Conservation Area/ Listed buildings

7.7 Although the proposed blocks have been reduced in scale and height they are still too large in comparison with surrounding development and are out of keeping with the character and appearance of buildings in the Victoria Park Conservation Area

7.9 The proposed development is an over development of the site that is too close to the canal and will have an overbearing impact on it. The proposal will crowd the area around the listed stop lock and will result in a canyon of new build development that will dominate the bridge and the towpath, this particularly true of Block A and the proposed three storey terrace.

7.10 The decisions made by the Planning Inspectorate provide a benchmark against which all subsequent schemes must be judged; they stress the need to respect the locally listed buildings and the historic open spaces of Bow Wharf, the special character of the canals at the historic canal junction and the setting and character of the Listed stop lock bridge. The proposed development would overwhelm the locally listed buildings and detract from the special character of the conservation area.

7.11 The application site as it stands makes a positive contribution to the character and appearance of the Regent's Canal Conservation Area and should be retained as such.

7.12 **Case Officer comment:** *It is considered that the design and layout of the proposed development is in keeping with the character of the existing canal side buildings and respects their scale, massing and their Victorian warehouse appearance and form. The development has been designed to take great care that it does not have an*

overbearing effect on the setting of the canals and the stop lock bridge that is at the junction of them.

7.13 *The development has been set out with the natural constraints of the surrounding area in mind, i.e., the canals themselves and the open space that extends to the south of the site. The layout of the proposed development broadly respects the building line of the warehouse buildings on either side of Hertford Union Canal, while the piazza provides adequate setting and relief at the core of the development and, crucially, alongside the principle feature of the locality, the Listed stop lock bridge.*

7.14 *It is concluded therefore, that the proposal would not have an overbearing effect on the listed bridge and would not be out of keeping with the character and appearance of the conservation area.*

Residential Amenity

7.15 *Overlooking and loss of privacy will occur from windows in the proposed development which will be directly opposite rooms of residents in Twig Folly Close and Velletri House.*

Proposal will result in more noise, a deterioration in air quality , more litter in the area

Disruption during construction of the building

Construction lorries with heavy loads will damage the Listed bridge during the demolition/construction phase.

7.16 ***Case Officer comment:*** *The buildings in the Cranbrook Estate are a considerable distance to the west of the application site, on the far side of the Regent's Canal. Twig Folly Close is the nearest building to the site and it is roughly 20m to the south west of proposed Block C, across the canal. Given the orientation of the respective buildings, overlooking and loss of privacy from the proposed block C would be oblique, as the principle canal side frontage of that building is north facing, whereas the habitable room windows in the first and second floors of proposed block C (of which there are four, serving bedrooms; the ground floor is the location for the proposed mixed use unit, whose windows would be on the northern return frontage facing the piazza) are south west facing.*

7.17 *Velletri House is even further west and is roughly 85m from the canal bank. In these circumstances, overlooking and loss of privacy to residents in that building from the proposed development is not feasible.*

7.18 *The nearest residential properties that could be adversely affected by the proposed development are at Royal Victor Place, a two storey residential terrace that is on the opposite side of the Hertford Union Canal to the north east of proposed block B at a distance of approximately 21.5m and no's 36 -256 Old Ford Road, a Grade II Listed Victorian terrace. This terrace faces north towards Victoria Park and block A would be at the rear of these houses at a distance of approximately 30m. In such circumstances it is concluded that the residential amenity of both of these existing developments would not be adversely affected by overlooking and loss of privacy or loss of outlook.*

7.19 *The proposal will be subject to conditions requiring that it has adequate means of*

storage of refuse and waste. Noise is one of the hazards under the Health and Housing Risk Rating Scheme. Sound insulation testing report[s] should be provided to Environmental Health to demonstrate compliance with Part E of the Building Regulations: Resistance to the Passage of Sound.

- 7.20 *Construction and demolition noise will be subject to a condition limiting hours of work from 0800 to 16 00 on weekdays. Use of pile drivers and other construction equipment is controlled by a further condition. Building works are also subject to environmental health legislation on noise and air pollution and the construction firm is a signatory of the Considerate Construction Code of Practice. In the same way, the works for the highway improvements will be strictly controlled by the requirements of a condition on a Construction Management Plan and a Service Management Plan.*
- 7.21 *Finally, as the proposed development will be car free, the negative impacts that are associated with car borne travel on residential amenity and on the quality of the environment of noise and disturbance from traffic and a deterioration in air quality will not result.*

Impact upon open space

- 7.22 Overshadowing of the canal banks will be harmful to local flora and fauna.
- 7.23 **Case Officer comments:** *The Council's Biodiversity officer has advised that although there is little of biodiversity interest on the application site itself, it is a key location for enhancing biodiversity and for this reason; mitigation of shading on canalside biodiversity and light spillage on habitats will be required by a condition.*

Highways impacts

- 7.24 Car free development is a charade that exploits green /sustainable objectives. It is widely acknowledged that such schemes in LBTH are abused by new residents who acquire parking permits from friends or relatives and park in nearby streets or on estates that are already congested with traffic.
- 7.25 Access to the site is poor; refuse collection vehicles, emergency vehicles and delivery vehicles will have problems negotiating the site and this will put a further strain on local facilities. The Grove Road public car park is already under pressure.
- 7.29 **Case Officer comments:** *The permit free agreement, once in place, will be monitored by the Council's Highway Department as part of the objective of reducing parking stress in the borough. Access to the site along Old Ford Road is to be upgraded by a S278 Agreement with the applicants, who will contribute £25,200, the estimated cost of the programme. This will involve resurfacing of the carriageway, renewal of the footway, alteration of existing surface water drainage systems as appropriate, improving visibility by taking down existing traffic signs and the provision of all new necessary traffic signs and cutting back and or removing overgrown trees and shrubs.*

8. MATERIAL PLANNING CONSIDERATIONS

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

1. Land Use
2. Density
3. Design
4. Impact Upon Amenity of Neighbours
5. Housing
6. Energy and Sustainability
7. Transport Impacts
8. Other planning matters

Land Use

8.2 The proposal is predominantly residential, however 64 sqm of floor space on the ground floor of Block C is proposed within the A1, A2, A3 B1 and D1 use classes. Bow Wharf site is on the edge of Victoria Park, the largest area of MOL (Metropolitan Open Land) in the Borough and the site is designated in Schedule 2 of the 1998 UDP(Commitments and Proposals) as Victoria Park Wharf, where “leisure, recreation, arts/crafts, retail and water recreation are preferred uses.”

