

Meeting of the

STRATEGIC DEVELOPMENT COMMITTEE

Thursday, 18 January 2007 at 7.30 p.m.

A G E N D A

VENUE

**Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove
Crescent, London, E14 2BG**

Members:	Deputies (if any):
Chair: Councillor Rofique U Ahmed	
Vice-Chair: Councillor Alibor Choudhury	
Councillor Ohid Ahmed	Councillor Anwara Ali, (Designated Deputy for Councillors Ohid Ahmed, Alibor Choudhury, Ahmed Omer and Joshua Peck)
Councillor Louise Alexander	Councillor Stephanie Eaton, (Designated Deputy for Councillor Louise Alexander)
Councillor Rupert Eckhardt	Councillor Carli Harper-Penman, (Designated Deputy for Councillors Ohid Ahmed, Rupert Bawden, Ahmed Omer and Alibor Choudhury)
Councillor Ahmed Hussain	Councillor Sirajul Islam, (Designated Deputy for Councillors Ohid Ahmed, Alibor Choudhury, Ahmed Omer and Joshua Peck)
Councillor Abjol Miah	Councillor Waiseul Islam, (Designated Deputy for Councillors Ahmed Hussain and Abjol Miah)
Councillor Ahmed Adam Omer	
Councillor Joshua Peck	

Councillor Rania Khan, (Designated Deputy for Councillors Ahmed Hussain and Abjol Miah)
Councillor M. Mamun Rashid, (Designated Deputy for Councillors Ahmed Hussain and Abjol Miah)
Councillor Simon Rouse, (Designated Deputy for Councillor Rupert Eckhardt)

[Note: The quorum for this body is 3 Members].

If you require any further information relating to this meeting, would like to request a large print, Braille or audio version of this document, or would like to discuss access arrangements or any other special requirements, please contact: Louise Fleming, Democratic Services, Tel: 020 7364 4878, E-mail: louise.fleming@towerhamlets.gov.uk

LONDON BOROUGH OF TOWER HAMLETS
STRATEGIC DEVELOPMENT COMMITTEE

Thursday, 18 January 2007

7.30 p.m.

1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

2. DECLARATIONS OF INTEREST

To note any declarations of interest made by Members, including those restricting Members from voting on the questions detailed in Section 106 of the Local Government Finance Act, 1992.

Note from the Chief Executive

In accordance with the Council's Code of Conduct, Members must declare any **personal interests** they have in any item on the agenda or as they arise during the course of the meeting. Members must orally indicate to which item their interest relates. If a Member has a personal interest he/she must also consider whether or not that interest is a **prejudicial personal interest** and take the necessary action. When considering whether or not they have a declarable interest, Members should consult pages 181 to 184 of the Council's Constitution. Please note that all Members present at a Committee meeting (in whatever capacity) are required to declare any personal or prejudicial interests.

A **personal interest** is, generally, one that would affect a Member (either directly or through a connection with a relevant person or organisation) more than other people in London, in respect of the item of business under consideration at the meeting. If a member of the public, knowing all the relevant facts, would view a Member's personal interest in the item under consideration as so substantial that it would appear likely to prejudice the Member's judgement of the public interest, then the Member has a **prejudicial personal interest**.

Consequences:

- If a Member has a **personal interest**: he/she must declare the interest but can stay, speak and vote.
- If the Member has **prejudicial personal interest**: he/she must declare the interest, cannot speak or vote on the item and must leave the room.

When declaring an interest, Members are requested to specify the nature of the interest, the particular agenda item to which the interest relates and to also specify whether the interest is of a personal or personal and prejudicial nature. This procedure is designed to assist the public's understanding of the meeting and is also designed to enable a full entry to be made in the Statutory Register of Interests which is kept by the Head of Democratic Renewal and Engagement on behalf of the Monitoring Officer.

	PAGE NUMBER	WARD(S) AFFECTED
3. UNRESTRICTED MINUTES		
To confirm as a correct record of the proceedings the unrestricted minutes of the ordinary meeting of the Strategic Development Committee held on 16 th November 2006.	1 - 20	
4. RECOMMENDATIONS		
4.1 To NOTE that the Chair has agreed to the submission of the Update Report of the Head of Development Decisions in accordance with the urgency provisions at Section 100B(4) of the Local Government Act 1972 to ensure Members have before them all the relevant facts and information about the planning applications set out in the agenda.		
4.2 To RESOLVE that, in the event of recommendations being amended at the Committee in light of debate, or other representations being made by Members of the public, applicants, or their agents, the task of formalising the wording of any additional condition(s) be delegated to the Head of Development Decisions along the broad lines indicated at the meeting.		
5. PROCEDURE FOR HEARING OBJECTIONS		
To NOTE the procedure for hearing objections at meetings of the Strategic Development Committee.	21 - 22	
6. PLANNING APPLICATIONS WITH NON-COMPLETED LEGAL AGREEMENTS	23 - 28	
7. PLANNING APPLICATIONS REPORTED FOR INFORMATION		
7.1 82 West India Dock Road & 15 Salter Street, London E14	29 - 48	Limehouse
8. PLANNING APPLICATIONS FOR DECISION	49 - 50	
8.1 Caspian Works and 1-3 Yeo Street (Caspian Wharf) London E3	51 - 76	Bromley-By-Bow
8.2 2-10 Bow Common Lane, London E14	77 - 100	Bromley-By-Bow

8 .3	New International site at the south east junction of the Highway and Vaughan Way, London E1	101 - 116	St Katharine's & Wapping
8 .4	249-253 Cambridge Heath Road, London	117 - 132	Bethnal Green South
8 .5	Land bounded by Schoolhouse Lane, Cable Street and Glasshouse Fields, London E1	133 - 144	Shadwell
8 .6	Empress Coach Works, 1 to 4 Corbridge Crescent and site at rear, Corbridge Crescent, London E2 9DS	145 - 168	Bethnal Green North
8 .7	Leamouth Peninsula North (Pura Foods Ltd), Orchard Place, London E14	169 - 208	Blackwall & Cubitt Town
8 .8	Hercules Wharf, Union Wharf and Castle Wharf, Orchard Place, London E14	209 - 260	Blackwall & Cubitt Town

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE STRATEGIC DEVELOPMENT COMMITTEE

HELD AT 7.30 P.M. ON THURSDAY, 16 NOVEMBER 2006

**COUNCIL CHAMBER, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG**

Members Present:

Councillor Rofique U Ahmed (Chair)

Councillor Ohid Ahmed
Councillor Louise Alexander
Councillor Alibor Choudhury (Vice-Chair)
Councillor Ahmed Hussain
Councillor Abjol Miah
Councillor Ahmed Adam Omer
Councillor Joshua Peck

Councillor Simon Rouse

Other Councillors Present:

Officers Present:

Megan Crowe – (Planning Solicitor, Legal Services)
Renee Goodwin – (Acting Applications Manager)
Richard Humphreys – (Acting Strategic Applications Manager, Planning)
Michael Kiely – (Service Head, Development Decisions)

Louise Fleming – Senior Committee Officer

1. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Rupert Eckhardt. Councillor Simon Rouse deputised for him.

2. DECLARATIONS OF INTEREST

Councillors Ohid Ahmed and Ahmed Omer declared personal interests in items 6.2 and 6.3 which related to land bounded by Bow Common Lane, Furze Street and Devons Road, Devons Road, E3 on the grounds that they were members of the Leaside Regeneration Board, which had been consulted on the applications.

Councillor Josh Peck declared a personal interest in item 6.4 which related to site south of Westferry Circus and west of Westferry Road, London E14 as the ward member for Millwall.

Councillor Simon Rouse declared a personal interest in item 6.6 which related to the site formerly known as 44-46 Prescott Street and 2-20 South Tenter Street, Prescott Street, London as he had received e-mail and telephone correspondence from one of the objectors.

Councillor Peck declared a personal interest in item 6.6 which related to the site formerly known as 44-46 Prescott Street and 2-20 South Tenter Street, Prescott Street, London as he had received e-mail and telephone correspondence from one of the objectors. In addition to this, one of the objectors addressing the Committee was the Chief Executive of the Bethnal Green and Victoria Park Housing Association on which Councillor Peck was a Council representative.

3. UNRESTRICTED MINUTES

The minutes of the meeting of the extraordinary Strategic Development Committee held on 3rd October 2006 were confirmed and signed as a correct record by the Chair subject to two amendments as follows:

- i) "Save the Bonner School Campaign" to read "Save Old Bonner School Campaign"; and
- ii) "the allegation that the applicant had not stated in the original application...." to read "the allegation that the applicant had not stated in the last application....".

4. RECOMMENDATIONS

4.1 The Committee NOTED that the Chair has agreed to the submission of the Update Report of the Head of Development Decisions in accordance with the urgency provisions at Section 100B(4) of the Local Government Act 1972 to ensure Members had before them all relevant facts and information about the planning applications set out in the agenda.

4.2 The Committee RESOLVED that, in the event of recommendations being made by the Members of the public, applicants or their agents, the task of formalising the working of any additional conditions be delegated to the Head of Development Decisions along the broad lines indicated at the meeting.

5. PROCEDURE FOR HEARING OBJECTIONS

The Committee noted the procedure for hearing objections and those who had registered to speak.

6. PLANNING APPLICATIONS FOR DETERMINATION

6.1 33-37 The Oval, London E2 9DT

Mr Michael Kiely, Head of Development Decisions, introduced the site and proposal for the demolition of existing building and the redevelopment to provide a five storey building for use as 2 Class B1 (business) units on the ground floor with 14 flats above (6 one bedroom, 6 two bedroom and 2 three bedroom flats) at 33-37 The Oval, London E2 9DT.

Councillor Stephanie Eaton addressed the Committee on behalf of her ward. She objected on the grounds of health and safety as the development was close to a gas works.

Michael Kiely presented a detailed report on the application and the complex issues which the Committee needed to consider when making its decision. Under planning law, the Council was required to notify the Health and Safety Executive of the application, as it was within a certain range of the gas works. The Health and Safety and Executive (HSE), in response to this notification had advised that planning permission should be refused. The operator of the site, National Grid, required a clear distance of 18 metres to ensure that if a leak occurred it could vent safely. This distance had been achieved in the proposal.

The HSE were concerned about more serious incidents such as an ignited leak or an explosion of a gas cylinder. However, there was no historical record of any gas holder explosions in the country. He explained the risks around holders and the history of incidents from information supplied by the HSE.

Mr Kiely explained that the decision centred on the balance between the risks associated with the installation and the loss of the development. This had to be considered in the context of the Health and Safety Executive's new criteria with respect to consultation on planning applications. This meant that it would be routinely objecting to planning applications within a 200 metres radius of any gas works, without taking into account local conditions. This could have a significant impact on the Borough and prevent approximately 1,000 to 2000 new homes from being built in each location, depending on the amount of development land available. The Committee was informed that the proposal accorded with the requirements of the National Grid, which had responsibility for the management of the gas works.

Members asked questions relating to the new Health and Safety regulations, the numbers of residential properties surrounding the site and the risk involved with a distance of 18 metres. The Committee was informed that if it was minded to approve, the Council was required to advise the Health and Safety Executive of its decision following which the Executive would have 21 days in which to consider the application and decide whether to request that the Secretary of State call-in the application for her determination.

The Committee RESOLVED that planning permission for the demolition of existing building and the redevelopment to provide a five storey building for use as 2 Class B1 (business) units on the ground floor with 14 flats above (6 one bedroom, 6 two bedroom and 2 three bedroom flats) at 33-37 The Oval, London E2 9DT be GRANTED subject to:

1. the Local Planning Authority give the Health and Safety Executive:
 - (i) advanced noticed of its intention to grant permission; and
 - (ii) 21 days from the date of the notice to give further consideration of the matter and allow it to consider whether it wishes to request that the Secretary of State call-in the application for determination.
2. The prior completion of a legal agreement to secure the following aspects secured under the original scheme PA/05/00421:
 - a) Car Free agreement
 - b) Repaving/S278 highway works
 - c) Environmental improvements to The Oval
3. That the Head of Development Decisions be delegated power to impose conditions and informatives on the planning permission to secure the following:

Conditions:

- 1) Three year time limit
 - (ii) Reserved matters
 - (iii) External materials
 - (iv) External lighting
- 2) Hard and soft landscaping
- 3) Landscape maintenance
- 4) Construction hours
- 5) Cycle storage
- 6) Refuse storage
- 7) Site investigation
- 8) Sound insulation
- 9) Signage for the western outdoor area

Informatives:

- 1) Permission subject to Section 106 legal agreement
- 2) Environmental Health
- 3) Signage

6.2 Land bounded by Bow Common Lane, Furze Street and Devons Road, Devons Road, E3

Mr Michael Kiely, Head of Development Decisions, introduced the site and proposal for the construction of 78 residential units comprising one, two and three bedroom apartments and three and four bedroom town houses in blocks ranging in height from 3 to 6 storeys and of 22 sq m of A1 (Shop), A2 (Financial and Professional Services), B1 (Business) or D1 (Non-residential institution) on land bounded by Bow Common Lane, Furze Street and Devons Road, Devons Road, E3.

Mr Phillip Villars spoke in objection to the application on the grounds that the entire Furze Street site should be properly planned to maximise its potential and asked that the item be deferred to allow his company to achieve this.

Mr David Black addressed the Committee on behalf of the applicant and explained that the applicant had worked closely with the Council to comply with the approved Development Brief for the area.

Mr Richard Humphreys, Strategic Applications Manager, presented a detailed report to the Committee, including an update report. A development brief for the area had been approved by the Cabinet in November 2005 and that a decision had been made in principle to sell the Council owned land to the developer. The scheme involved the loss of temporary open space laid out by the Greater London Council. UDP policy allowed for a loss of temporary open space and the intention was that Furze Green would be remodelled in compensation. He outlined the objections which had been received, the issues which the Committee needed to take into consideration when making its decision and the reasons why the officers had recommended the application for approval. The Update Report included an objection on the grounds that the scheme should include more youth provision.

The Committee was shown a computer generated presentation of the proposal in its surroundings. Members asked questions relating to the adjacent lorry scrapyards and the noise and contamination which it generated, the impact on trees, the loss of open space, the approved Development Brief, the amount of affordable housing and the possibility of including youth provision.

The Committee was informed that the noise and contamination would be controlled through conditions. The development brief was supplementary planning guidance and therefore a material consideration which should be given appropriate weight in making a decision. The proposal included the improvement of Furze Green and that there was potential for a youth facility to be incorporated in the scheme.

Members raised concerns in relation to density and the impact of the recommended 'car free agreement' and where the additional cars would be displaced to. It was explained that whilst the scheme exceeded the LDF density matrix, it was significantly reduced from a proposal which had been dismissed by the Planning Inspectorate on appeal in 2005 following a refusal by the Development Committee on grounds of overdevelopment. The current

proposal was considered to accord with the site's context. It was also explained that it was national policy not to require a minimum level of car parking provision. The Council's Highways department had no objections.

It was proposed that a condition be placed on the planning permission to ensure the inclusion of youth provision. Members were informed that it would be unreasonable to condition the use of any aspect of the site. On a vote, the motion was lost.