8.3 There are two former employment buildings that it is proposed to demolish. The first is a low rise building that comprises 85 sqm of floor space and was in B1 use. It is in the south west corner of the site adjacent to Wennington Gardens. The second building is a large warehouse at the north western corner of the site that occupies 581 sqm of floor space and was in B8 use (Storage and Distribution).

8.4 Both buildings have been vacant for many years and in the previous scheme marketing evidence was submitted that showed that efforts to find an occupier for the vacant sites had been fruitless. The main problem being the restricted access to the site, which prevents lorries and vans from getting to the premises and the lack of prominence in the location of the two buildings, which would not attract a modern day office/warehouse user.

8.6 Policies EMP1 and EMP8 of the adopted UDP seek employment growth and the development of small businesses. Policies CP11 and policy EE2 of the IPG 2007 seek to protect sites in employment, while policy CP9 seeks to retain employment floor space for small businesses. Policy SP06 of the Core Strategy (2010) also supports these aims, as does DM15, DM16 and DM17 of the DM DPD (2012).

8.7 However, the marketing evidence that was submitted with the previous scheme showed that the use of the site for employment generation has long ceased and this was acknowledged in the pre application process that took place before the current scheme was submitted.

8.8 The site and its surroundings are clearly a post industrial area with a history that is associated with the use of canal traffic. However residential uses are widespread as well and the proposed largely residential use that is proposed would be in keeping with the existing land uses in the locality and with the prime planning aim of building on brownfield sites, where possible. It is concluded therefore that the loss of the employment floor space would not give rise to conflict with relevant employment

policy.

- 8.9 In this regard the proposal is also consistent with national and regional policy; In respect of national policy, PPS 1 'Creating Sustainable Development', promotes the more efficient use of land with higher density, mixed-use schemes. It suggests using previously developed, vacant and underutilised sites to achieve national targets. The effective use of land and the range of incentives/interventions to facilitate this are also encouraged in PPS3 'Housing, while Policy 3.3 of the London Plan (2011) (Increasing Housing Supply) encourages local planning authorities to maximise the potential of meeting strategic housing need targets by permitting mixed use redevelopment, where appropriate of sites with surplus commercial capacity.

Mixed use element

- 8.10 The ground floor commercial element of the scheme is relatively small (64 sqm) However it will be a focal point of the public realm and if, for example it becomes a retail use there will be considerable activity generated by shoppers. To ensure that the proposed use does not have any harmful impacts on the amenity of neighbouring residents, for example in the upper floors of Block C, a condition controlling the hours of operation of the premises is recommended. If retail, use is chosen for the site, and it is understood that to date no potential occupier has been found, details of external fume extraction will be required before the use commences.

Density

- 8.11 National planning guidance in PPS1: Sustainable Development and PPS3: Housing, 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, policy 7.6 – which details design principles for a compact city and strategic policy SP02 (2) of the Core Strategy, which seeks to ensure new developments optimise the use of land that the density levels of housing correspond to public transport accessibility levels and the wider accessibility of the location. Finally, IPG policy HSG1 provides detailed guidance listed below and seeks to maximise residential densities on individual sites subject to acceptable environmental impacts and local context.
- 8.12 In calculating the density of this site reference has been made to table 3.2 of policy 3.4 of the London Plan. The site has an average Public Transport Accessibility Level (PTAL) (3). The site is identified as falling within an 'urban' area. For sites within an urban area with a PTAL range of 3-6 the appropriate density is 300-650 hr/ha (habitable rooms per hectare). The proposed density would be 455 habitable rooms per hectare or 140 dwellings per hectare (net site area), which is the lower end of the density range.

Policy HSG1 of the IPG seek to maximise residential densities on individual sites taking into consideration:

- the density range appropriate for the setting of the site,
- local context and character,
- amenity,

- design,
- housing mix and type,
- access to town centre,
- provision of adequate open space including private, communal and public open space,
- impact on the provision of services and infrastructure, and; the provision of other (non-residential) uses on site.

It is concluded that the residential density of the scheme is moderate and is indicative of the aim of the development to be of a human scale and to be in keeping with the low rise parkland setting of Bow Wharf.

Design

- 8.13 Government Guidance set out in PPS1 promotes high quality and inclusive design, creating well-mixed and integrated developments, avoiding segregation, with well planned public spaces. The PPS recognises that good design ensures attractive, useable, durable and adaptable places and is a key element in achieving sustainable development.
- 8.14 Regional Guidance in Policy 7.1 of the London Plan 'Building London's Neighbourhoods and Communities' sets out over-arching design principles for London. Policy 7.8 of the London Plan requires developments to be sympathetic towards to heritage assets; Policy 7.6 seeks to ensure that new buildings are of the highest architectural quality.
- 8.15 Policy DEV 2 of the IPG and saved Policy DEV1 of the adopted UDP requires that development proposals should take into account and be sensitive to the character of the surrounding area in terms of design, bulk, scale and the use of materials and that the scheme should contribute to the enhancement of local distinctiveness.
- 8.16 Policy SP10 of the Core Strategy DPD (2010) seeks to promote and implement place making across the borough to ensure that the locally distinctive character and context of each place is acknowledged and enhanced. The policy also seeks 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. The policy lists 8 criteria against which development proposals will be assessed in order to ascertain whether they achieve this. Policy DM24 advises similarly.