The Committee RESOLVED that planning permission for the construction of 78 residential units comprising one, two and three bedroom apartments and three and four bedroom town houses in blocks ranging in height from 3 to 6 storeys and of 22 sq m of A1 (Shop), A2 (Financial and Professional Services), B1 (Business) or D1 (Non-residential institution) on land bounded by Bow Common Lane, Furze Street and Devons Road, Devons Road, E3 be GRANTED subject to

1. Referral to the Secretary of State pursuant to the Town and Country Planning (Development Plans and Consultation) (Departures) Directions 1999, as a departure from the Development Plan involving an alternative development on land allocated for public open space and industrial employment in the Tower Hamlets Unitary Development Plan 1998.
2. The prior completion of a legal agreement, to the satisfaction of the Chief Legal Officer to secure the following:
 - a) Affordable housing provision of 35% of the proposed residential units measured by floor space with an 80/20 split between rented/shared ownership;
 - b) A financial contribution of £345,000 for the improvement of Furze Green open space (£2,500 per saleable habitable room) and the possible treatment of Furze Street as a Closure/Home Zone.
 - c) A contribution of up to £30,000 towards a safety audit and mitigation works at the junction of Furze Street and Devons Road.
 - d) Local labour in construction
 - e) 'Car Free' arrangements to restrict the occupants of the development from applying for residents parking permits.
3. That the Head of Development Decisions be delegated power to impose conditions and informatives on the planning permission to secure the following:

Conditions:

- 1) Permission valid for 3 years
- 2) Details of external materials to be submitted for the Council's written approval prior to the commencement of the development.
- 3) Details of hard and soft landscaping treatment to be submitted for the Council's written approval.

- 4) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season.
- 5) Investigation and remediation measures for land contamination
- 6) The submission of a Noise Survey and details of sound insulation/attenuation measures to protect future residents from noise and vibration for the Council's approval in writing. The sound insulation/attenuation measures as approved shall be implemented and thereafter maintained unless otherwise agreed in writing.
- 7) Building, engineering or other operations including demolition shall be carried out only between the hours of 8.00 am and 6.00 pm Mondays to Fridays and between the hours of 9.00 am and 1.00 pm Saturdays and shall not be carried out at any time on Sundays or Public Holidays.
- 8) Any power/hammer driven piling/breaking out of material required during construction/demolition shall only take place between the hours of 10.00 am and 4.00 pm Monday to Friday and at no other time, except in emergencies or as otherwise agreed by the Council in writing.
- 9) Details of any external lighting to be submitted to the Council for written approval.
- 10) Any other condition(s) considered necessary by the Head of Development Decisions.

Informatives:

- 1) This permission is subject to a planning obligation made under Section 106 of the Town and Country Planning Act 1990.
- 2) With regard to Conditions 5 (Decontamination), you should contact the Council's Environmental Health Department, Mulberry Place (AH), 4th Floor, PO Box 55739, 5 Clove Crescent, London E14 1BY
- 3) You are advised that any change of use of the Class A1, A2, B1 or D1 floorspace hereby permitted should accord with Schedule 2, Part 3, Class A of the Town and Council Planning (General Permitted Development Order) 1995.
- 4) You are advised that the Council operates a Code of Construction Practice and you should discuss this with the Council's Environmental Health Department, Mulberry Place (AH), 4th Floor, PO Box 55739, 5 Clove Crescent, London E14 1BY.
- 5) You should consult the Council's Highways Development Department, Mulberry Place (AH), 4th Floor, PO Box 55739, 5

Clove Crescent, London E14 1BY regarding any alterations to the public highway.

4. That, if by 28th February 2007 the legal agreement has not been completed to the satisfaction of the Chief Legal Officer, the Head of Development Decisions be delegated power to refuse planning permission.

The Committee adjourned for a short break at 9.35 pm and resumed at 9.47 pm.

6.3 Land bounded by Bow Common Lane, Furze Street and Devons Road, Devons Road, E3 (Outline)

Mr Michael Kiely, Head of Development and Decisions, introduced the site and proposal for the outline demolition of existing buildings and the construction of 215 residential units including one, two and three bedroom apartments and three and four bedroom town houses in blocks ranging in height between 3 and 6 storeys and the creation of 220 sq m of A1 (Shop), A2 (Financial and professional services, B1 (Business) and D1 (Assembly and leisure) floorspace on land bounded by Bow Common Lane, Furze Street and Devons Road, Devons Road, E3.

Mr Drew Champion spoke in objection to the application on the grounds that the applicant was not in a position to deliver the development.

Mr Robert McDonald addressed the Committee on behalf of the applicant. He explained the proposals for the site and maintained the Development Brief for the area had been followed.

Mr Richard Humphreys, Strategic Applications Manager, presented a detailed report and update report. He addressed the objections which had been received and outlined the reasons why the application had been recommended for approval. He advised the Committee that many of the same planning issues applied to the outline application in question as to the previous application for detailed planning permission.

Members asked questions relating to the treatment of Furze Green open space, the provision of youth service, noise and car parking provision. It was proposed that the Committee express its preference to the applicant that Furze Street be returned rather than the creation of a Home Zone.

The Committee RESOLVED that planning permission for the outline demolition of existing buildings and the construction of 215 residential units including one, two and three bedroom apartments and three and four bedroom town houses in blocks ranging in height between 3 and 6 storeys and the creation of 220 sq m of A1 (Shop), A2 (Financial and professional services, B1 (Business) and D1 (Assembly and leisure) floorspace be GRANTED subject to

1. Referral to the Secretary of State pursuant to the Town and Country Planning (Development Plans and Consultation) (Departures) Directions 1999, as a departure application involving an alternative development on land allocated for public open space and industrial employment in the Tower Hamlets Unitary Development Plan 1998.
2. The prior completion of a legal agreement to the satisfaction of the Chief Legal Officer to secure the following:

Phase 1

- a) Affordable housing provision of 35% of the proposed residential units measured by floor space with an 80/20 split between rented/shared ownership.
- b) A financial contribution of £345,000 for the improvement of Furze Green open space (£2,500 per saleable habitable room) and the possible treatment of Furze Street as a Closure/Home Zone.
- c) A financial contribution of up to £30,000 towards a safety audit and mitigation works at the junction of Furze Street and Devons Road.
- d) Local labour in construction.
- e) 'Car Free' arrangements to restrict the occupants of the development from applying for residents parking permits.

Phases 2 and 3

- a) Affordable housing provision of 35% of the proposed residential units measured by floor space with an 80/20 split between rented/shared ownership.
- b) A financial contribution of £180,000 to undertake Home Zone treatment of Furze Street or alternatively an estimated financial contribution of £50,000 to break out and turf Furze Street. The applicant be informed that the Committee's preference would be for the returfing of Furze Street.
- c) Preparation of a right of way "walkway agreement" for crossing through the site between Bow Common Lane and Furze Street.
- d) A financial contribution of £20,000 towards signage and pedestrian and cyclist routes in the vicinity.
- e) A financial contribution towards public transport services.
- f) A financial contribution towards education to mitigate the demand of additional population on education facilities.
- g) A financial contribution towards healthcare in accordance with the NHS HUDU model to mitigate the demand of the additional population on health care services on the delivery of phases 2 and 3.
- h) A financial contribution to support access to employment initiatives.
- i) A financial contribution of £35,000 towards public art.

- j) Local Labour in Construction.
- k) 'Car Free' arrangements to restrict the occupants of the development from applying for residents parking permits.

3. That the Head of Development Decisions is delegated power to impose conditions and informatives on the planning permission to secure the following:

Conditions

- 1) Time limit for outline planning permission.

Phase 1

- 1) Submission and approval of the landscaping treatment of the site to include hard and soft treatments, any gates, walls and fences.
- 2) The materials to be used on the external faces of the development.
- 3) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings of the completion of the development, whichever is the sooner, and trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season.
- 4) Investigation of land contamination and the implementation of remediation measures.
- 5) The submission of a Noise Survey and details of sound insulation/attenuation measures, to protect future residents from noise and vibration for the Council's approval in writing. The sound insulation/attenuation measures as approved shall be implemented and thereafter maintained unless otherwise agreed in writing.
- 6) Building, engineering or other operations including demolition shall be carried out only between the hours of 8.00 am and 6.00 pm Mondays to Fridays and between the hours of 9.00 am and 1.00 pm Saturdays and shall not be carried out at any time on Sundays or public holidays.
- 7) Any power/hammer driven piling/breaking out of material required during construction/demolition shall only take place between the hours of 10.00 am and 4.00 pm Monday to Friday and at no other time, except in emergencies or as otherwise agreed by the Council in writing.
- 8) Details of any external lighting.

Phases 2 and 3

- 1) No development shall commence until such time as the owner of the land enters into an agreement pursuant to section 106 of the Town and Country Planning Act in respect of the matters referred to in paragraph "B Phases 2 and 3" above.
- 2) The submission and approval of the following reserved matters:
 - a) The design of the buildings.
 - b) External appearance of the buildings.
 - c) The landscaping treatment of the site to include hard and soft treatments, any gates, walls and fences.
- 3) The materials to be used on the external faces of the development.
- 4) Building, engineering or the operations including demolition shall be carried out only between the hours of 8.00 ma and 6.00 pm Mondays to Fridays and between the hours of 9.00 am and 1.00 pm Saturdays and shall not be carried out at any time on Sundays or public holidays.
- 5) An power/hammer driven piling/breaking out of material required during construction/demolition shall only take place between the hours of 10.00 am and 4.00 pm Monday to Friday and at no other time, except in emergencies or as otherwise agreed by the Council in writing.
- 6) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season.
- 7) The submission of a Noise Survey and details of sound insulation/attenuation measures, to protect future residents from noise and vibration for the Council's approval in writing. The sound insulation/attenuation measures as approved shall be implemented thereafter maintained unless otherwise agreed in writing.
- 8) Details of external lighting.
- 9) Details of recycling, refuse storage and collection to be submitted for the Council's written approval.
- 10) Investigation of land contamination and the implementation of remediation measures.
- 11) Details of surface and foul water drainage systems.
- 12) No soakaways shall be constructed in contaminated ground.
- 13) Details of foundation design.
- 14) Any other condition(s) considered necessary by the Head of Development Decisions.

Informatives

- 1) This permission is subject to a planning obligation agreement made under Section 106 of the Town and Country Planning Act 1990.
 - 2) With regard to Phase 1, Condition 4 and Phases 2 and 3, Condition 9 (Decontamination), you should contact the Council's Environmental Health Department, Mulberry Place (AH), 4th Floor, PO Box 55739, 5 Clove Crescent, London E14 1BY and the Environment Agency, Apollo Court, 2 Bishops Square Business Park, St Albans Road West, Hatfield, Herts, AL10 9EX, Tel: 08708 506506.
 - 3) With regard to Phase 2 Conditions 10, 11 and 12 (measures to prevent pollution of ground/surface water, foul and surface drainage system and foundation design) you should contact the Environment Agency, Apollo Court, 2 Bishops Square Business Park, St Albans Road West, Hatfield, Herts, AL10 9EX, Tel: 08708 506506.
 - 4) You are advised that any change of use of the Class A1, A2, B1 or D1 floorspace hereby permitted should accord with Schedule 2, Part 3, Class A of the Town and Country Planning (General Permitted Development Order) 1995.
 - 5) You are advised that the Council operates a Code of Construction Practice and you should discuss this with the Council's Environmental Health Department, Mulberry Place (AH), 4th Floor, PO Box 55739, 5 Clove Crescent, London E14 1BY.
 - 6) You should consult the Council's Highways Development Department, Mulberry Place (AH), 4th Floor, PO Box 55739, 5 Clove Crescent, London E14 1BY regarding any alterations to the public highway.
4. That, if by 28th February 2007 the legal agreement has not been completed to the satisfaction of the Chief Legal Officer, the Head of Development Decisions is delegated power to refuse planning permission.

6.4 Site to the south of Westferry Circus and west of Westferry Road, London E14

Mr Michael Kiely, Head of Development Decisions, introduced the site and proposal for the erection of a Marquee style "temporary" structure (4865 sq m) for a maximum of 2 months to cater for corporate entertainment events for clients of Canary Wharf Plc within a period between 4th and 20th December 2006 with a 750-3500 guest capacity and opening hours of 11.00 am to 4.30 pm for daytime events and 18.30 pm to 00.30 am for evening events on site south of Westferry Circus and west of Westferry Road, London E14.

Ms Tania Mistelli and Mr Jon Gould spoke in objection to the proposal on the grounds of noise nuisance to local residents.

Ms Renee Goodwin, Acting Applications Manager, presented a detailed report and update report. She addressed the objections which had been made and outlined the reasons why the application had been recommended for approval. The Committee was informed that the Council's Environmental Health department had no objections subject to noise controls being put in place. She outlined the proposed conditions and advised that the gate nearest to residential properties would be shut and only opened in emergencies.

Members asked questions relating to the recommended decibel levels in the day and at night and expressed concern over the sustained noise level, the dispersal of up to 3,500 people from the site, the parking provision and the impact on traffic.

The Committee was advised that the Environmental Health department had been consulted and were satisfied. 40dBA was the level of background noise and therefore considered acceptable. The dispersal of the crowds would be controlled through the use of security guards. However, the crowd dispersal was a management issue which would be regulated by the Premises Licence which would need to be issued under the Licensing Act 2003. The Council's Highways officers had also been consulted and had not raised any objections. The nature of the use meant that there was a not a need for car parking, as many people would arrive by coach.

The Committee RESOLVED, at 10.30 pm, that it would continue for no longer than an hour in order to complete its business.

It was proposed that the hours of operation be reduced to 11.30 am to 10.30 pm. However, when put to a vote the motion was lost. It was then proposed that the hours of operation be reduced to 11.30 am to 11.30 pm.

The Committee RESOLVED that subject to the applicant agreeing to an amendment to the operating hours from 00.30 am to 11.30 am, the Head of Development Decisions be delegated power to GRANT planning permission for the erection of a Marquee style "temporary" structure (4865 sq m) for a maximum of 2 months to cater for corporate entertainment events for clients of Canary Wharf Plc within a period between 4th and 20th December 2006 with a 750-3500 guest capacity and opening hours of 11.00 am to 4.30 pm for daytime events and 18.30 pm to 11.30 pm for evening events on site south of Westferry Circus and west of Westferry Road, London E14 and impose conditions and informatives to secure the following:

Conditions

- 1) Temporary Time Period (removal of structure by 8th January 2007).
- 2) Hours of Operation (Events held between 11.00 am and 11.30 pm Monday to Fridays between 4th and 20th December 2006).
- 3) The noise mitigation measures below shall be implemented at all times:

- The noise level at the main speakers should be set at 70dB(A) at 10m within the entertainment marquee.
 - The music speakers must face towards the eastern limit of Westferry Circus.
 - 2.4 m high Stirling boards or equivalent wooden boards to be close jointed to a minimum width of 3.6 m (minimum surface density 10kg/m²). These are to be installed centrally behind each main loudspeaker to the south and also to the west of the loudspeakers to minimise noise transfer to adjoining neighbours and to the south side of the River Thames.
 - At least one security guard will be on duty for every 100 guests and a minimum of 12 guards will be on duty for each event to ensure quiet and orderly movements.
- 4) Details of any proposed external lighting shall be submitted to, and approved, in writing by the Local Planning Authority. These details shall show on a plan the location of external lighting and detail the type of lighting proposed.

Informative

- 1) Sound testing is to be carried out on Tuesday night in accordance with the submitted noise report.
- 2) Any external lighting must be positioned in a way that would not cause a hazard to navigation in the River Thames.
- 3) Taxi marshals must be present at the events to ensure orderly movements and organisation of taxis.

Councillor Alibor Choudhury left the Council Chamber after consideration of this item and did not return for the duration of the meeting.

6.5 33-35 Commercial Road including existing car park to rear and part of Assam Street, London E1

Mr Michael Kiely, Head of Development Decisions introduced the site and the application for planning permission for redevelopment by the erection of 10 storey and 35 storey buildings to provide 782 rooms of student accommodation with ancillary, leisure, kitchen/dining facilities, offices (Class B1) and Use Classes A1, A2, A3, A4 and A5, the change of use of the existing Grade II listed building to offices and retail uses and the provision of 670 cycle spaces and the application for listed building consent for the partial demolition and refurbishment of the existing Grade II listed building at 33-35 Commercial Road, London E1.

Mr Richard Humphreys, Strategic Applications Manager, presented a detailed report and update report. He advised the Committee that the applicant had submitted an appeal against the Council's non-determination of the applications within the statutory period. The Update Report therefore amended the recommendation to determine the decision the Committee would have made had it been empowered to.

The Committee RESOLVED that the Planning Inspectorate be informed that, had it been in a position to determine the planning application for the redevelopment by the erection of 10 storey and 35 storey buildings to provide 782 rooms of student accommodation with ancillary, leisure, kitchen/dining facilities, offices (Class B1) and Use Classes A1, A2, A3, A4 and A5, the change of use of the existing Grade II listed building to offices and retail uses and the provision of 670 cycle spaces and the listed building consent for the partial demolition and refurbishment of the existing Grade II listed building at 33-35 Commercial Road including existing car park to rear and part of Assam Street, London E1, it would have been REFUSED for the following reasons:

- 1) The proposal would result in overdevelopment of the site and provide an excessively high building that would be insensitive to the character of the surrounding area by reason of design, bulk, scale, density and height contrary to Policies DEV1 and Policy DEV5 of the Tower Hamlets Unitary Development Plan 1998, Policies 4B.1, 4B.3, 4B.8 and 4B.9 of the London Plan 2004 and Policy DEV2, CP48 and DEV27 of the Local Development Framework Core Strategy and Development Control Submission Document and Policy CRF12 of the emerging City Fringe Action Area Plan.
- 2) The proposal would result in an unjustified density resulting in demonstrable harm to Policy HSG9 of the Tower Hamlets Unitary Development Plan 1998, Policy HSG1 of the Tower Hamlets Local Development Framework, Core Strategy and Development Control Submission Document and Policy 4B.3 of the Local Plan 2004.
- 3) The development would adversely affect the setting of a grade 2 listed building contrary to Policy DEV39 of the Tower Hamlets Unitary Development Plan 1998 and CON1 of the Tower Hamlets Local Development Framework, Core Strategy and Development Control Submission Document.

The Committee RESOLVED that listed building consent be REFUSED for the following reasons:

- 1) The development would fail to preserve features of special architectural or historic interest which the listed building possesses contrary to Policy DEV36 of the Tower Hamlets Unitary Development Plan 1998, Policy CON1 of the Tower Hamlets Local Development Framework Core Strategy and Development Control Submission Document and national advice in Planning Policy Guidance Note 15.

6.6 Site formerly known as 44-46 Prescott Street and 2-20 South Tenter Street, Prescott Street, London

Mr Michael Kiely, Head of Development Decisions, introduced the site and proposal for erection of a part 8, part 13, part 16 storey building to provide a

252 room hotel with 120 services apartments, retail unit, health club, conference centre and basement car parking at site formerly known as 44-46 Prescott Street and 2-20 South Tenter Street, Prescott Street, London.

Mr Daniel Paine spoke in objection to the proposal on the grounds of noise and traffic impact.

Mr Adrian Greenwood spoke in objection to the proposal on the grounds of the adverse impact on the residential properties in terms of noise and traffic. He also felt there had been insufficient consultation with residents and requested that the application either be refused or deferred.

Mr Nick Fairman addressed the Committee on behalf of the applicant. He responded to the residents' concerns and explained the proposed measures to mitigate against noise and nuisance.

Mr Lance Harris addressed the Committee on behalf of the applicant and explained the daylight/sunlight assessment undertaken in respect of the proposal.

Ms Renee Goodwin, Acting Applications Manager, presented a detailed report and update report. She advised the Committee that the Environmental Health Department was satisfied with the noise mitigation measures proposed and it was considered that the proposal would not have a negative impact on the surrounding area. The area had good transport links and therefore Transport for London and the Council's Highways Department were both satisfied.

Members asked questions relating to the Section 106 legal agreement and the opportunities for the employment of local people. Concern was expressed over potential overlooking of residential properties and the potential wind tunnel that would be created between the proposal and the adjacent properties. Concern was also raised in relation to the noise generated by service vehicles.

The Committee was informed that the minimum distance between the two properties would be 22 metres, which complied with the Council requirement of no less than 18 metres. The Council's wind consultant was satisfied subject to a condition relating to a detailed wind assessment being carried out. The proposal complied with the Unitary Development Plan and the Local Development Framework as the area had been designated for commercial use, including a hotel.

It was proposed that an additional condition be imposed to limit the times of service vehicles entering and leaving the premises to between 7.00 am and 9.00 pm.

The Committee RESOLVED that planning permission for the erection of a part 8, part 13, part 16 storey building to provide a 252 room hotel with 120 services apartments, retail unit, health club, conference centre and basement

car parking at site formerly known as 44-46 Prescott Street and 2-20 South Tenter Street, Prescott Street, London be GRANTED subject to

- 1) Referral to the Mayor of London pursuant to the Town and Country Planning (Mayor of London) Order 2000 under categories 1B 1(b) and 1C 1 (c) of Part 1 of the Schedule of the Order for a building exceeding 20,000 square metres floor space in Central London and more than 30 metres high outside the City of London.
- 2) The prior completion of a legal agreement, to the satisfaction of the Chief Legal Officer, to secure the following:
 - a) A financial contribution of £50,000 towards the improvement of pedestrian and cycle facilities in the locality;
 - b) £150,000 towards public art;
 - c) £10,000 towards local child care provision;
 - d) TV reception monitoring and mitigation as appropriate;
 - e) Air quality monitoring during construction; and
 - f) Local labour in construction.
- 3) Social Compact and Service Level Agreement to secure such matters as the Employment Training Programme & Borough Schools Programme (includes financial contribution of £26,000 to Skillsmatch).
- 4) An agreement under section 278 of the Highways Act to fund highway resurfacing and repaving adjacent to the site.
- 5) The Head of Development Decisions be delegated power to impose conditions and informatives on the planning permission to secure the following:

Conditions:

- 1) Permission valid for 3 years.
- 2) Submission of details of external materials.
- 3) Submission of details of hard and soft landscaping treatment.
- 4) All planting, seeding or turfing.
- 5) Submission details of any proposed walls fences gates and railings.
- 6) Submission of details of any external lighting.
- 7) Investigation and remediation measures for land contamination.
- 8) Archaeological investigation and recording prior to commencement.
- 9) Submission of foundation design and method statement.
- 10) Design and construction details of the new basements should be submitted to the local planning authority.
- 11) Submission of the passive design measures, centralised heating system, Combined Heat and Power system, Groundwater Cooling/Heating (and associated electrical chillers), solar water heating, photovoltaic panels, which shall be in accordance with

- the submitted Cundall Genesys Environmental outline energy strategy in perpetuity.
- 12) Submit a swept path analysis to demonstrate that the junction of Prescott Street/St Mark Street can safely accommodate the passage of large vehicles.
 - 13) Control hours of construction.
 - 14) Control hours of power/hammer driven piling/breaking out.
 - 15) Details of noise levels to be submitted.
 - 16) Details of means of fume extraction and ventilation for restaurant.
 - 17) Details of means of fume extraction and ventilation for the conference catering facilities.
 - 18) Restriction of apart-hotel occupancy to 90 consecutive days or less.
 - 19) To secure the submission of a statement comprising a wind tunnel assessment and inclusion of any mitigation measures for the approval of the Council before the commencement of construction.
 - 20) *Restriction on hours in which service vehicles can enter and leave the premises to between 7.00 am and 9.00 pm.*
 - 21) Any other condition(s) considered necessary by the Head of Development Decisions.

Informatives:

- 1) This permission is subject to a planning obligation agreement made under Section 106 of the Town and Country Planning Act 1990.
 - 2) With regard to Condition 7 (Decontamination), you should contact the Council's Environmental Health Department.
 - 3) With regard to condition 10 you should contact the Council's Structures Section.
 - 4) You are advised that the Council operated a Code of Construction Practice and you should discuss this with the Council's Environmental Health Department.
 - 5) You should consult the Council's Highways Development Department, regarding any alterations to the public highway.
 - 6) You are strongly encouraged to increase the provision of wheelchair accessible rooms to more than the minimum 5%.
- 6) That if by 28th February 2007 the legal agreement has not been completed to the satisfaction of the Chief Legal Officer, the Head of Development Decisions be delegated power to refuse planning permission.

The meeting ended at 11.15 p.m.

Chair, Councillor Rofique U Ahmed
Strategic Development Committee

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**DEVELOPMENT COMMITTEE
STRATEGIC DEVELOPMENT COMMITTEE
OLYMPICS DEVELOPMENT COMMITTEE**

PROCEDURE FOR HEARING OBJECTIONS AT COMMITTEE MEETINGS

- 1) When a planning application is reported on the agenda as a Planning Application for Decision at one of the Council's Development Committees, objectors and the applicant/supporters will be able to address that Committee on any planning issues raised by the application, provided that they follow the procedures set out below.
- 2) For each planning application up to two objectors can address the Committee for up to three minutes each. The applicant or his/her supporter can address the Committee for an equivalent time to that allocated for objectors (ie 3 or 6 minutes).
- 3) All requests to address a Committee meeting should be confirmed in writing or by e-mail to the Committee Clerk by 4pm on the Friday prior to the meeting. This communication should confirm the details of the intended spokesperson and include contact telephone numbers. The Clerk will not accept requests before the agenda has been published. For objectors, the allocation of slots will be on a first come, first served basis. For the applicant, the clerk will advise after 4pm on the Friday prior to the meeting whether his/her slot is 3 or 6 minutes long. This slot can be used for supporters or other persons that the applicant wishes to present the application to the Committee.
- 4) The order for addressing committee will be:
 - a) Objector(s)
 - b) The applicant or supporter(s)
 - c) Non-committee Member(s) wishing to address the committee (limited to 3 minutes each)
- 5) These will all be verbal presentations only. The distribution of additional material or information to Members at the Committee is not permitted.
- 6) At the close of a speaker's address the person must take no further part in the proceedings of the meeting, unless directed by the Chair of the Committee.
- 7) Committee members, at the discretion of the Chair, may ask questions of any spokesperson on points of clarification only.
- 8) Where a planning application has been recommended for approval by officers and the applicant or his/her supporter has requested to speak but there are no objectors or non-committee members registered to speak, the Chair will ask the Committee if any Member wishes to speak against the application. If no Member indicates that they wish to speak against the recommendation, then the applicant or their supporter(s) will not be expected to address the Committee.
- 9) The Chair has the ability, at his/her discretion, to vary these procedures where there are exceptional circumstances or in the interests of natural justice.

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Agenda Item 6

Committee: Strategic Development	Date: 18 th January 2007	Classification: Unrestricted	Agenda Item No: 6
Report of: Corporate Director Development & Renewal		Title: Planning applications with non-completed legal agreements	
Originating Officer: Michael Kiely		Ward(s): See list of applications in report	

1. SUMMARY

- 1.1 This report sets out procedures for dealing with old planning applications where the S106 agreement has not been signed in a timely manner. This is now routinely addressed in committee reports for new applications, but it is necessary to address the older cases.

2. RECOMMENDATION

- 2.1 That, in respect of the applications listed in the schedule at section 5 of this report, the Corporate Director Development & Renewal be delegated power to either:
- (a) refuse planning permission; or
 - (b) treat them as being “finally disposed of” under the provisions of Article 25 of the General Development Procedure Order.

3. BACKGROUND

- 3.1 Members will be aware that in recent agendas the recommendations to grant planning permission subject to the completion of a S106 or other legal agreement have also included a further recommendation that delegated powers be given to refuse planning permission if the agreement is not completed within a specified time period – usually 3 months. The main reason for this is that the Council as local planning authority has a duty under the Town and Country Planning Act to grant planning permission in line with the development plan. If there is a significant delay in issuing a decision there will be an increasing possibility that the development plan may have changed and the application needs to be reconsidered. The other reason is to ensure that the Council completes the determination of planning applications in a timely manner.
- 3.2 There is a tendency with some developers to view the decision of the Committee as sufficient for their purposes; they see the planning permission as being “in-the-bag” even though, in law, a planning permission has not yet been issued. This practice can result in a tardy approach to finalising the legal agreement. The new practise of an additional recommendation setting a time limit is designed to eradicate this culture. As can be seen from the table in section 5 below, a high number of quite old applications are in this category.
- 3.3 The purpose of this report is to deal with those applications that predate the current practice of setting a time limit. If the Committee does not pass a new resolution then the original resolution remains in force (ie to grant permission etc) and the applications can stay undetermined on the Council’s “books”. This reflects badly on our performance as a local

LOCAL GOVERNMENT ACT 2000 (Section 97)
LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THIS REPORT

Brief Description of background papers:	Tick if copy supplied for register	Name and telephone no. of holder:
Application, plans, adopted UDP. draft LDF and London Plan	✓	Michael Kiely 020 7364 5257

planning authority. This report seeks an amended resolution that enables officers to deal with these old applications.

4. PROPOSED ACTION

4.1 There are two options open to officers in dealing with applications where an agreement is not signed:

1. To refuse planning permission – this will generally only be done where applications are still relatively new and where the conditions in (2) below do not apply.
2. To treat the application as “finally disposed of” under Article 25 of the General Development Procedure Order (GDPO) – this will generally be the approach where the application is relatively old and the applicant no longer has a right of appeal due to the passage of time.

4.2 Under Article 25 of the GDPO, the Statutory Register of all planning applications is divided into two parts, Part I being current applications and Part II being historic applications. Part I is defined as those applications that are “not finally disposed of” (Article 25(3)).

4.3 Article 25(11) sets out criteria for determining whether an application is “finally disposed of”. For these purposes, only sub-paragraph (a) is relevant. This states:

- a) it has been decided by the authority (or the appropriate period allowed under article 20(2) of this Order has expired without their giving a decision) and the period of six months specified in article 23 of this Order has expired without any appeal having been made to the Secretary of State.

4.4 Article 20(2) provides the time periods for decision (or longer period as may have been agreed in writing between the applicant and the local planning authority), while article 23 deals with the period for lodging of an appeal.

4.5 At the end of such periods where no decision or appeal has been made, an application is transferred from the Part I to the Part II register and is “finally disposed of”.

4.6 Therefore with all applications where the period for decision making has expired and no appeal has been made to the Secretary of State, the Council can finally dispose of the application in accordance with Article 25(11) of the Order and take no further action on it. In effect it is deemed withdrawn by virtue of the statutory provisions in the Order.

5. SCHEDULE OF APPLICATIONS

5.1 The following applications have been considered by this Committee and received a resolution to grant planning permission subject to the completion of a legal agreement, but that agreement has not been completed. These applications do not have the current additional resolution to delegate powers to refuse.

Ref No	Address	Development
1999 cases		
PA/99/00610	Land Bounded by Middlesex St, Goulston St and Whitechapel High St WARD: Spitalfields (pre February 2002 only)	Redevelopment of site to provide (1) a basement plus 12 storey building comprising a 343 guest room hotel, 70 serviced apartments, offices, with retail/restaurant space at ground floor level and health club and parking at basement level; (2) a new five storey building comprising basement car parking, ground floor retail/restaurant accommodation with 10 flats on the upper floors (3) the construction of new link road between Middlesex St and Goulston St; and (4) a new entrance to subway under Middlesex St.
2000 cases		
PA/00/01167	Hercules Wharf and 44 To 46 Orchard Place, Orchard Place, London, E14 WARD: Blackwall (pre February 2002 only)	Refurbishment and two floor extension of no.46 Orchard Place to provide B1 use, the erection of a 17 storey building (maximum height @ 56 metres Above Ordnance Datum Level) to provide B1 use and 9 live/work units on upper floors (in total creating 7504sqm of B1 space, 183sqm of A1 space and 1755sqm of live/work space) plus the erection of a 10 storey plus basement building (maximum height @ 38 metres AODL) to provide a 22,061 sqm 'Data Centre' together with a total of 127 car parking spaces at basement and ground floor and associated landscaping throughout the site.
2001 cases		
PA/01/01091	Fitzgerald Lodge 24 Sutton Street, London, E1 WARD: Shadwell (pre February 2002 only)	Demolition of building and erection of 40 one and two bedroom sheltered flats, 18 one and two bedroom shared ownership flats and a day centre.
PA/01/01648	417 Wick Lane, London, E3 WARD: Park (pre February 2002 only)	Erection of four new blocks - Block 1 being part-two and part-three stories high, Blocks 2,3, and 4 being seven stories high - plus an associated riverside walkway, link to the greenway and landscaping. Use of the new buildings as 35 'live/work' units (sui generis), 5 Class B1 business units, 2 Class A1 retail units, 2 Class A2 financial and professional office units plus 23 parking spaces and 6 delivery bays.
2002 cases		
PA/02/00945	74 to 108, Cheshire Street, London, E2 WARD: Weavers (February 2002 onwards)	Demolition of the existing buildings and the redevelopment of the site in the form of a part-three and part-five storey building in connection with its use as 67 flats, 5 live / work units (sui generis), 1 Class B1 unit and 2 Class B1/A1/A2 units and 31 basement car-parking spaces.