Layout, scale and height

- 8.17 The three distinct parts of the development have been designed to respect the layout, scale and height of the buildings that they adjoin and the general context of their location. The layout of the buildings respects the pattern and form of development in and around Bow Wharf;
- 8.18 The three buildings are set out so that they remain within the existing building lines on both sides of the Hertford Union Canal. A buffer strip of 3.5m is provided on either side of the canal and the respective building lines of Blocks A and B, while a

similar distance is provided between Block C and the west bank of the Regent's Canal. This also ensures that the scheme does not have an over dominant effect on the Grade II Listed Stoplock bridge, the focal point of the application site and its surroundings.

- 8.19 The scale, height and massing of the proposal respects that of buildings in the immediate area at the junction of the two canals. For example, Block B, the tallest of the three buildings, is sat back from the southern wall of the existing warehouse building by 4m and set back 3m from the western flank wall. Block A steps down from four to two storeys on the party wall with the two storey terrace of Royal Victor Place, while Block C is designed to ensure that the mass of the four storey building does not overwhelm the piazza, which is the public realm of the site, through the introduction of a colonnade at ground floor level, as a permeable route through the site.
- 8.20 The piazza and the colonnade also ensure that there is an acceptable relationship between buildings and spaces and that adequate setting is provided for the buildings, rather than being reliant on the open space to the south of the site for setting.

Impact on the Conservation Area and the Listed Stop Lock Bridge

- 8.21 PPS5: Planning and the Historic Environment, part 3 of strategic policy SP10 of the CS and policy CON2 of the IPG outline that development which would affect the setting of a conservation area should preserve or enhance the special architectural or historic interest of the Conservation Area. Furthermore, part 3 of strategic policy SP10 of the CS and policy CON1 of the IPG outlines the desirability of preserving the setting of a Grade II listed building, when considering applications for buildings that affect the setting of a listed building.
- 8.22 Policies CON1 and CON2 of the IPG seek to ensure that new development does not have an adverse impact on the character of Conservation Areas or Listed Buildings DM27 of the Managing Development Development Plan Document requires that development must not have adverse effects on any of the borough's heritage assets.
- 8.23 The Regent's Canal Conservation Area was designated in October 2008. Prior to that the site was part of the Victoria Park Conservation Area.
- 8.24 Within the site boundary is the Grade II Listed Stop Lock Bridge.
- 8.25 The Regent's Canal Character Appraisal states that "The character of the Regent's Canal is typical of a canal with the water framed by the towpath and then fringed with greenery. Associated with the canal and part of its special character are the locks, lock cottages and bridges associated with its commercial use."
- 8.26 The topography of the canal side location is undulating. Whilst the character of the conservation area varies along the length of the canal, the application site is adjacent to Mile End park and Victoria Park. In these areas the canal is bordered by broad green swathes that create a different character and give the locality the

character of a Green Corridor.

- 8.27 The appearance of the scheme draws heavily on the Victorian dock warehouse character of the existing canal side buildings. Although the scheme includes more glazing than would be usual for an industrial building, a number of the elevations contain the smaller punched casement windows that can be seen in the existing warehouse buildings.
- 8.29 The steeply pitched roofs, uniform fenestration and the vertical emphasis of each of the blocks are in keeping with the appearance and design of commercial and residential properties on either side of the canal.
- 8.30 More importantly however, the reduction in the massing and height of the buildings has overcome the over dominant and visually intrusive impacts that the previous scheme had on the open nature of the canal side conservation area and the stop lock Listed Building, which retains its centrality as the focal point of the locality.
- 8.31 The stop lock bridge has a weight restriction on it and would not be capable of carrying heavy loads. For this reason a condition is recommended requiring that a Construction Management Plan be submitted in order to control the method of delivery of construction materials to safeguard the bridge during the construction phase of the development.

Materials

- 8.32 The palette of materials that are proposed for the scheme, with dark stock brickwork set in brown and grey rendered cladding, slate roof tiles and steel balconies and balustrades are in harmony with the industrial architectural vernacular of the Regent's Canal Conservation Area and the cast iron and timber construction of the stop lock bridge.

NB: An application for Listed Building Consent for the refurbishment of the Stop Lock Bridge has recently been submitted.

Demolition of Buildings in the Conservation Area

- 8.33 An application for Conservation Area Consent has been submitted with the scheme for the demolition of two unlisted warehouse buildings on the site. The first of them is a small scale single storey rendered office building with a concrete slate tiled pitched roof and a brick gable that faces the Hertford Union Canal. The outer wall abuts the footway of Old Ford road. The building is in the south west corner of the site and would be demolished to make way for proposed Block C and the Piazza.
- 8.34 The second building is a much larger structure that is in the north west bank of the Hertford Union Canal. It is brick built with pitch corrugated roofs on steel trusses and has an area of 586 sqm and appears to date from the 1950's.. It would be demolished to make way for the proposed Block A.
- 8.35 Their demolition was accepted in principle in the previous scheme and it was stated in the case officer's report that "neither of these buildings contribute to the setting of the conservation area. It is considered that the demolition of these buildings is in line

with the redevelopment of the site would be acceptable.”

- 8.36 At the subsequent Hearing following the refusal of the planning application, the Inspector concurred with this opinion, saying that he had no objection to the demolition of the buildings provided that they be replaced with an acceptable development. However, as this wasn't the case, the application for Conservation Area Consent was refused.
- 8.37 Both of the buildings have been vacant for a considerable time. They have no architectural merit and they do not make a positive contribution to the character and appearance of the conservation area. It is concluded therefore that the demolition of the two buildings

The Scheme in the Light of the Dismissal on Appeal of the Previous Proposal

- 8.38 The previous development was dismissed on appeal for the sole reason that the development to provide two buildings of between four and eight storeys to provide 50 residential units and 322 sqm of commercial floor space would not preserve or enhance the character or appearance of the Regent's Canal Conservation Area. The Inspector stated that “ The scale of the development would dominate existing buildings at Bow Wharf and Royal Victor Place which have been carefully designed to reinforce the historic canal side character. “
- 8.39 It is concluded that the revised scheme has taken this conclusion into account by reducing the overall scale, massing and scope of the development, thereby lessening significantly the impact on the conservation area and the Listed stop lock bridge. In this respect the proposal is in accordance with national guidance as set out in PPS5.