Ref No	Address	Development
PA/02/01808	Site A, Bow Lock, Twelvetrees Crescent, London, E14 WARD: Bromley by Bow	Redevelopment comprising in total 300 residential units, 7 live/work units, 140 bedroom hotel and 1900 sq. metres Class B1 (business) floorspace involving the erection of a 12 storey apartment building of 83 flats and a 14 storey apartment building of 97 flats together with 76 parking spaces at lower ground level; an eight storey hotel comprising 140 bedrooms, four meeting suites; a bar/restaurant and two staff flats together with 70 basement parking spaces; a mixed use building ranging from 3-11 storeys comprising 120 flats, seven live/work units, two business units and 147 parking spaces in conjunction with the formation of a roundabout on Twelve Trees Crescent, an access road, riverside walkway and landscaping.
2003 cases		
PA/03/01253	Suttons Wharf, Palmers Road E2 (Part) WARD: Mile End and Globe Town	Demolition of warehouse at south end of existing cash and carry premises and re-development as follows: new shared private road from Palmers Road; basement - 89 space car park; part ground and part first floors - 15 live/work units and one canalside commercial unit (proposed use, offices or restaurant) with public terrace; remainder of ground and first floors and 7 upper floors - 169 residential units, of which 41 to be 'affordable'; area of landscaping, to be transferred to Meath Gardens to extend public park.
2004 cases		
PA/04/00061	107-115 Whitechapel Road, London, E1 WARD: Spitalfields and Banglatown	Demolition of the existing buildings. The erection of a new basement and part-five and part-seven storey building. Use of the new building as a 39 bedroom hotel with ancillary basement restaurant, ground floor 'coffee lounge', retail unit and 5th floor roof garden (Class C1), plus a separate basement and ground floor showroom (sui generis), four residential units at first to fourth floor level with an ancillary communal conservatory and roof garden at fifth floor level (Class C3) - Revised application 1/04/04.
PA/04/00482	628-634 Commercial Road, London, E14 WARD: Limehouse (February 2002 onwards)	Revised proposal comprising demolition of hostel and redevelopment of site by the erection of a FOUR storey building comprising 2 commercial units for retail (A1 use) and light industrial/office (B1 use) plus 34 self contained flats (21 one bedroom flats, 10 two bedroom flats and 3 three bedroom flats).the proposed amendments include: Setting back of development from pavement edge on three road frontages (Mill Place & Island Row)Reduction of proposed accommodation from 44 to 34 flats. Reduction of floors from seven to four. Reduction of commercial floor space from 181.5 to 167 sum and removal of Ad use. (Revised Conservation Area Consent)

Ref No	Address	Development
PA/04/00774	Devons Wharf, Leven Road, London, E14 WARD: East India and Lansbury	Erection of a mixed use building to provide 869 sq. metres of commercial floor space and 37 residential flats and associated car parking.
PA/04/01131	Southern Section, Crossways Estate, Rainhill Way, London, E3 WARD: Bromley by Bow	Construction of buildings ranging from three to six storeys to provide 104 dwellings.
PA/04/01847	63-69 Manilla Street, London, E14 WARD: Millwall (February 2002 onwards)	Demolition of existing vacant warehouse storage and builders office building and erection of part 4, part 7 and part 10 storey building with basement level to provide 5512sqm office floor space, 165 sqm retail floor space and 11 flats consisting of (3 x 1 bed, 6 x 2 beds and 2 x 3 beds) plus 10 car parking bays provision. (Revised version of development permitted under PA/00/1675).
2005 cases		
PA/05/01704	Bow Baptist Church, 1 Payne Road, London, E3 2SP WARD: Bow East	Redevelopment of the site to include the demolition of existing buildings and erection of a part 6 / part 9 storey building with the retention of the church use at ground floor level and the provision of 35 residential units on the upper floors.
PA/05/01778	260-268 Poplar High Street, London, E14 WARD: Blackwall and Cubitt Town	Demolition of existing health centre and redevelopment of site comprising the erection of a 6 storey building to create community facilities on the ground floor, and 35 residential flats at rear of ground floor and floors above.
PA/05/01781	4 Mastmaker Road, London, E14 WARD: Millwall (February 2002 onwards)	Erection of buildings up to 21 storeys in height comprising 190 residential units, retail (Class A1) or food and drink (Class A3/A4) and community uses (Class D1/D2) together with new access arrangements, parking, open space and landscaping. The application is supported by an Environmental Impact Assessment.
PA/05/01782	1 Millharbour, London, E14 WARD: Millwall (February 2002 onwards)	Erection of two buildings of 48 storeys and 39 storeys to provide 763 residential units, retail (Class A1), food and drink (Class A3, A4), business (B1) and leisure (D2) uses with new vehicular access, parking, open space and landscaping. The application is supported by an Environmental Impact Assessment.
PA/05/2066	132 St Pauls Way, London, E3 WARD: Mile End East	Erection of four blocks of 6, 7, 9 and 11 storeys (plus basement) to provide a 2,667sq.m. medical centre (Use Class D1) and 36 flats (15x 1 bed, 16x 2 bed and 5x 3 bed) plus 8 off street parking bays and landscaping/communal outdoor space.
2006 cases		
PA/06/00262	7-9 Solebay Street, London, E1 WARD: Mile End and Globe Town	Demolition of existing buildings, redevelopment by the erection of a six storey building to provide 188 rooms of student accommodation comprising 36 studio flats and 152 study bedrooms in 3, 4 and 5 bedroom clusters with ancillary kitchen/dining facilities. rooms, administrative offices, cycle storage and landscaping.

5.2 The Development Committee will consider a similar report.

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Agenda Item 7.1

Committee: Strategic Development	Date: 18 th January 2007	Classification: Unrestricted	Agenda Item No: 7.1
Report of: Corporate Director of Development and Renewal	Title: Planning Application for Decision		
Case Officer: Stephen Irvine	Ref No: PA/04/1038		
	Ward: Limehouse		

1. APPLICATION DETAILS

Location: 82 West India Dock Road & 15 Salter Street, London E14
Existing Use: Warehouse with adjoining B1 use and ancillary yard.
Proposal: Demolition of existing buildings. Redevelopment of the site, including the erection of a 7 storey and 21 storey building in connection with its use as 1442 sqm of commercial floor space within Classes A1, A2, A3 or B1 and 120 flats consisting of 65 x 1 bedroom, 24 x 2 bedroom, 25 x 3 bedroom and 6 x 4 bedroom units.

The proposal includes a paved public concourse between the two buildings with a public art feature, DLR ticket machines and a glazed canopy overhead.

Drawing Numbers: 561: 109, 110L, 111J, 113J, 119G, 121G, 150N, 151K, 152F, 161H, 171L, 172H and 173G

Applicant: Aitch Group Holdings Plc
Owner: Line Management Group and Docklands Reprographics Services Limited
Historic Building: N/A
Conservation Area: N/A

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1 This application is the subject of an appeal to the Planning Inspectorate against the Council's failure to determine the application within the statutory period. The Council is therefore no longer empowered to make decisions on this application. Consequently, this report seeks confirmation of the decision that the Council would have taken, had it been possible to determine the application.

2.2 The summary of the main issues raised by the scheme are as follows:

- The design, height, scale and prominence of the proposal and its impact on the streetscape;
- The proposal's density and its impact on the adjacent area;
- The loss of a potential employment site;
- The use of the site for predominantly residential purposes.

LOCAL GOVERNMENT ACT 2000 (Section 97) LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THIS REPORT

Brief Description of background papers:	Tick if copy supplied for register	Name and telephone no. of holder:
Application, plans, adopted UDP. Draft LDF and London Plan, Government Guidance		Stephen Irvine 020 7364 5355

3. RECOMMENDATION

3.1 That the Director of Development and Renewal be instructed to inform the Planning Inspectorate that, had the Strategic Development Committee been empowered to make a decision on this application, it would have **refused** planning permission for the following reason:

- (1) The proposal amounts to an undesirable overdevelopment of the site with excessive density, height, mass and bulk resulting in an inappropriate design that is not justified by the surrounding urban context. As such, the proposal is contrary to the following statutory and emerging development plan policies:

The Tower Hamlets Unitary Development Plan 1998:

Policy DEV 1 (General Design and Environmental Requirements)

Policy DEV 3 (Mixed Use Development)

Policy DEV6 (High Buildings outside the Central Area)

Policy DEV8 (Developments which adversely affect significant local views)

The London Plan 2004

Policy 4B.1 Design Principles for a compact city

Policy 4B.3 Maximising the potential of sites and Table 4B.3

POICY 4B.8 Tall buildings – location

Policy 4B.9 Large-scale buildings – design and impact

The Tower Hamlets Development Plan Document Core Strategy and Development Control Submission Document November 2006:

Core policy CP4 (Good Design)

Core policy CP 48 (Tall Buildings)

Policy DEV2 (Character and Design)

Policy DEV27 (Tall Buildings Assessment)

Policy HSG 1 (Determining Residential Density) and Planning Standard 4

3.2 That the Planning Inspectorate be advised that any grant of planning permission should be accompanied by an agreement or unilateral undertaking under section 106 of the Town and Country Planning Act 1990 to secure planning obligations under the following heads:

1. An affordable housing contribution of 35% of the residential floorspace to be provided at a ratio of 80:20 between rental and intermediate housing.
2. A £197,472 contribution to the provision of education facilities in the area.
3. A £532,977 contribution to the provision of primary health care facilities.
4. A £400,000 contribution towards transport capacity improvements.
5. A 'car free' arrangement that prohibits residents from applying for a parking permit from the Council.
6. The implementation of a Travel Plan.
7. The use of Local Labour in Construction.
8. Measures to mitigate impact on telecommunication and radio transmissions to include those used by the Metropolitan Police and the Docklands Light Railway.

4. PROPOSAL AND LOCATION DETAILS

Original Proposal

4.1 The application was originally submitted in August 2004. It was for the demolition of the existing buildings on site and its redevelopment to provide a mixed use scheme comprising

of 133 residential units and 1442 sqm of commercial floor space with flexible uses ranging from retail, restaurant and light industrial uses.

Revised Proposal

- 4.2 The applicants have appealed to the Planning Inspectorate in respect to the non-determination of this application, which will be the subject of a Public Inquiry on 17th -19th January 2007.
- 4.3 The current proposal is for the demolition of the existing building and the redevelopment of the site with a seven-storey building and a twenty one-storey building to provide 1,442 sqm of commercial floor space for use within Classes A1, A2, A3 or B1 and 120 flats consisting of 65 x 1 bedroom, 24 x 2 bedroom, 25 x 3 bedroom and 6 x 4 bedroom units.

The proposal includes a paved public concourse between the two buildings with a public art feature, DLR ticket machines and a glazed canopy overhead.

- 4.4 The appeal scheme comprises of the following:
- Block T – 1306 sqm of commercial floorspace at ground, first and second floors with 99 self-contained flats above. 87 of these flats are intended for private sale (57 one-bedroom, 16 two-bedroom and 14 three-bedroom). The remaining 12 flats (8 one-bedroom, 2 two-bedroom and 2 three-bedroom) are intended for shared ownership.
 - Block L – 136 sqm of commercial floorspace at ground floor level and 21 flats (6 two-bedroom, 9 three-bedroom and 6 four-bedroom) for affordable rent.
- 4.5 As there are no defined users for the proposed floorspace, the applicant has asked for it to be able to be used for a variety of commercial uses. Consequently, the commercial space is proposed to be used for retail, financial and professional and restaurant usage (Classes A1, A2 and A3) plus as offices (Use Class B1).

Site and Surroundings

- 4.6 The application site measures approximately 0.16 hectares and is located on the west side of West India Dock Road, north of Westferry Station.
- 4.7 The site is accessed from Salter Street, which is located on the western edge of the site. It is bounded to the north and east by West India Dock Road and to the south by the entrance of Westferry Station and its railway viaduct.
- 4.8 82 West India Dock Road is a two-storey commercial brick building owned and occupied by Docklands Printers. It has operated as a printers on the ground floor with some ancillary office space on the first floor.
- 15 Salter Street comprises of a two-storey office building dating back to the 1950s. It is owned by Line Management and has been used as office and warehouse accommodation. According to the applicant, they have a full time work force of 27 and as many as 70 staff working on contracts within other external offices throughout London.
- 4.9 To the west of the site are residential blocks at Compass House. Whilst the immediate surrounding area comprises of a mix of uses, including commercial, retail and residential uses, the area (particularly to the south of the site) is predominantly residential in character.
- 4.10 The site is located a short distance from local shops and services. Overall, the site is considered to be accessible, benefiting from its close proximity to the Westferry DLR station and the bus network along Westferry Road.

Planning History

- 4.11 9th May 2002 – Planning permission was granted for the erection of a new warehouse building (Class B8) and the creation of additional car parking spaces in connection with the existing business on site.

It would appear that this permission was never implemented.

5. POLICY FRAMEWORK

- 5.1 The following policies are relevant to the application:

Adopted 1988 Unitary Development Plan (UDP)

Proposals: Flood Protection areas

Policies:

ST20	To ensure developments respect the built environment
ST21	Affordable housing
ST23	High standard of development
ST25	To ensure adequate social and physical infrastructure
DEV 1& 2	General Design and environmental requirements
DEV3	Mixed Use Developments
DEV4	Planning Obligations
DEV5	High Buildings and Views
DEV8	Views
DEV12	Landscaping
DEV13	Tree Planting
DEV50	Environmental Impact of Major Developments
DEV51	Contaminated Land
DEV55	Development and Waste Disposal
EMP1	Promoting Employment Growth
EMP2	Retaining Existing Employment Uses
EMP 3	Surplus Office Floorspace
EMP6	Access to Employment
HSG2	New Housing Developments
HSG3	Affordable Housing
HSG7	Dwelling mix and type
HSG9	Density
HSG13	Internal residential space standards
HSG16	Amenity space
T9	Strategic traffic management
T15/T16	Transport and development
T17	Parking standards
T21	Protection of pedestrian routes
T24	Cyclists
OS9	Play space
S6	Retail development
U2/U3	Flood protection

Emerging Local Development Framework

The following Core Strategy and Development Control Development Plan Document **policies** are applicable to this application:

Core	CP3	Sustainable environment
Strategies:	CP4	Good design

	CP5	Supporting infrastructure
	CS16	Density
	CP19/21	Dwelling mix and type
	CP22	Affordable Housing
	CP25	Amenity space
	CP46	Accessibility and inclusive environment
	CP48	Tall buildings
Policies	DEV1	Amenity
	DEV3	Accessibility and inclusive design
	DEV5	Sustainable design
	DEV6	Energy efficiency and renewable energy
	DEV10	Disturbance from noise pollution
	DEV11	Air Pollution and air quality
	DEV12	Management, Demolition and Construction
	DEV19	Parking and recycling
	DEV20	Capacity of utility infrastructure
	DEV22	Contaminated land
	UD4	Accessibility and linkages
	HSG1	Housing density
	HSG2	Housing mix
	HSG4	Varying the ration of social housing to intermediate housing
	HSG7	Housing amenity space
	HSG9	Accessibility and adaptable homes
	HSG10	Calculations of affordable housing

Supplementary Planning Guidance/Documents

Residential Space
Business Use
Planning Standard No.4

Spatial Development Strategy for Greater London (London Plan)

Policies	2A.1	Sustainability Criteria
	3A.1	Increasing London's housing supply
	3A.4	Housing choice
	3A.5	Residential developments
	3A.6	Definition of affordable housing
	3A.7	Affordable housing targets
	3A.8	Negotiating affordable housing
	3A.10	Special needs and specialist housing
	3A.25	Social and economic assessment impacts
	3B.4	Mixed use developments
	3C.2	Matching development and transport
	3C.2	Sustainable transport in London
	3D.12	Biodiversity and Nature conservation
	4A.7/4A.8	Energy efficiency and renewable energy
	4A.9 & 4A.10	Renewable energy
	4A.14	Reducing noise
	4A.16	Contaminated land
	4B.1	Design principles
	4B.3	Maximising the potential of the site
	4B.4	Enhancing the public realm
	4B.5	Creating an inclusive environment
	4B.7	Respect local context and communities
	4B.8	Tall buildings
	4B.9	Large scale buildings (design and impact)
	4B.15	London Views Protections Framework

6A.3	Promoting development
6A.4 & 6A.5	Priorities in planning obligations
Annexe 4	Parking Standards
	Interim Guidance on Tall Buildings
	Interim Guidance on affordable housing

Government Planning Policy Guidance/Statements

PPS1: Delivering Sustainable Development
 PPS3: Housing
 PPG4: Small Businesses
 PPG6: Town Centres
 PPG8: Telecommunications
 PPG9: Biodiversity & Geological Conservation
 PPG10: Planning and Waste management
 PPG12: Local Development Frameworks
 PPG 13: Transport
 PPG16: Archaeology
 PPS22: Renewable Energy
 PPG24: Planning and Noise
 PPG25: Development & Flood risk
 English Heritage/CABE Guidance on Tall Buildings 2003

Community Plan: The following Community Plan objectives relate to this application:

A better place for living safely: reduction in crime and improved environment and safety
 A better place for living well: quality affordable housing and decent home standards
 A better place for creating and sharing prosperity: enhanced investment and employment opportunities.

6. CONSULTATION RESPONSES

6.1 The views of officers within the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below. The following statutory bodies, interested parties were consulted:

Cleansing

6.2 No objection.

Education

6.3 Advises of the need for £197,472 contribution towards education provision for the additional child population arising from the scheme.

Environmental Health

6.4 Requests that any permission be conditioned to secure an investigation to identify any site contamination and any necessary mitigation, including from noise and air quality.

Additionally, acoustic glazing of RW42 is recommended on all sensitive facades, due to high-expected road and rail noise.

Appropriate mitigation is also required in respect of the mechanical ventilation to kitchens.

- 6.5 Daylight and sunlight reports were assessed and marginal failures were reported, on some of the facades to Compass House. However, these infringements were considered to be acceptable and given the urban context of the site.

Housing Strategy Group

- 6.6 Housing commented that they were satisfied with the level of affordable housing, which equated to 34% of the proposed habitable floor space. Its tenure mix, which provided for 74% of the flats to be used for social-rent purposes and 26% for shared ownership usage was also considered acceptable.

They noted that the market housing only provides 16% of family units (3 bedroom or larger), which falls short of the emerging policy requirements. However, on balance, they considered that the overall dwelling mix, including the family sized units for social rent, met the Council's housing needs. They consequently raised no objection to the proposal.

Traffic and Transportation

- 6.7 No objection, subject to the commercial floorspace and residential accommodation being 'car free'.

They also recommended that a Travel Plan for the commercial use should form part of a legal obligation, plus a Section 278 agreement should be sought to secure the funding of highway and footway repairs.

Finally, a condition to secure adequate bicycle provision for the residential development should be imposed.

BBC – Reception Advice

- 6.8 No objection.

Commission for Architecture and the Built Environment (CABE)

- 6.9 The following comments were made:

“No objection to the principle of a tall building in this location and welcomed the non residential elements at ground floor level. However, overall, it is considered that the tall element requires a lot more work before it reaches the level of elegance we would expect on this prominent site. In our view the design needs more to be simpler and more refined; as currently, proposed we feel that the elevations are over complicated. It seems to us that the architectural language of ‘docklands’ vernacular has simply been reproduced in this case, without acknowledging the fact that it is being applied to a tower instead of lower rise development. In our view there should be stronger rationale to the design of the elevations”

Docklands Light Railway (DLR)

- 6.10 They advised that:

- No structure should be within 5m of any rail infrastructure;
- They required a safety statement;
- Details of the facing materials, opening and maintenance regime for the southern elevation was required;
- A transport assessment was required in respect of the impact on the existing infrastructure;
- The applicant should undertake a study to assess the radio communication network.

English Heritage (Archaeology)

- 6.11 Advised that any development of the site may pose a significant threat to the archaeological heritage of the area. Consequently, they recommended that a condition should be imposed ensuring a site investigation is undertaken and records of any remains are made prior to the development starting.

Environment Agency

- 6.12 No objection. However, they recommended conditions regarding land contamination, the construction of site foundations, plus the construction of the surface and foul drainage systems. They also requested to be consulted on any further details.

Greater London Authority (GLA)

- 6.13 The Mayor concluded that the principle of a high-density, predominantly residential development is broadly supported.

However, they required further details in relation to:

- Biodiversity opportunities (Black Redstarts) and sustainability concerns;
- Energy measures;
- Lifetime Homes;
- Transport improvements;
- Green Travel Plan;
- Community facilities;
- Drainage measures.

Officer Note:

In this regard, the applicant submitted a revised design statement that confirmed that the dwelling would be built to lifetime home standards and at least 10% would be accessible by wheelchair users. An appropriate condition will be recommended to secure this.

It will also be recommended that noise insulation, cycle provision, a biodiversity and sustainability statement and the details of a ground source heat pump system should be secured by condition.

London City Airport

- 6.14 No safeguarding objections to the proposed development.

Primary Health Care Trust

- 6.15 No objection, subject to the need for £532,997 as contribution to mitigate the healthcare related impacts arising from the scheme.

Transport for London – Street Management

- 6.16 No objection.

Thames Water Authority

- 6.17 No objection.

7. LOCAL REPRESENTATION

7.1 A total of 194 neighbouring properties were notified about the proposal and invited to comment. The proposal was publicised in East End Life and by site notices adjacent to the site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses:	30	Objecting:	26	Supporting:	2
No of petitions received:					

- 2
- The 'Splash' petition contained 27 objections to the proposal.
- Another 14 signature petition was also received from residents of Compass Point, an adjacent residential block.

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

Design

- The scale, bulk and height of the proposal is inappropriate and out of character with the surrounding area.
- The design of the proposed building is unacceptable.
- The proposal is over dense and is overdevelopment.
- The principle of a tall building sets an unwelcome precedent in the area.
- The tall building will block long views in and around the site and result in potential accident black spots.
- The development will detrimentally affect the character of the street.

Amenity

- The scale of development will increase crime.
- The scale of development will increase noise.
- There are insufficient local services to support the scale of development.
- The proposal will result in an unacceptable reduction in daylight / sunlight to adjacent residents.
- The proposal will result in unacceptable overshadowing to adjacent residents.
- The proposal will result in an unacceptable increased sense of enclosure to adjacent residents.
- The proposal will result in an unacceptable loss of privacy and increased overlooking for adjacent residents.

Highways

- Insufficient parking provided.
- The development will increase traffic.

Other

- Adverse impact of the proposal on radio communication for the adjacent Police Station and Docklands Light Railway.
- Adverse impact of the proposal on television reception.
- The proposal will not offer any benefits to the community.
- There is insufficient infrastructure in place to support the development.

7.3 The two letters of support commented about the positive regenerative benefits arising from the proposal.

7.4 The following issues were raised in representations, but are not material to the determination of the application:

- Duration of construction works.
- Increased noise and disturbance during construction works.
- Loss of residents views to Canary Wharf.
- Adverse impact of the proposal on the values of neighbouring properties.

8. MATERIAL PLANNING CONSIDERATIONS

8.1 The key planning considerations raised by the application that the Committee are considered to be the following:

- The loss of a potential employment site;
- The use of the site for predominantly residential purposes;
- The design, height, scale and prominence of the proposal and its impact on the streetscape;
- The proposal's density and it's impact on the adjacent area;
- Amenity issues;
- Highways issues.

Principle of the proposed land uses

8.2 The application site has a long history of commercial use and is currently in active employment use. Within the Proposals Maps of both the 1998 UDP and the emerging Local Development Framework, the site has not been designated for a specific use.

8.3 The applicant submitted an 'Employment Uses Report' in November 2005 commenting on the existing and proposed commercial floorspace at the site.

The report states that 82 West India Dock Road was formerly occupied by Dockland Printers as a printers and ancillary offices. The site is vacant at present.

Line Management occupy the warehouse and office at 15 Salter Street. They are still operating with the benefit of 27 full time staff on site and 70 other contract staff employed elsewhere.

8.4 The applicant's 'Employment Use Report' states that the commercial floorspace in both buildings is inflexible and has a layout which does not meet modern office needs. Moreover, they consider that the current servicing facilities are outmoded. On this basis, they consider that the buildings would be difficult to let.

8.5 The report concludes that the construction of a new, stand-alone employment building would not be viable in this location, due to the secondary / tertiary nature of the site for commercial use.

8.6 Whilst the Council note these views, it does not accept that the redevelopment of this site for office purposes is not possible. It's location:

- next door to Canary Wharf,
- close to the City and the West End,
- within the immediate vicinity of south London via the Rotherhithe and Blackwall Tunnels,
- North East London and Essex via the A13 and A12

makes it difficult to argue that this site's location is 'secondary / tertiary' and that a business concern servicing businesses in Canary Wharf and City is not possible or viable. Indeed, the success of the Canary Wharf Estate and nearby industrial estates such a Poplar Business Park would appear to indicate the contrary.

8.7 More relevantly, the scheme proposes 1442 sqm of commercial floorspace to be used for a combination of A1, A2 and A3 uses, a 188 sqm increase when compared to the existing employment floor space of 1254 sqm. Furthermore, the Employment Report's contention that the proposal will result in:

- Modern, up to date employment accommodation and;
- An additional 101 jobs, compared to the existing site usage.

clearly are positives of this scheme.

8.8 Overall, the proposal replaces the existing amount of employment floorspace with a slightly larger amount. It is therefore not possible to sustain an argument that this proposal would result in the loss of an employment generating site. Additionally, the proposed uses are likely to create more jobs than the existing printers, warehouse and ancillary office accommodation. Furthermore, these uses create a smaller amount of jobs per square metre than the proposal does. Additionally, the proposed residential accommodation will help the Council reach its 2016 housing target and provide much needed affordable housing.

8.9 In view of the above, it is not considered that there are any land use reasons that would sustain a reason for refusal in this instance. Consequently, the proposed uses are acceptable in principle.

Design considerations and suitability of the location for a tall building

8.11 Policy DEV1 of the 1988 UDP seeks to ensure that developments take into account and are sensitive to the character of the surrounding area in terms of design, bulk, scale and the use of materials. Policies CP4 and DEV2 of the draft LDF are in line with DEV1. Policy 4B.1 of the London Plan requires Boroughs to ensure that developments respect the local context.

8.12 UDP Policy DEV6 states that outside of the Central Area Zones, proposals for high buildings (defined as one which exceeds 20m) are only appropriate where it can be demonstrated that the proposal would not be adversely detrimental to the visual amenity of the locality. In addition, other considerations include the need to ensure that the proposal will not have a detrimental effect in terms of overshadowing, wind turbulence or have detrimental effect, such as creating radio and television interference.

8.13 The scheme proposes two elements, an affordable housing block (Block L) which will be of a modern design with an overall height of 26.5m. The overall height of the Block T is approximately 74m.

In terms of other buildings nearby, both Compass Point and the residential blocks in Grenade Street are 4-5 storeys high. An eight storey residential block is located further east of the site. Overall, Block T will be substantially taller than the buildings immediately adjoining the site. Given its height, scale and prominence, it is considered that outstanding architectural quality would be required if a building of this height were to be considered acceptable.

8.14 The applicant has sought to provide a rationale for the height of the tower block (T) on the basis of its siting, design and good connectivity. The planning / design statements submitted by the applicant refer to the character of the site as lending itself to the development of a scheme with a high site coverage and density. However, the Council's Urban Design Team contends that Block T in particular does not meet the broader aims of the Council's UDP or emerging policies.

Specifically:

- The design is not considered to demonstrate sufficient sensitivity to the context of the

site.

- The application scheme is not considered of sufficiently high architectural quality. Indeed, in this regard, it is fair to say that it appears all parties agree that an evolved scheme submitted informally on 7th September 2006 amounts to a significant improvement.
- The site is not within an identified tall building cluster and there is no evidence that consideration of any type of built form other than a tall building has been considered.
- The development would impact on the important local views of 1 Canada Square and the Canary Wharf cluster.
- It is considered that the development would not make a positive contribution to the skyline. It would certainly not consolidate a cluster of buildings.
- The development would not satisfactorily integrate with either the streetscape or the surrounding area.
- It is arguable that the development would not present a human scaled development at street level.
- There is no local precedent for a tower of this magnitude and the development would fail to respect local character. The design makes no attempt to incorporate or reflect elements of local distinctiveness other than to emulate buildings within the Canary Wharf cluster of which it does not form a part.
- Whilst BRE sunlight and daylight guidelines may be met, for residents in the southern part of Compass Point, the development, particularly the affordable block, would result in an oppressive sense of enclosure.
- The appellant's submitted wind assessment study has been independently examined. The conclusion is that conditions to the north of the development would be unpleasant and mitigation in the form of landscaping on Council owned land outside the application site is required.
- The scheme ignores the density requirements of LDF policy HSG1, instead proposing development over three times the upper end of the residential density range advocated by both the London Plan and the emerging LDF.
- It has not been adequately demonstrated that the scheme would not interfere to an unacceptable degree with telecommunication and radio transmission network. In particular both the Metropolitan Police and the DLR have raised concern on this matter.

8.15 The concerns about the quality of the architectural detailing are also supported by CABE: Specifically, they state:

“that the taller element requires a lot more work before it reaches the level of elegance required on this prominent site”.

8.16 Overall, the height, scale and dominance of the 21 storey tower in particular, would have a detrimental visual impact on the streetscape and local context. Given the height and scale and prominence of the proposed buildings, it is considered that the resulting design would not achieve the standard of design required. This opinion has been endorsed by CABE that is not convinced that the scheme would deliver the exceptional quality required for a

building of this scale and magnitude in this location.

Density

8.17 Both the London Plan 2004 and the Council's emerging LDF include policies that seek to ensure an appropriate density of development is provided on individual sites. These policies seek to take into consideration:

- the local context,
- the site's accessibility,
- its housing mix and type,
- its design,
- its environmental impact,
- the capacity of the existing infrastructure,
- open space provision.

In simple terms, it links an appropriate density of development to the location and context of a site and the public transport availability in the area, defined by a PTAL score.

8.18 The site has a high level of accessibility: PTAL 6 on a scale of 1-6.

For:

- an 'urban' site,
- with low parking provision,
- with a PTAL score of 6,
- within 10 minutes walking distance of a town centre (Canary Wharf),

both plans say that an appropriate density should be within the 450 – 700 habitable rooms per hectare range (hrh). However, the residential accommodation proposed by the appeal scheme would result in a density of 2121 hrh, over three times that envisaged by both the London Plan and the emerging LDF.