Impact Upon Amenity of Neighbours

Sense of Enclosure, Outlook, Privacy and Overlooking:

- 8.40 This part of the proposal needs to be assessed against strategic policy SP10 of the Core Strategy (2010), saved policy DEV2 of the UDP policy DEV1 of the IPG and policy DM25 of the MDDPD. These policies seek to ensure that the privacy and amenity of residents is protected from development.
- 8.41 It is not considered that the proposal would have an adverse impact on the amenity of neighbouring residents and that no conflict would arise with relevant policies. The only neighbouring development that could be materially affected by the proposal would be at Royal Victor Place, the long terrace immediately to the east of Block A, the part 4 part 3 storey building. This building steps down to three storeys (including the loft space) adjacent to the existing terrace and although Block A is set forward of the front building line of those properties, there is a gap on the boundary between the respective end of terrace dwellings of 2.3m.
- 8.42 Furthermore, the proposed layout of Block A provides for small front gardens. As such, when assessing the relationship Block A would have with the existing terrace at Royal Victor Place in terms of a a 45% degree exercise, it is found that Block A would not cause any daylighting infringements to the neighbouring properties on its

western boundary.

Impact on Residential Properties – Sunlight

- 8.43 BRE (Building Research Establishment) guidance states that a window facing within 90 degrees of due south receives adequate sunlight if it receives 25% of annual probable sunlight hours including at least 5% of annual probable hours during the winter months.

Daylight:

- 8.44 There are three methods of calculating the level of daylight received known as Vertical Sky Component (VSC), No Sky Line (NSL) and Average Daylight Factor (ADF). BRE guidance sets out that the first test applied should be VSC and if this fails consideration of the NSL test may also be taken into account.
- 8.45 BRE guidance in relation to VSC requires an assessment of the amount of daylight striking the face of a window. The VSC should be at least 27%, or should not be reduced by more than 20% of the former value, to ensure sufficient light is still reaching windows. The NSL calculation takes into account the distribution of daylight within the room, and again, figures should not exhibit a reduction beyond 20% of the former value.

Overshadowing:

- 8.46 An updated shadow analysis was provided by the applicant taking account of changes to the BRE Guidance 2011 which has changed the overshadowing test. As such, it is required that on the 21 March amenity spaces receive sunlight for a minimum of two hours.
- 8.47 The assessment carried out on behalf of the applicants identified no's 1-3 Royal Victor Place as the only neighbouring buildings near to the application site that could be adversely affected by the proposal. These properties are located at the eastern end of the terrace and would be adjacent to Block B, which rises to six storeys.
- 8.48 The findings of the daylight assessment were that all windows in the building, with the exception of one on the ground floor would retain in excess of 27% VSC (Vertical Sky Component) and would be fully BRE compliant. A sunlight assessment of the impact on the properties was not necessary because they face north of east.
- 8.49 It is concluded that the proposal would not cause material loss of daylight to the neighbouring properties in Royal Victor Place and that no conflict would occur with relevant policy. These policies seek to ensure that existing residents adjacent to the site are not detrimentally affected by loss of privacy or overlooking of adjoining habitable rooms or have a material deterioration of daylight and sunlight conditions.

Housing

- 8.50 This section of the report considers the acceptability of the housing provision proposed in terms of key issues including affordable housing provision, provision of family sized units, wheel chair housing, lifetime homes, internal floor space

standards and provision of amenity space.

Affordable Housing

8.51 The application proposes 34 residential units with a total number of habitable rooms of 111. Of these 7 flats would be Affordable Rented (1 x 1 bed, 2 x 2 bed, 2 x 3 bed flats, and 4 x 3 bed maisonettes) and 2 flats would be for intermediate housing (1 x 1 bed and 1 x 2 bed) provided as shared equity low cost home ownership. The tenures proposed are further described at paragraphs below. By habitable room the scheme provides a total of 29% affordable accommodation. There is a split of 83:17 between the affordable rent and shared equity tenures. This is explained in the Table 3 below:

8.52 The application proposes 34 residential units in the following mix when split into private, intermediate and affordable rented tenures:

	Market Sale		Shared Ownership		Affordable Rent		Totals	
	Units	Hab. Rooms	Units	Hab. Rooms	Units	Hab. Rooms	Units	Hab. Rooms
1 Bed	8	16	1	2	1	2	10	20
2 Bed	12	36	1	3	2	6	15	45
3 Bed	-	-	-	-	4	16	4	16
4 Bed	5	30	-	-	-	-	5	30
Totals	25	82	2	5	7	24	34	111

8.53 The unit mix within the affordable rented proposes 14% of one beds against a target of 30%, 29% of two beds against our target 25%, 57% of three beds against our target of 30%. The scheme proposes no four or five within this tenure type. Overall our SP02 target requires 45% affordable family housing within so the higher provision of three beds is considered to be acceptable.

8.54 The Draft National Planning Policy Framework notes that "...where affordable housing is required, (local authorities should) set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities

8.55 Policy 3.11 of the London Plan seeks the maximum reasonable amount of affordable housing, and to ensure that 60% is social housing, and 40% is intermediate housing. Policy 3.9 seeks to promote mixed and balanced communities, with a mixed balance of tenures

8.56 Policies SO7 and SO8 of the Core Strategy (2010) seek to ensure that housing growth is delivered to meet housing demand in line with the London Plan, and

ensure that housing contributes to the creation of socially balanced and inclusive communities, through delivery of housing reflecting the Councils priorities.

8.57 Under a new national planning policy statement, PPS3, issued in June 2011, the definition of affordable housing has changed and now includes social rented, a new product called affordable rented, and intermediate housing.