8.19 The applicant has attempted to justify the density proposed via a 'density statement'. The statement argues that the proposal achieves the following goals:

- a vertical mix of uses,
- substantial contribution to the local housing provision, and
- the provision of new publicly accessible open space.

The density statement concludes with the following:

- That the proposal is coherent with the planning policy context of the Council and GLA;
- That the design maximises the potential of the site, whilst respecting the local character and strengthening an emerging landscape;
- The proposal promotes high quality design, much needed housing as well as secure publicly accessible open space;
- That the scheme is highly accessible to public transport;
- That the scheme delivers substantial benefits to the wider area, many improvements to the public realm, security, accessibility, housing stock, local retail and services.

8.20 The Council accepts that density guidelines are intended to provide a relative rather than an absolute indicator of a site's capacity. Furthermore, Policy 4B.3 of the London Plan says that Boroughs should ensure that development proposals achieve the highest possible intensity of development compatible with local context. Whilst it is accepted that this site may be suitable for a building taller than its surroundings, the issue in this case is whether a scheme

of such magnitude and design is justified by the local context.

8.21 It is considered that the appeal scheme fails in this regard. Officers consider that this scheme is a significant overdevelopment of the site and fails to pay proper regard to its context. As such, a refusal of this scheme on this point is recommended.

Housing

8.22 UDP Policy HSG2 supports residential use of non-residential buildings and sites subject to:

- site characteristics,
- local circumstances,
- where there is no serious adverse impact on the local environment or traffic conditions.

Core policy CP19 of the emerging LDF says that the Council will seek to direct new housing to brownfield sites, where this is appropriate. Similarly, the London Plan promotes the re-use of previously developed sites for residential use. Moreover, PPS3 seeks greater intensity of development on residential sites with good public transport accessibility.

Overall Dwelling Mix

8.23 In respect of new housing developments, UDP Policy HSG7 seeks to promote a mix of unit sizes and requires a “substantial proportion” of family dwellings on appropriate sites. This is to help in the provision of sustainable communities, the objectives of which are set out in Policies CP21 and HSG2 of the emerging LDF.

8.24 The scheme proposes 120 residential flats with an overall dwelling mix as follows:

	Total Number of Units	% Of Total Units
1 bed	65	54%
2 bed	24	20%
3 bed	25	21%
4 bed	6	5%
Total	120	100%

Affordable Housing

8.25 UDP 1998 Policy HSG3 requires 25% affordable housing to be provided in developments with 15 or more dwellings. Policies CP22 and HSG3 of the emerging LDF seek 50% affordable housing units to be provided in schemes with a minimum of 35% affordable units.

8.26 The scheme proposes 33 affordable housing units or 34% of the total number of habitable rooms. The mix of the affordable housing is as follows:

	Total Number of affordable units	% Of unit mix
1 bed	8	24.5%
2 bed	8	24.5%
3 bed	11	33%
4 bed	6	18%
Total	33	100%

73% of the affordable housing is proposed to be used for social rented purposes, whilst 27% will be used for intermediate use.

8.27 The proposed amount of affordable housing is supported by a financial appraisal ('toolkit') which illustrates that this amount of affordable housing is the maximum that can be achieved

without compromising the viability of the scheme. The Council do not consider that this point is a matter for dispute.

- 8.28 Overall, officers are satisfied with the level of affordable housing provided, which equates to 34% of the proposed habitable floor space. Its mix, which provides for 73% of the flats to be used for social-rent purposes and 27% for shared ownership usage is also considered acceptable.

Market Housing

- 8.29 The proposal comprises 87 flats for private sale, the mix of which are noted below:

	Market units	% Unit mix
1 bed	57	66%
2 bed	16	18%
3 bed	14	16%
Total	87	100%

- 8.30 The market housing only provides 16% of family-sized units (3 bedroom or larger), which falls short of the emerging policy requirements. However, on balance, the Housing Department consider that the overall dwelling mix, including the family sized units for social rent, meet the Council's housing needs. They consequently raised no objection to this aspect of the proposal.

Amenity Space

- 8.31 The room sizes proposed are of an acceptable standard.

The amount of amenity space made up of:

- 228sqm on top of Block L (affordable housing)
- 155sqm on top of Block T (private and intermediate housing),
- along with small individual balconies fronting many of the flats

is, on balance, acceptable.

Amenity

Daylight / sunlight / overshadowing

- 8.32 In support of the planning application, GL Hearn undertook an assessment of the potential impact on light to surrounding properties and resultant conditions within the development. A shadow path analysis was also undertaken.

The Environmental Health Department have concluded that the potential effects on the surrounding environment would be limited in nature and duration. Any daylight / sunlight infringements would be within the limits set out in BRE guidance. As such, they raise no objection to this scheme on these grounds.

Overlooking

- 8.33 Many objections have been received in respect of the impact of the scheme and privacy. However, Officers consider that the overall fenestration arrangement on both blocks will respect privacy and that the distance between windows and different properties is not exceptional for an urban environment. Therefore, a reason for refusal on this point cannot be sustained.

Microclimate

8.34 As part of the application, the applicant undertook a Wind Impact Assessment to assess the impact of the proposal on the microclimate. The Council's consultant, Casella Stanger, and Environmental Health reviewed the findings and advised that a tree planting scheme should be implemented in the northwest corner of the site, adjacent to Block T, to ameliorate microclimate problems.

8.35 However, it was found that this area is outside the site boundary. The land belongs to the Council and is used for parking purposes by Metropolitan Police who have a station on the other side of West India Dock Road.

The applicant states that the Council's Highways Officer has asked the applicant to provide landscaping for this area. Notwithstanding this, the mitigation required to reduce the adverse wind effects of this development will need to be fully resolved to satisfactorily address any localised wind effects at ground floor level. In this regard it is recommended that, if the Inspectorate were minded to approve the scheme in its current form, the issues between the applicant and the Council will need to be addressed.

Noise and Vibration

8.36 A noise impact assessment report was submitted with the application to assess the impact of nearby train activity on prospective residents. The Council's Environmental Health Team has assessed this report and advised that a condition should be imposed to ensure double high performance acoustic glazing (RW42) is installed on all sensitive facades. This is to ensure traffic and rail noise is kept to acceptable levels. Subject to such a condition, the scheme is considered acceptable in these terms.

Ecological Effects

8.37 The GLA have considered the ecological implications of the proposal.

If the Inspectorate is minded to grant planning permission for the proposal, they have asked that a condition be imposed to ensure that a survey is undertaken for nesting black redstarts prior to the commencements of any works on site. This is to ensure that this rare bird's natural habitat is preserved. In the event that black redstarts are found nesting on the site, they have asked that the nest should be left undisturbed. Additional monitoring is requested throughout the breeding season.

Finally in this regard, the applicant should also be required to submit details of landscaping, which should include a suitable habitat for the black redstarts.

Telecommunications

8.38 The applicant has submitted a study on TV and radio reception to assess the impact of the proposal on reception of terrestrial, satellite television and radio services in the surrounding area. The report concludes the following:

- The proposal would be unlikely to have a significant impact on the reception of radio services;
- That the proposal would have a minor impact on satellite TV services;
- That the proposal would be likely to have an adverse impact, due to shadowing effects, on terrestrial TV services within a 230 metres immediately north west of the site;
- Is likely to have a negligible impact elsewhere on terrestrial TV services, due to reflections of terrestrial TV signals.

8.39 The report raises concerns about the impacts on shadowing with a 230m impact immediately

northwest of the site. The Metropolitan Police and Docklands Light Railway have raised concerns that the report does not take account of any possible impacts on the mobile operations of the Metropolitan Police and Dockland Light Railway. In these circumstances, further studies and mitigation may be required if this scheme is considered acceptable by the Planning Inspectorate.

Highways

- 8.40 The proposal has direct links to Westferry DLR station and also proposes the inclusion of DLR ticket machines (including a glazed canopy).

The DLR currently operates a two-car service, but this will be upgraded in 2009 to a three-car service. The increased service will result in significant transport improvements, which the proposal will benefit from. In these circumstances, the GLA has advised that the scheme will generate a requirement of £400,000 from the developer towards these transport capacity improvements.

- 8.41 A 'car free' agreement is proposed, which will mean that no car parking permits will be issued to residents of this development. Since the area surrounding the site is a controlled parking zone, this will ensure that the scheme will generate little traffic and not exacerbate any parking problems in the adjacent area as residents will not practically be able to park.
- 8.42 Secure storage for bicycles will also be provided at ground floor level. The proposed cycle provision is considered satisfactory.

S106 agreement issues

- 8.43 Policy DEV4 of the adopted UDP and Policy IMP1 of the emerging LDF say that the Council will seek to enter into planning obligations with developers where appropriate and where necessary for a development to proceed.

If the Inspector is minded to allow this appeal, planning permission should not be granted unless there is in place an agreement or unilateral undertaking under section 106 of the Act to secure planning obligations under the following heads:

1. An affordable housing contribution of 35% of the residential floorspace to be provided at a ratio of 80:20 between rental and intermediate housing.
2. A £197,472 contribution to the provision of education facilities in the area.
3. A £ 532,977 contribution to the provision of primary health care facilities.
4. A £400,000 contribution towards transport capacity improvements.
5. A 'car free' arrangement that prohibits residents from applying for a parking permit from the Council.
6. The implementation of a Travel Plan.
7. The use of Local Labour in Construction.
8. Measures to mitigate impact on telecommunication and radio transmissions to include those used by the Metropolitan Police and the Docklands Light Railway.

It is considered that the planning obligations requested are appropriate in this case and accord with the Secretary of State's policy set out in Circular 5/2005 and published, local and metropolitan planning policies.

- 8.44 The requirement for affordable housing would accord with Policy 3A.7 of the London Plan that sets out the Mayor's strategic target that 50% of housing provision should be affordable and Core Policy CP22 of the emerging LDF. LDF Core Policy CP22 2. goes on to stipulate that:

"the Council will seek a minimum of 35% affordable housing on developments

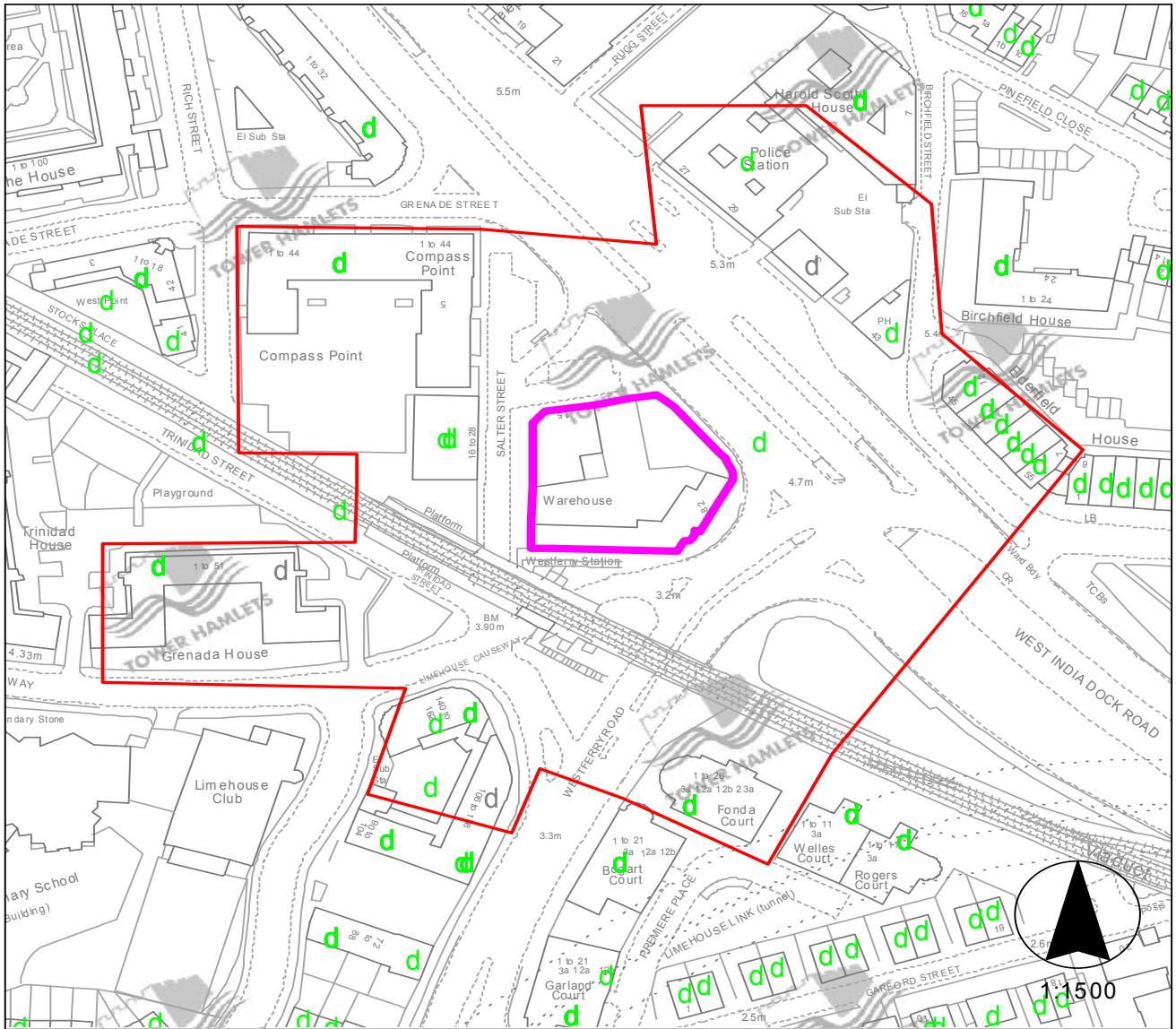
proposing 10 new dwellings or more.”

- 8.45 The 80:20 ratio between rental and intermediate housing is set out at LDF Core Policy CP22.3. This differs from the 70:30 ratio advocated by the London Plan due to local circumstances as explained at paragraph 5.19 of the LDF.
- 8.46 The contribution to education provision is based on an estimated child yield figure of 16 children for the development made by the Council's Head of Education Development who also advises that there is an identified need for additional primary school / nursery school provision in the area.
- 8.47 The contribution to the provision of primary health care facilities arises from modelling and advice given by the Tower Hamlets Primary Care Trust.
- 8.48 The contribution towards transport capacity improvements arise from requests from the Docklands Light Railway and the Greater London Authority to assist in the programme to upgrade the railway to a three car system.
- 8.49 The prohibition of residents from applying for a parking permit from the Council is due to the fact that the site lies within a controlled parking zone where available on-street parking is already saturated.
- 8.50 The requirement for a Travel Plan arises from a request from Transport for London (part of the Greater London Authority).
- 8.51 The Council operates a Local Labour in Construction programme and it is considered reasonable that the developer should participate in this in order to assist in the provision of employment locally.
- 8.52 The requirement for the mitigation of the impact of the development on telecommunication and radio transmissions arises from the appellant's Study on TV and Radio Reception that identifies a likely adverse impact on reception in an area north of the development and concerns raised by the Metropolitan Police and the DLR, neither of which are addressed in the appellant's document.

Conclusions

- 8.53 It is acknowledged that the site is well served by public transport and appropriate for a high density mixed use redevelopment. However, a major overdevelopment is proposed and the height, scale and dominance of the 21 storey tower in particular, would have a detrimental visual impact on the streetscape and local context. Given the height and scale and prominence of the proposed buildings, it is considered that the resulting design would not achieve the standard of design required. This opinion has been endorsed by CABE that is not convinced that the scheme would deliver the exceptional quality required for a building of this scale and magnitude in this location.

Site Map



Legend



Planning Application Site Boundary



Consultation Area



Land Parcel Address

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. The Site Map was reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationery Office © Crown Copyright. London Borough of Tower Hamlets LA086568

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Agenda Item 8

Committee: Strategic Development	Date: 18 th January 2007	Classification: Unrestricted	Agenda Item No: 8
Report of: Corporate Director of Development and Renewal		Title: Planning Applications for Decision	
Originating Officer: Michael Kiely		Ref No: See reports attached for each item	
		Ward(s): See reports attached for each item	

1. INTRODUCTION

- 1.1 In this part of the agenda are reports on planning applications for determination by the Committee. The following information and advice applies to all those reports.

2. FURTHER INFORMATION

- 2.1 Members are informed that all letters of representation and petitions received in relation to the items on this part of the agenda are available for inspection at the meeting.
- 2.2 Members are informed that any further letters of representation, petitions or other matters received since the publication of this part of the agenda, concerning items on it, will be reported to the committee in an update report.

3. ADVICE OF ASSISTANT CHIEF EXECUTIVE (LEGAL SERVICES)

- 3.1 The relevant policy framework against which the Committee is required to consider planning applications includes the adopted Tower Hamlets Unitary Development Plan 1998 (UDP), the adopted London Plan 2004, the Council's Community Plan, the Draft Local Development Framework and Interim Planning Guidance Notes.
- 3.2 Decisions must be taken in accordance with sections 54A and 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 is particularly relevant, as it requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application and any other material considerations.
- 3.3 Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects listed buildings or their settings, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest it possesses.
- 3.4 Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a conservation area, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 3.5 Whilst the adopted UDP 1998 is the statutory development plan for the borough (along with the London Plan), it will be replaced by a more up to date set of plan documents which will make up the Local Development Framework (LDF). As the replacement plan documents

LOCAL GOVERNMENT ACT 2000 (Section 97) LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THIS REPORT

Brief Description of background papers:	Tick if copy supplied for register	Name and telephone no. of holder:
Application, plans, adopted UDP. draft LDF and London Plan		See reports attached for each item

progress towards adoption, they will gain increasing status as a material consideration in the determination of planning applications.

- 3.6 The reports take account not only of the policies in the statutory UDP 1998 but also the emerging plan, which reflect more closely current Council and London-wide policy and guidance.
- 3.7 In accordance with Article 22 of the General Development Procedure Order 1995, Members are invited to agree the recommendations set out in the reports, which have been made on the basis of the analysis of the scheme set out in each report. This analysis has been undertaken on the balance of the policies and any other material considerations set out in the individual reports.

Agenda Item 8.1

Committee: Strategic Development	Date: 18 th January 2007	Classification: Unrestricted	Agenda Item No: 8.1
Report of: Corporate Director of Development and Renewal		Title: Planning application for decision	
Case Officer: David Gittens		Ref No: PA/05/01647 & 01648	
		Ward(s): Bromley By Bow	

1. APPLICATION DETAILS

Location: Caspian Works and 1-3 Yeo Street (Caspian Wharf), London, E3
Existing Use: Mixed office, industrial, vacant.
Proposal: Revised application: Redevelopment of site to provide buildings of between 4 & 9 storeys and of 13 storeys for mixed use purposes including 390 residential units, Class A1, A2, A3, B1 and D2 uses with associated car and cycle parking, roof terraces, landscaping, canalside walkway and servicing.

Drawing Nos: The application is accompanied by an Environmental Statement under the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999.

203286/010; 030A; 031A; 032A; 033A; 110D; 120D; 121D; 122D; 123C; 124C; 125C; 126C; 127B; 128B; 129B; 130B; 150D; 151D; 152D; 153C; 154D; 155C; 156C; 157C; 158C; 159C;
 Arboricultural Survey;
 Architectural Design Statement;
 Computer Generated Images;
 Construction Traffic Assessment;
 Energy Demand Statement;
 Environmental Statement & Non Technical Summary;
 Employment Property Market Review;
 Landscape Design Statement;
 Materials Used and Purchasing Strategy;
 Planning Statement;
 Planning Update Report;
 Sustainability and Eco Homes Statement;
 Transport Assessment;
 Urban Design Statement
Applicant: Berkeley Homes (Capital) Plc C/-Barton Willmore Partnership
Owner: Berkeley Homes (Capital) Plc
Historic Building: No
Conservation Area: No

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

Reasons for grant

- 2.1 The local planning authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan, associated supplementary planning guidance, the

London Plan and Government Planning Policy Statements and Guidance and has found that:

- a) In principle, the redevelopment of the site to provide buildings of between 4 & 9 storeys and of 13 storeys for mixed use purposes including 390 residential units, Class A1, A2, A3, B1 and D2 uses with associated car and cycle parking, roof terraces, landscaping, canalside walkway and servicing is acceptable, subject to an appropriate planning obligations agreement and conditions to mitigate against the impact of the development;
- b) It is considered that the proposed uses would not have an adverse impact on the residential amenity of any nearby properties. A number of conditions are recommended to secure submission of details of materials, landscaping, wetland management, external lighting and to control noise and hours of construction.
- c) The submitted Environmental Impact Assessment is satisfactory, including the cumulative impact of the development, with mitigation measures to be implemented through conditions and a recommended legal agreement;
- d) The proposed development would deliver regeneration benefits comprising: improved townscape; public open space; canalside access; modern employment facilities; and new residential accommodation including a good level and mix of affordable family and market housing.
- e) The proposed development would result in a sustainable, high quality, high density, mixed-use scheme that would contribute to the regeneration of the wider area and that is considered to be in the interests of good strategic planning in London.

3. RECOMMENDATION

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

- A. Any direction by the Mayor of London.
- B. The prior completion of a legal agreement, to the satisfaction of the Chief Legal Officer, to secure the following:
 - a) Affordable Housing (35% of the residential floor space as affordable housing and a 70/30 ratio split between rented and intermediate units by habitable room);
 - b) £1,597,879 towards local healthcare;
 - c) £654,126 towards education provision;
 - d) £60,000 towards public art;
 - e) £40,000 funding towards improvements to bus stops in Violet Road;
 - f) Canalside and open space access in perpetuity, with the potential of providing future canalside access beneath the DLR line (subject to DLR agreement);
 - g) Highways, pedestrian & cycle improvements namely a pinch-point zebra crossing to the north of the site and a raised level zebra crossing south of the site on Violet Road (cost to be confirmed by Highways);
 - h) Preparation and approval of and compliance with a Travel Plan to demonstrate that everything is being done within reason to promote non car based travel;
 - i) 'Car Free' arrangements to restrict the occupants of the development from applying for residents parking permits;
 - j) TV reception monitoring and mitigation as appropriate;
 - k) DLR radio reception monitoring and mitigation as appropriate;

- l) Air quality monitoring during construction;
- m) Local labour in construction.

3.2 That the Head of Development Decisions be delegated power to impose conditions and informatives on the planning permission to secure the following:

Conditions

- 1) Permission valid for 3 years.
- 2) Submission of details of external materials.
- 3) Submission of details of hard and soft landscaping treatment.
- 4) All planting, seeding or turfing.
- 5) Submission of detailed treatment of wetland terrace and management plan.
- 6) Submission of a tree planting schedule in respect of the replacement of the TPO trees.
- 7) Submission details of any proposed walls fences gates and railings.
- 8) Submission of revised drawings to increase width of eastern part of canalside walkway.
- 9) Submission of details of recycling and refuse.
- 10) Submission of details of any external lighting.
- 11) Investigation and remediation measures for land contamination.
- 12) Archaeological investigation.
- 13) Recording of building prior to demolition.
- 14) Submission of details of compensatory flood storage works.
- 15) Submission of details of surface water drainage works.
- 16) Submission of details of surface water control measures.
- 17) Submission of details of a scheme for renewing and maintaining flood defences.
- 18) 4 metre wide maintenance access to Limehouse Cut via the site for Environment Agency.
- 19) No solid matter stored within 10 metres of the banks of Limehouse Cut during construction.
- 20) Installation of adequate sewerage infrastructure.
- 21) Remediation Strategy and Method Statement of details of prevention of water pollution.
- 22) Submission of a final Remediation Validation Report to ensure against water pollution.
- 23) Submission of Water Supply Impact Study.
- 24) Submission of details to be approved in writing by the local planning authority in consultation with the Greater London Authority of the 10% renewable energy measures, gas fired primary Combined Heat and Power system, secondary liquid biomass oil boiler, which shall be in accordance with the revised energy strategy submitted January 2007 and retained in perpetuity.
- 25) Implementation of noise control measures as submitted.
- 26) Limit hours of construction to between 8.00 Hours to 18.00 Hours, Monday to Friday and 8.00 Hours to 13.00 Hours on Saturdays.
- 27) Limit hours of power/hammer driven piling/breaking out to between 10.00 Hours to 16.00 Hours, Monday to Friday.
- 28) Details of means of fume extraction and ventilation for proposed A3 uses.
- 29) Submission of details of brown and green roof systems.
- 30) Submission of materials strategy.
- 31) All residential accommodation to be built to Lifetime Homes standard.
- 32) Submission of a study of suitability of canal system for transfer of construction materials; household waste.
- 33) Any other condition(s) considered necessary by the Head of Development Decisions.

Informatives

- 1) This permission is subject to a planning obligation agreement made under Section 106 of the Town and Country Planning Act 1990.
 - 2) With regard to Condition 11 (Decontamination), you should contact the Council's Environmental Health Department.
 - 3) With regard to conditions 12 and 13 you are advised to contact English Heritage.
 - 4) With regard to conditions 14 to 22 you are advised to contact the Environment Agency.
 - 5) You are advised that the Council operates a Code of Construction Practice and you should discuss this with the Council's Environmental Health Department.
 - 6) You are advised to consult the Council's Highways Development Department, regarding any alterations to the public highway.
 - 7) With regard to condition 23 you are advised to contact Thames Water with whom you should also consult on: water pressure; water supply infrastructure; public sewer connections; sewage disposal on site; and, separation of foul and surface water.
 - 8) You are advised to contact Docklands Light Railway Limited with regard to details of design and construction methods to ensure safety and operating requirements of the DLR.
 - 9) You are advised to contact English Nature with regard to the design of the external lighting system and its impact upon foraging bats.
- 3.3 That if the Committee resolves that planning permission be granted the Committee **confirm** that it has taken the environmental information into account, as required by Regulation 3 (2) of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999.
- 3.4 That the Committee **agree** that following the issue of the decision, a statement be placed on the Statutory Register confirming that the main reasons and considerations on which the Committee's decision was based, were those set out in the Planning Officer's report to the Committee (as required by Regulation 21(1) (c) of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999.
- 3.5 That, if by 1 July 2007 the legal agreement has not been completed to the satisfaction of the Chief Legal Officer, the Head of Development Decisions be delegated power to refuse planning permission.

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 Application is made for full planning permission for the demolition of the existing buildings on two sites and redevelopment to construct buildings between four and thirteen storeys for mixed use purposes including 390 residential units, Class A1, A2, A3, B1 and D2 uses with associated car and cycle parking, roof terraces, landscaping, canal side walkway and servicing. The composition of the proposed development is as follows:
- 30,985 m2 (GEA) of Class C3 (residential) floor space, comprising 390 residential units;
 - 93.5 m2 (GEA) of Class A1 (Shops), A2 (Financial & Professional) floor space;
 - 220.3 m2 (GEA) of Class A3 (Restaurant & Cafe) floor space;
 - 1,296.2 m2 (GEA) of Class B1 (Business) floor space;
 - 215 m2 (GEA) of Class D2 (Leisure Centre) floor space;
 - 145 m2 of children's play space;

- 2,500 m2 of publicly accessible amenity space;
 - 2,483.5 m2 of semi-private amenity space;
 - 2,609.5 m2 of private amenity space;
 - 1,895.8 m2 of circulation space;
 - 69 residential car parking spaces;
 - 14 residential motorcycle parking spaces; and
 - 392 residential cycle parking spaces.
- 4.2 The larger eastern site would accommodate a “barrier” block adjacent the DLR tracks, with a building that would rise from a height of 4 storeys at the southern end up to a tower element of 13 storeys opposite the site’s southern entrance. There would be 8 storey blocks fronting Violet Road with the upper storeys set back and appearing as predominantly 6 storeys when viewed from ground level.
- 4.3 The proposed development would provide ground floor and first floor level commercial units fronting Violet Road and the adjacent canal creating a new active frontage to Violet Road. Servicing of these commercial units will take place to the rear, within the site, the main vehicular access points into the proposed development being off Violet Road for Site A and Yeo Street for Site B.
- 4.4 The sites would be arranged with a walkway and open spaces along the southern side adjacent to Limehouse Cut canal, and incorporates habitat enhancement measures at the canal interface. The mass of the proposed buildings would be generally stepped away from the walkways.
- 4.5 The present scheme is the latest of a number of proposals for the site that have been submitted by the applicants both at pre application stage and since the applications were first submitted.

Site and Surroundings

- 4.6 The application site is split into two vacant sites which straddle Violet Road where it crosses Limehouse Cut canal which runs along the southern boundary of the site from east to west. Violet Road provides the main pedestrian and vehicular route to the site from the north and south. It also passes through the centre of the site dividing it into two parcels of land, (Sites A and B).
- 4.7 Site A (0.882 hectares) is occupied by six single and two-storey warehouses (Class B8). The floor space area of these units (including mezzanine offices) totals 5,840sqm. Site A has a number of trees adjacent the canal that are protected by a Tree Preservation Order (TPO). Site B (0.254 hectares) is occupied by a two and a half storey building (Class B1, 490sqm) located along its southern boundary, adjacent to the Limehouse Cut. The remainder of the site is enclosed by a 1.8 metre high security fence. Site A lies within the Leaside Action Area Plan area (within the Bromley-by-Bow South Sub-Area) whilst site B lies within the emerging Central Area Action Plan area.
- 4.8 In the immediate vicinity of the application site the area has a mix of employment and residential uses. Site A is bounded to the north by commercial buildings and a residential development (Providence Row Housing). The DLR line forms the east boundary of Site A. Violet Road forms the western boundary. Site B is bounded to the north by Yeo Street, beyond which is a warehouse building. Bow Exchange, a commercial development, is located to the west of Site B. Violet Road forms the eastern boundary.

- 4.9 On the southern side of the canal lies a residential development known as 9 – 52 Ballardier Walk and the converted former Spratts factory complex which is now in residential and live/work use.
- 4.10 Approximately 380 metres to the north of the site is Devons Road DLR station which provides public transport access to Stratford, Lewisham, Poplar, Bank, Tower Gateway and Beckton. The existing bus services that pass within the vicinity of the site currently provide connections to destinations that include the Isle of Dogs and Stratford.

Planning History

- 4.11 The following planning decisions are relevant to the application site:
- **April 1972** – Erection of 5 warehouse buildings with ancillary offices;
 - **November 1975** – Change of use of unit A to manufacturing of export packing cases and storage of timber;
 - **September 1976** – Erection of a factory building for the manufacture of cardboard boxes with ancillary offices; and
 - **August 2001** – Demolition of existing single storey warehouse plus erection of new warehouse and provision of underground car parking (ref: PA/99/1129).