8.58 **Social rented housing** is defined as:

Rented housing owned and managed by local authorities and registered social landlords, for which guideline target rents are determined through the national rent regime. It may also include rented housing owned or managed by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with the Homes and Communities Agency as a condition of grant.

Affordable rented housing is defined as:

Rented housing let by registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is not subject to the national rent regime but is subject to other rent controls that require a rent of no more than 80 per cent of the local market rent.

Intermediate affordable housing is defined as:

Housing at prices and rents above those of social rent, but below market price or rents, and which meet the criteria set out above. These can include shared equity products (e.g. HomeBuy), other low cost homes for sale and intermediate rent but does not include Affordable Rented housing.

Policy SP02 requires developments to provide 35% affordable housing (subject to viability), and a split of 70:30 between the social rent and intermediate housing tenures. In light of the changes to PPS3 the Council is reviewing the policy position in relation to the provision of affordable housing.

8.59 As part of this review process, on 7th December Officers reported a proposed submission draft of the Managing Development Plan Document to Cabinet. This has now been adopted by members and Policy DM3 of the plan sets out that Council policy is moving towards a recommended tenure split of 35% social rent, 30% intermediate and 35% affordable rent. The direction of travel for housing policy indicated in this document is a material consideration that can be afforded some weight. However, adopted policy, and site specific viability considerations are seen as being of more importance to the acceptability of the housing tenure mix on this site.

8.60 The 1 bed x 2 person and 2 bed x 4 person intermediate units provided would be a shared equity product. In this product the home owner would purchase 75% of the equity of the flat on first occupation. The sale of this equity would be advertised by the RSL owner via the Council's Zone Agent First Steps, as with other shared ownership products. The remaining 25% equity is retained by the RSL, although no rent would be payable by the home owner and they would have the option to "staircase" up to full ownership in the future.

8.61 This product does require a higher initial payment by the purchaser than other shared ownership products (typically a shared ownership product would only require

a minimum purchase of 25% equity). In this case the market value of a 75% equity share will range from £195,000 to £206,250 - depending on the size of the flat. Officers consider that this level of payment would be affordable within the context of the London Plan 2011 definition of intermediate housing. This defines intermediate housing as being affordable to applicants with incomes in the range of £18,100 to £61,400, although the units would only be suitable for applicants with incomes towards the upper end of this range.

- 8.62 The advantage of this approach is that it generates additional income into the scheme at the first sale of the equity units. This income enables the rent levels for the eight affordable rent units to be kept low.
- 8.63 Since the submission of the application officers have negotiated with the applicant in respect of the affordable housing offer. The initial offer was 14% by habitable room and this has been increased to 29% by habitable room.
- 8.64 The applicant has provided a viability toolkit which has been reviewed by an external consultant. Officers consider that the level of affordable housing provision is acceptable in light of scheme viability. Furthermore, whilst the scheme provides a lower number of affordable units overall, the combination of shared equity sales which subsidise rent levels in the large family units, two bed and one bed units for affordable rent is considered to be acceptable.

Dwelling mix:

- 8.65 Policy SP02 of the Core Strategy (2010) requires 30% of development to be 3 bedroom units or larger but within the affordable rented sector 45% should be for families. In this case a total 9 family sized units are provided (4 x 3 bed and 5 x 4 bed), which equates to 26.5% across the scheme. Within the affordable offer 3x4beds equates to 44% units.
- 8.66 It is considered that on balance, given the demand for larger sized 'Affordable Rent' homes which are in demand within the borough, the overall level of family housing provision would be acceptable. As such, it is considered that there is suitable mix of units within the scheme and it would provide for a wide range of occupants, therefore promoting a mixed and balanced community.

Residential Space Standards

- 8.67 The London Plan is the key reference tool for this element of the scheme; has been adopted and Table 3.3 of policy 3.5 introduces new minimum space standards which are higher than the Councils SPG.
- 8.68 Table 1 below indicates that all of the proposed dwellings meet the threshold for each type of residential unit.

No persons	London Plan requirement	Minimum floor space on GIA (Gross Internal Area)
1	37	44.9 sqm
2	50	53.7sqm

3	61	61.4 sqm
4	70	70 sqm
5	86	86.2 sqm
6	99	122.5 sqm

8.69 These figures all exceed the higher standards set in the London Plan; furthermore, the internal layout of each unit is satisfactory. All rooms lead off a central hall way and the stacking of each floor is satisfactory.

Amenity Space

8.70 Part 6d of strategic policy SP02 of the Core Strategy and saved policy HSG16 of the UDP provides that all new housing developments should provide high quality, useable amenity space, including private and communal amenity space, for all residents of a new housing scheme. These policies reinforce the need to provide high quality and usable private external space fit for its intended user, as an important part of delivering sustainable development and improving the amenity and liveability for Borough's residents. The SPG Residential Space Standards (1998), Table DC2 which forms part of HSG7 of the IPG sets out amenity space provision standards and policy DM25 of Managing Development DPD (Proposed Submission Version 2012).

Private Amenity Space:

8.71 All of the units have private amenity space in the form of gardens or balconies. The provision is set out in Table 2 below.

<u>Category</u>	<u>Policy HSG7 Standard</u>	<u>No of units</u>	<u>Policy Requirement</u>	<u>Proposed total</u>
All dwellinghouses, terraces or ground floor units comprising 3 bedrooms or more	50 sqm	5	250	169.5
Ground floor units with less than 3 beds	25	3	75	54.6
Other one bed units	6	9	54	45.9
Other 2 or more bed units	10	17	170	134.4
TOTAL		34	549	404.4

8.72 The table shows that the scheme is deficient in amenity space with regard to the requirements of UDP policy HSG7. Whilst overall the scheme does not comply with the standards set out in table DC2 of policy HSG7 of the IPG it is considered that on

balance this would not merit refusal of the scheme. It is considered that the quality and usability of the private amenity spaces would be acceptable and the larger family units all have rear gardens.

- 8.73 Moreover, the application is on the southern edge of Victoria Park, the largest are of public open space in the borough and it is also bounded by Wennington Green Park to the south of the site. In these circumstances it is concluded that the shortfall in private amenity space is not sufficient to warrant a refusal of the scheme..

Communal Amenity Space:

- 8.74 The scheme has no provision for communal amenity space; with reference to UDP saved policy HSG7 and table DC2 of policy HSG7 of the IPG, 50 sqm of amenity space for the first 10 units and 5sqm for each additional unit; a development of 34 residential units would require that 170 sqm of communal amenity space be provided. In this regard the applicants have stated that the piazza is a good quality area of public amenity space at the centre of the site, with an area of 320 sqm. Although his facility would not be exclusive to residents, it is nevertheless easily accessible and exceeds the policy requirement. It is considered that the piazza fulfils the role required for a development of this nature and would comply with relevant policies.

Child Play Space:

- 8.75 In respect of child play space the London Plan Supplementary Planning Guidance seeks to provide 10 square metres of well designed play and recreation space for every child in new housing developments. It does identify that appropriate and accessible facilities within 400 metres for 5-11 year olds or within 800 metres for 12 plus age groups may be acceptable alternatives in lieu of provision on site. The IPG requires three metres square per child bed space.
- 8.76 The development would have a child yield of 8 and this would equate to a need to provide 80 sqm of child play space within the development. The proposal does not provide any children's play space.
- 8.77 However, the London Plan guidance allows for the provision of appropriate and accessible facilities within 400 meters for 5-11 year olds or within 800 meters for 12 plus age groups. The applicants have stated in their Planning Statement that the site adjoins Victoria Park to the north of the site and Wennington Green Park to the south of the site Both of these areas of green space have children's play facilities and are accessible safe areas for children's recreational activity.
- 8.78 It is concluded therefore that because the site is so conveniently placed within large areas of green space that the requirements for children's play space provision can be waived and that conflict would not arise with relevant IPG and London Plan policies.

Wheelchair Housing and Lifetime Homes:

- 8.79 Part 6c of strategic policy SP02 requires that all new developments comply with accessibility standards including Lifetime Homes. Policy DEV3 of the IPG outlines

that new development is required to incorporate inclusive design principles. Policy HSG9 of the IPG requires that at least 10% of all housing should be wheelchair accessible and new housing should be designed to Lifetime Homes standards.

- 8.80 The submitted Planning Statement outlines that all new dwellings would be built to 'Lifetime Homes' standards. 10% of the units will be designed to be wheelchair accessible: These are Units B1 and B2 in Block B and units C1 and C2 in Block C. A Lifetime Homes condition and a condition requiring a specification that meets the requirements of the DDA (Disability Discrimination Act) is also recommended, to ensure that the access and internal layout of the units are accessible and DDA compliant.

Energy and Sustainability

- 8.81 Policies 5.1 – 5.9 of the London Plan sets out the Mayor's Energy Hierarchy, its objectives being reducing carbon dioxide emissions, improving energy efficiency and increasing the proportion of energy used and generated from renewable sources.
- 8.82 Policy 5.2 sets the targets for the reduction of carbon dioxide emissions over the target Emission Rate (TER) outlined in the national Building Regulations. For 2010-2013 the target is a reduction of carbon dioxide emissions of 25% over TER i.e. Code for Sustainable Homes Level 4. Part C requires the submission of detailed energy assessment and more detail of what is required in the statement is listed in part D of the policy
- 8.83 Policy 5.3 sets out the requirement for developments to demonstrate that sustainable design standards are an integral part of the proposal.
- 8.84 The Environmental Sustainability officer has advised that although the strategy that has been submitted does not meet the requirements of MDDPD policy DM29, which seeks a 35% reduction in CO2 emissions, it does achieve the target of 25% set out in the London Plan. He is satisfied that the energy strategy is adequate and has justified the omission of a CHP system and a communal gas system due to the scale of the development and the physical site constraints including its proximity to the Hertford Union Canal.
- 8.85 In sustainable terms the Energy strategy has demonstrated that CO2 savings will be maximised through energy efficiency measures and that this can be secured by a condition requiring that the development will achieve a minimum 'code level 4' for sustainable development and a condition requiring that energy efficiency and renewable energy technologies be submitted to the satisfaction of the Sustainable development team. This condition will include details of further additional technical information on the location of gas mains within the application site and the introduction of photovoltaic roofs as part of the renewable energy provision. These details have been discussed and agreed with the team.

Transport Impacts

- 8.86 Policies 6.1, 6.3, 6.9, 6.10 and 6.13 of the London Plan, Core Strategy policy SP09, IPG policies DEV16, DEV17, DEV18, DEV19 (2007) and policy DM 22 of the Managing Development Development Plan Document in broad terms seek to promote more sustainable modes of transport by reducing car-parking and improving public transport. Saved UDP policy T16 (1998) requires that consideration is given to the traffic impact of operational requirements of a proposed use and saved UDP policy T18 (1998) seeks to ensure priority is given to the safety and convenience of pedestrians.

Traffic impacts

- 8.87 The proposal is almost entirely car free. It provides only one parking space for disabled users, which is appropriate to an area which has a reasonable PTAL rating and is within easy access to local public transport services. The car free arrangement will be secured by a S106 agreement. This is in line with Council standards and reduces parking stress on the surrounding highway network.

Cycle parking

- 8.88 The scheme provides 40 secure cycle spaces for the residential element (6 for the apartments and 2 each for the terraced houses of Block A, 16 spaces for Block B and 8 spaces for Block C. 4 further spaces are located adjacent to Block B. The layout and design of the cycle bays will be secured by a condition.
- 8.89 The proposal would not have any adverse effects on any of the strategic cycle routes that run along the towpaths of the two canals.

Servicing/deliveries

- 8.90 The proposed commercial use has an area of only 64 sqm; it will not generate significant numbers of deliveries by HGV sized lorries. It is anticipated that only transit type vans will be servicing the site, given the weight restrictions of the stop lock bridge. Larger service vehicles can use the nearby Bow Wharf car park.
- 8.91 Highways will seek a contribution towards public realm/highway improvement works. and within the Transport Statement submitted in support of the current application, works are required at the site access junction onto Old Ford Road, including the provision of visibility splays at the site access junction onto Old Ford Road. This. The extensive improvements that will be required to the access to the site along Old Ford Road and improvements to the public realm will be secured in a S278 agreement with the applicants.
- 8.92 It is been agreed that £25,200, a figure that was negotiated when the previous proposal was submitted, will be provide for these works. A Construction Management Plan and a Delivery and Servicing Management Plan are to be secured via condition along with a condition requiring all private forecourt/areas to be drained within the site and not into the Public Highway. A detailed condition to

secure these highway improvements on Old Ford Road is recommended, along with conditions requiring details of a Construction Management Plan, a Delivery and Servicing Management Plan and a condition requiring all private forecourt/areas to be drained within the site and not into the Public Highway.

Biodiversity

- 8.93 In terms of policy designations within the adopted UDP (2008) and IPG (2007); the canals form part of a green chain and the canal is designated as a Site of Importance for Nature Conservation (SINC). Wennington Green is also within the SINC designation. The site also forms part of the Blue Ribbon Network.
- 8.94 Policy 3D.8 of the London Plan (2008) seeks to improve access to London's network of open spaces, whilst policy 3D.11 amongst other priorities seeks to promote and protect Green Chains. Policy 3D.14 outlines that development should have regard to nature conservation and biodiversity. It continues to state that development that would have a significant adverse impact on the population or conservation status of protected species should be resisted.
- 8.95 Policy CP34 of the IPG (2007) relates to Green Chains and advised that in areas designated as Green Chains improved access including links with adjacent pedestrian routes and enhancement of their recreational potential is expected. Furthermore, policies CP31 and CP32 relate to the protection and enhancement of biodiversity assets. Whilst, policy CP36 encourages development that respects the Borough's water courses.
- 8.96 Saved policy DEV57 of the adopted UDP (1998) seeks that development does not unjustifiably cause significant harm to a site of SINC or a Green Chain, whilst saved policy DEV46 requires new development to protect waterway corridors.
- 8.97 Policy 4C.1 of the London Plan (2008) sets out the strategic importance of the Blue Ribbon Network, whilst Policy 4C.2 seeks that development should respect resource considerations and natural forces in order to ensure that future development and uses are sustainable and safe. Furthermore, policy 4C.3 seeks that the natural value of the Blue Ribbon Network should be protected and enhanced. As such, development that would result in the net loss of biodiversity should be resisted and new waterside developments should be designed in way that increases habitat value.
- 8.98 Policy OS3 of the IPG (2007) seeks that development must respect its water location. Specifically, in respect of major development adjacent to the Blue Ribbon Network, applications should be accompanied by assessments which examine the impacts of scale, mass, height, silhouette, density, layout, materials and colours on the water and surrounding environment.
- 8.99 Policy DM11 of the MDDPD requires that development will be required to provide elements of a 'living building' and seeks to protect elements of biodiversity.
- 8.100 An ecological assessment of the site which included a desktop study, a survey of the site and a daytime bat assessment was carried out. The report concludes that the habitat diversity on site is low and that species diversity is likely to be

correspondingly low. Habitat rarity on the site is low with no rare habitats noted. The site has negligible suitability to support protected / notable species, including bats, with the buildings and trees assessed as offering negligible suitability to support bat roosts. Nesting birds may be present on site.

- 8.101 Recommendations of the report include sensitive vegetation removal to take account of species such as nesting birds. Ecological input should be southing into the landscaping plans and planting schemes in order to maximise biodiversity potential of the proposed development. Enhancement of the site through appropriate, sensitive management, including the formation of a management plan for the site. This could be controlled via a planning condition.
- 8.102 Whilst, the study established that there are some roosting bats within the site this does not preclude that this is a community route for bats which are known to follow river/water courses. It is considered that there is the potential for light spillage from residential units which could have an impact on the surrounding habitat including bats. Careful consideration would have to be given to the lighting of the proposed development and design features may be required for the residential element of the proposal in order to ensure there would not be adverse impact from light spillage.
- 8.103 Furthermore, by merit of the bulk and scale of the proposed development which reaches 6 storeys, there is concern about the potential impact this would have in terms of overshadowing to the adjacent canals and the impact this would have on this resource. This has not been considered as part of the submitted ecology report.
- 8.104 As such, it is considered that subject to the conditions that the Biodiversity Officer has recommended, the proposed development would not have an adverse impact on the biodiversity of the SINC, Green Chain and Blue Ribbon Network. This would be contrary to the above policies, specifically policy OS3 of the IPG (2007), which states developments should be accompanied by assessments which examine these impacts.

Trees

- 8.105 Saved UDP policy DEV15 and IPG policy DEV13 seek the retention or replacement of mature trees with amenity value. The Arboriculture officer has raised no objection to the removal of a number of low grade Sycamore trees fronting the Hertford Union Canal. Their replacement will be part of a landscaping plan for the development which will be secured by a condition.

Flood risk

- 8.106 The canals are managed water courses and as the site is in Environment Agency Flood Zone 2, the land is unlikely to be at risk from flooding.

Noise:

- 8.107 Noise levels during the construction of the development will be controlled by conditions on hours of operation to ensure that the residential amenity of neighbours is safeguarded.

Air Quality

- 8.108 Environmental Health officers have advised that the scheme must comply with statutory requirements including the Housing Act 2004, or comply with the Building Regulations. This will be the subject of an informative that is recommended.

Section 106 Contributions

- 8.109 Strategic policy SP13 of the CS and saved Policy DEV4 of the UDP state that the Council will seek planning obligations or financial contributions to mitigate for the impact of the development.
- 8.110 The Community Infrastructure Levy Regulations 2010, state that any S106 planning obligation must be:
- a) necessary to make the development acceptable in planning terms;
 - b) directly related to the development; and
 - c) fairly and reasonably related in scale and kind to the development
- 8.111 The general purpose of S106 contributions is to ensure that development is appropriately mitigated in terms of impacts on existing social infrastructure such as health, community facilities and open space and that appropriate infrastructure to facilitate the development i.e. public realm improvements, are secured.
- 8.112 To mitigate for the impact of this development on local infrastructure, education and community facilities the following contributions accord with the Regulations and have been agreed. The total financial contribution would be
- 8.113 The proposed heads of terms are:
- 1) Employment, skills, training and enterprise initiatives; £7458
 - 2) Community Facilities and/or leisure; £29,268
 - 3) Education: £99,487 for the provision of additional primary and secondary school places
 - 4) Highways and Transportation; £789 for sustainable transport modes.
 - 5) A contribution of £23,848 towards Health

6) A contribution of £3,282.86 towards s.106 monitoring fee

Non Financial Contributions

- 1) 29% affordable residential units on a habitable room basis in building C
- 2) Car parking Permit -free development
- 3) Access to employment initiatives for construction through 20% of non-technical total construction jobs to be advertised through the Council's job brokerage service.
- 4) An expectation that 20% of total value of contracts which procure goods and services are to be to be achieved using firms located within the borough.
- 5) Any other obligation(s) considered necessary by the Corporate Director Development and Renewal

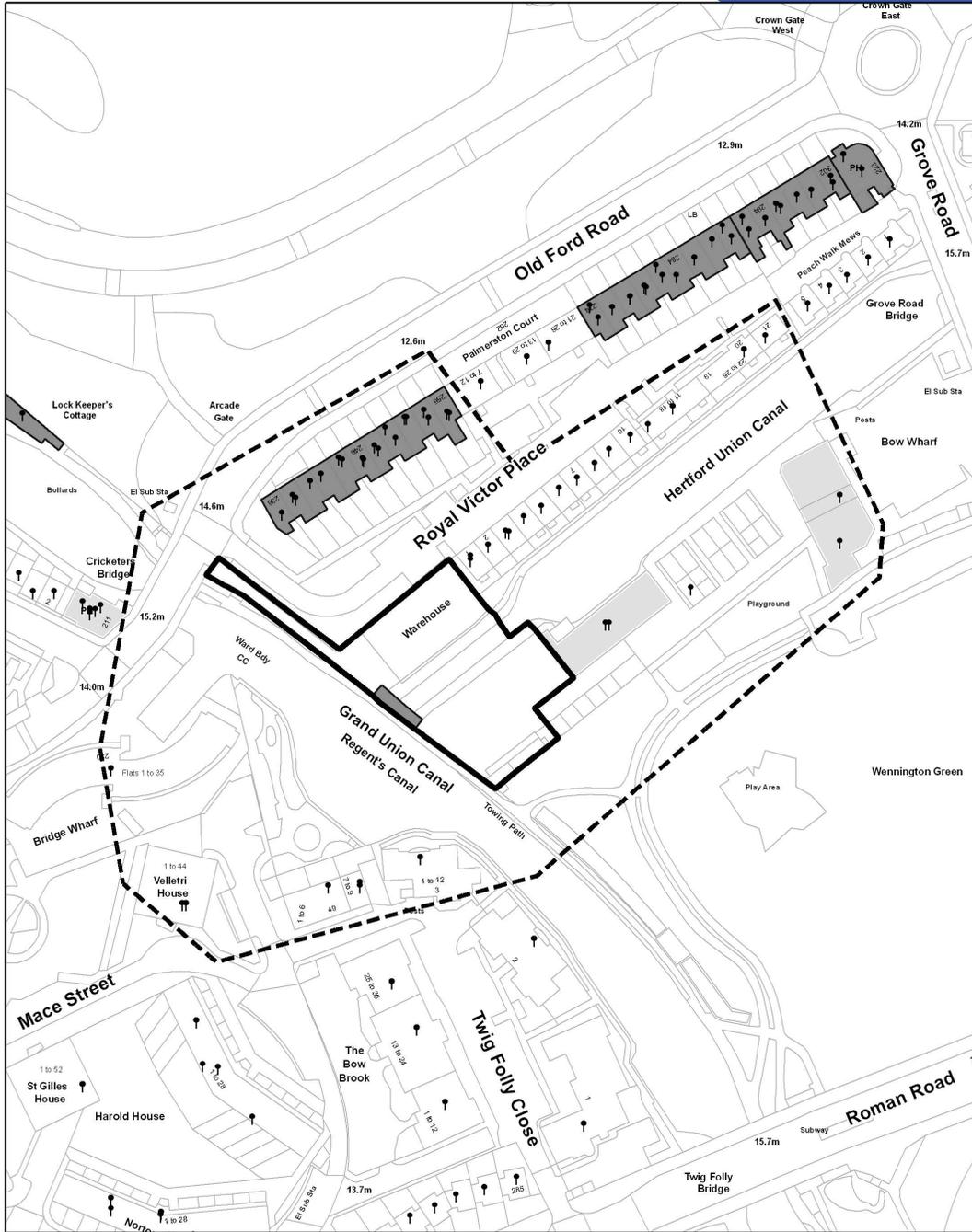
Total financial contribution: £164,143

8.114 The above contribution have been secured and negotiated in line with the draft S106 SPD and officers consider that for the reasons identified above that the package of contributions being secured is appropriate, relevant to the development being considered and in accordance with the tests of circular 05/05 and the relevant statutory tests.

9 CONCLUSION

9.1 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 Map



Planning Application Site Boundary	Locally Listed Buildings	Land Parcel Address	
Consultation Area	Statutory Listed Buildings	0 30 m	

1:1,500

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.
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