5. POLICY FRAMEWORK

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

Unitary Development Plan

Proposals:		Industrial Employment Areas Flood Protection Areas Green Chains Lee Valley Regional Park Sites of Nature Conservation Importance
Strategic Policies:	ST3	To promote sustainable development
	ST4	Development that respects the built environment
	ST5	Development that contributes to a safe and attractive environment
	ST6	Protect environment/borough/residents from development pollution
	ST7	Energy efficient design
	ST8	Protect/enhance nature conservation, create new wildlife habitats
	ST15	Facilitate expansion and diversification of local economy
	ST16	Encourage development which promote job opportunities
	ST17	Promote and maintain high quality work environments
	ST18	Economic development alongside protection of local environment
	ST20	Ensure sufficient housing land and buildings
	ST22	Improve the range of housing available, including affordable
	ST23	Standards of design in residential development
	ST25	New housing and infrastructure

	ST28	Restrain use of private cars
	ST30	Improve safety and convenience for all road users
	ST35	Range of local shops for all residents
	ST37	Improve appearance of borough
	ST40	Support Lea Valley Regional Park Authority
	ST43	Public art
	ST49	Provision of a range of community facilities
Policies:	HSG1	Housing demand
	HSG3	Affordable housing provision
	DEV1	Urban design
	DEV2	Environmental requirements
	DEV3	Mixed use development
	DEV4	Planning obligations
	DEV6	Tall buildings
	DEV12	Provision of landscaping
	DEV13	Design of landscaping schemes
	DEV18	Public art
	DEV50	Noise
	DEV51	Contaminated land
	DEV55	Development and waste disposal
	EMP1	Promoting employment growth
	EMP2	Oppose loss of employment generating uses
	EMP3	Surplus office floor space
	EMP6	Employing local people
	EMP7	Work environment
	EMP8	Encouraging small business growth
	EMP11	Location and purpose
	EMP13	Residential development in Industrial Employment Areas
	HSG1	Quantity of housing
	HSG2	New housing development
	HSG3	Affordable housing
	HSG7	Dwelling mix
	HSG8	Mobility housing
	HSG9	Density
	HSG16	Housing amenity space
	T15	Transport and development
	T16	Impact of traffic
	T17	Parking standards
	T19	Pedestrians
	T23	Cyclists
	S6	Retail development
	SCF6	Community services
	OS5	Use of vacant land as open space
	OS14	Lea Valley regional park
	U2	Development in areas at risk from flooding
	U3	Flood protection measures

Emerging Local Development Framework

Proposals:	C34	Development site within forthcoming Central Area Action Area Plan boundary. Designation undetermined.
	LS33	Caspian Wharf: Residential (C3)/ Commercial (B1)/ Public open space (requirement of 0.25 ha)

	CP34	Green Chain
	CP35	Lea Valley Regional Park Tree preservation order: 9 trees adjacent canalside
Core Strategies:	CP1	Creating sustainable communities
	CP2	Equality of opportunity
	CP3	Sustainable environment
	CP4	Good design
	CP5	Supporting infrastructure
	CP7	Job creation and growth
	CP9	Employment space for small businesses
	CP11	Sites in employment use
	CP12	Creative and cultural industries and tourism
	CP13	Hotels, serviced apartments and conference centres
	CP15	Provision of a range of shops and services
	CP19	New housing provision
	CP20	Sustainable residential density
	CP21	Dwelling mix and type
	CP22	Affordable housing
	CP25	Housing amenity space
	CP29	Improving education and skills
	CP30	Improving the quality and quantity of open spaces
	CP31	Biodiversity
	CP33	Sites of importance for nature conservation
	CP34	Green chains
	CP35	Lea Valley Regional Park
	CP36	The water environment and waterside walkways
	CP37	Flood alleviation
	CP38	Energy efficiency and production of renewable energy
	CP39	Sustainable waste management
	CP40	A sustainable transport network
	CP41	Integrating development with transport
	CP42	Streets for people
	CP43	Better public transport
	44	Promoting sustainable freight movement
	CP46	Accessible and inclusive environments
	CP47	Community safety
	CP48	Tall buildings
Policies:	DEV1	Amenity
	DEV2	Character and design
	DEV3	Accessibility and inclusive design
	DEV4	Safety and security
	DEV5	Sustainable design
	DEV6	Energy efficiency and renewable energy
	DEV9	Sustainable construction materials
	DEV10	Disturbance from noise pollution
	DEV11	Air pollution and air quality
	DEV12	Management of demolition and construction
	DEV14	Public art
	DEV15	Waste and recyclables storage
	DEV16	Walking and cycling routes and facilities

DEV17	Transport assessments
DEV19	Parking for motor vehicles
DEV21	Flood risk management
DEV22	Contaminated land
DEV24	Accessible amenities and services
DEV27	Tall buildings assessment
EE2	Redevelopment/change of use of employment sites
HSG1	Determining residential density
HSG2	Housing mix
HSG3	Affordable housing provision in individual private residential and mixed use schemes
HSG7	Housing amenity space
HSG9	Accessible and adaptable homes
HSG10	Calculating provision of affordable housing
OSN2	Open space
L1	Leaside spatial strategy
L2	Transport
L3	Connectivity
L5	Open space
L6	Flooding
L7	Education provision
L8	Health provision
L26	Residential and retail uses in the Bromley-by-Bow South Sub-Area
L27	Design and built form in the Bromley-by-Bow South Sub-Area
L28	Site allocation in the Bromley-by-Bow South Sub-Area

Planning Standards

Planning Standard 1:	Noise
Planning Standard 2:	Residential waste refuse and recycling provision
Planning Standard 4:	Tower Hamlets density matrix
Planning Standard 5:	Lifetime Homes

Supplementary Planning Guidance/Documents

Designing Out Crime
Sound Insulation
Residential Space
Canalside Development
Landscape Requirements

Spatial Development Strategy for Greater London (London Plan)

Policy 3B.4	Mixed use Development
Policy 4A.7	Energy Efficiency and Renewable Energy
Policy 4A.8	Energy Assessment
Policy 4A.10	Supporting the provision of renewable energy
Policy 4A.14	Reducing Noise
Policy 4B.1	Design Principles for a compact city
Policy 4B.3	Maximising the potential of sites
Policy 4B.4	Enhancing the Quality of the Public realm
Policy 4B.5	Creating an inclusive environment
Policy 4B.6	Sustainable Design and construction
Policy 4B.8	Tall buildings, location
Policy 4B.9	Large scale buildings, design and impact

Policy 4C.1	The strategic importance of the Blue ribbon network
Policy 4C.3	The natural value of the Blue ribbon Network
Policy 4C.20	Design, starting from the water
Policy 4C.28	Development adjacent to canals

Government Planning Policy Guidance/Statements

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG13	Transport

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

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

6. CONSULTATION RESPONSE

6.1 The views of officers within the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below. The following were consulted regarding the application:

LBTH Housing

6.2 In terms of affordable housing taking into account the emerging LDF and taking into account HSG 4 the mix and over all provision of affordable housing is adequate with over 50% of the rented units being family units. The rented to intermediate mix is 74/26% by area. The overall provision of affordable housing appears to equate to around 35% by floor area. On balance the high provision of family units makes this scheme worth supporting.

LBTH Education

6.3 Taking account of the cumulative impact of residential developments throughout the Borough, recommend that a contribution is sought from the applicant for 53 additional primary school places @ £12,342 = £654,126.

LBTH Environmental Health

6.4 The PPG24 assessment and the Assessment of Construction Noise & Vibration are satisfactory. The Developer should be made to implement the contents of the report especially the application of glazing specification of 10/12/6.4 on all sensitive facades, including the provision of acoustic fence on Violet Road to mitigate the noise further.

The Daylight/Sunlight reports and the revised report dated 28/11/06 indicated shadowing the play area and a number of proposed south facing windows on the 1st/2nd floor marginally did not meet appropriate levels of Annual Probable Sunlight Hours (APSH). Following discussion with the architects, revisions have been made that have seen an increase in APSH so as to meet BRE guidelines.

Request condition for investigation/remediation of contaminated land.

LBTH Highways

- 6.5 A bus stop review is required and will be undertaken by LBTH and any improvements/changes required will need to be fully funded by the applicant under a s106 agreement.

A raised level zebra crossing south of the bridge, and a pinch point crossing on Violet Road at an appropriate location slightly north of the site will also be required to be paid for by the applicant under a s106 agreement.

The southern vehicular access on Site A to be used for emergency access only.

Under a s278 agreement the applicant will be liable for the total cost of upgrading the existing footways and carriageway fronting the sites.

Tower Hamlets Primary Care Trust

- 6.6 Calculates that in respect of the provision of healthcare in the Borough, the proposal would generate a requirement in revenue and capital contributions respectively of £1,597,879 + £350,750 = £1,948,629.

(OFFICER COMMENT: On 15 December 2006 the Council's Planning Contributions Overview Panel considered the applicants increased offer of £1,597,879 (which is equivalent to the revenue contributions requested) as an acceptable level of contributions towards healthcare in this case.)

Greater London Authority (Statutory Consultee (Includes TfL))

- 6.7 The GLA's Stage 1 report is generally supportive of the development as originally proposed and advised the Council that the principle of mixed-use redevelopment is accepted if the loss of employment land can be reconciled with the long-term need for (industrial) employment land in the wider area.

It recognised the regenerative benefits that the proposals would bring to this area of East London. However they recommended further clarification or revision the following aspects of the scheme:

- Improving the affordable housing offer;
- Clarification of the housing mix in terms of size and tenure;
- A financial assessment of a potential CHP plant;
- A number of urban design issues, in particular open spaces;
- Social infrastructure and community facilities;
- The assessment of the noise and air quality impact; and
- Legal agreements to address local employment and transport improvements.

The GLA have been in discussions with the applicant and the application has been revised since the Stage 1 report to address these matters. Although the GLA has subsequently advised of its support in principle for the proposal, it is not currently in a position to formally advise on the above listed matters until after its Stage 2 report has been completed. However, Officers can confirm that the applicant has undertaken the above outstanding matters.

In summary, the affordable housing offer has been increased; a CHP plant has been incorporated into the scheme; a single-storey structure has been removed from the scheme to allow a larger area of open space fronting the canal; the noise and air quality impact of the scheme has been considered in the applicant's Environmental Statement and appropriate mitigation measures proposed; financial contributions have been offered by the applicant to help improve social infrastructure and community facilities (including, healthcare and education place provision, traffic calming measures, bus stop improvements); and, local employment training initiatives are proposed during the construction phase of the proposed development.

Transport for London (TfL):

- recognise that the impact on the Docklands Light Railway (DLR) as a result of the proposed development in terms of trips generated as a proportion of total capacity is likely to be small.
- agrees with the Transport Assessment that no additional service is required of bus services, especially given the proximity of the DLR including the proposed new station at Langdon Park, however notes that the proposed development will increase bus loadings, as well as generating additional activity at nearby bus stops.

TfL requests:

- a developer contribution of £40,000 to upgrade nearby bus stops on Violet Road and Devons Road to full TfL accessibility standards and this should form part of the Section 106 agreement.
- that conditions relating specifically to the design of the development and construction methods are imposed to ensure that DLRL's safety and operating requirements are not compromised
- surveys before and after construction to ensure that DLRL radio communications are not adversely affected by the proposals.
- that a Travel Plan is submitted to demonstrate that everything is done within reason to promote non car based travel.

English Heritage (Statutory Consultee)

- 6.8 No objections subject to conditions safeguarding archaeological investigation and recording of an existing building prior to its demolition.

Environment Agency (Statutory Consultee)

- 6.9 No objection subject to conditions related to flood alleviation, drainage works, and water pollution.

Thames Water (Statutory Consultee)

- 6.10 Recommend an informative with regard to water pressure; water supply infrastructure; public sewer connections; sewage disposal on site; and, separation of foul and surface water.

Countryside Agency (Statutory Consultee)

- 6.11 No formal representation.

English Nature (Statutory Consultee)

- 6.12 Scheme should be lit to minimum levels to ensure a minimum impact on foraging bats.

Lea Rivers Trust (Statutory Consultee)

- 6.12 Support the proposal based on the environmental improvements incorporated into the design of the proposal which could benefit local wildlife. The Trust sees the redevelopment as a potential catalyst for greater public use of Limehouse Cut and public enjoyment of the waterway network in East London.

British Waterways (Statutory Consultee)

- 6.13 Expect the developer to contribute to canalside improvements in this location.
Would like to see moorings provided for within the scheme.
Would like more detailed information of the treatment and landscaping of the canals edge.
Would like to see the canal used for the transport of materials and waste during construction works.

Lee Valley Regional Park Authority (Statutory Consultee)

- 6.14
- The Authority objects to this development on the grounds that it is premature pending the securement of adequate open space to meet the needs of residents within this former employment area.
 - So far as the details of the proposed scheme are concerned, the Authority would seek the incorporation of some of the trees and mature vegetation along the eastern part of the southern boundary of the site.

Inland Waterways Association

- 6.15 No objection.

CABE

- 6.16 Not able to comment.

Metropolitan Police Crime Prevention Design Advisor

- 6.17 The CPDA remains concerned that the canal will be opened up to the general public. However, in accordance with the Council's and GLA objectives, and as is presently the case with the southern bank, the applicant does not intend to restrict access to the canal which is presently overlooked by the dwellings on the south bank and would similarly be overlooked by the proposed dwellings.

7. LOCAL REPRESENTATION

- 7.1 A total of 256 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses: 24 Objecting: 24 Supporting: Nil
No of petitions received: Nil

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

Land Use:

- The land is designated employment land in the UDP which is the statutory Plan.
- The development is contrary to UDP policy EMP2. The granting of permission would result in the loss of 180 light industrial jobs in the locality.
- The area delimited by Violet Road, Devons Road, the DLR and the canal, is unmistakably a light industrial zone.
- If this scheme is allowed other developers will buy the rest of the industrial land along the canal and move the workforce out.
- The proposal promotes the mixing of incompatible land uses contrary to Government policy PPG4. The proposed use would place unacceptable constraints on the future operations of the surrounding businesses which could affect their ability to develop and prosper and have an adverse effect on the suitability and supply of employment land in the area for industry and warehousing.
- The applicant states that the new development will generate new jobs, however this is questionable given the habit of such developers to leave commercial units empty and then after a short period of time claim that they are unviable and convert them to more lucrative residential use.
- The provision of canalside restaurants would not be appropriate to the locality and would not be seen as a serious counter-attraction to Canary Wharf.
- No sequential testing has been carried out as required by PPS6.

Design:

- The development is contrary to UDP Policy DEV1.1 which states that all 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.
- The development is contrary to London Plan policy 4C.20 which states that the Mayor will, and boroughs should, seek a high quality of design for all waterside development that should reflect local character, meet general principles of good urban design and improve the quality of the built environment. The policy also states that in particular development should “relate successfully in terms of scale, materials, colour and richness of detail, not only to direct neighbours but also to buildings on the opposite bank...”.
- The proposed complex looks as if its not thought through and as if put together with unpleasant haste and having no regard for the locality on which it would be foisted.
- The development is much too bulky for this quiet canal-side area and would dominate the narrow Violet Road with its overbearing presence.
- The development resembles a jumble of different buildings thrown onto the site. This in combination with its height will severely detract from the amenity of residents and visitors over a wide area.
- The proposal is much taller than any surrounding buildings including those on the opposite side of the canal and there is no overall architectural theme.
- The yellow bricks proposed would be out of keeping with the locality.

Amenity:

- Overshadowing - The development will cause loss of daylight to the south and also loss of sunlight on summer evenings to the warehouse development to the south east. Many of the most affected would be artists in live work studios whose work will be compromised.
- Overlooking - All of the north facing studios, patios and roof gardens of the established warehouse developments on the south bank of the canal will be overlooked to some degree. This will cause a loss of privacy that may also be detrimental to work/employment
- Canal-side Access - The proposal appears to be for a gated community but this conflicts with the London Plan which requires access for the public to canal walkways.
- Noise – The proposed speed bumps will create excessive noise for residents.
- The affordable housing does not appear to be well integrated with the market housing.
- The combination of the proposed two blocks means that loss of light to Colman's Wharf is inevitable and extremely worrying.
- The present industrial buildings on the site already contribute to a funnelling of traffic noise which has a large impact on my property and that of my neighbours. The new proposed buildings will contribute to an increase in noise.
- As a photographer, the proposed building will affect my business in that the reflected light coming off their exterior walls directly into my studio will affect my photography, therefore my business. This will also impede local working opportunities and future prospects for young people who wish to participate in the media industry.

Highways and Transportation

- The proposed density would lead to overcrowding of the bus and rail systems which are already over capacity at peak hours between 7:30 am to 10:00 am and 4:00pm to 6:30 pm.
- There is insufficient parking proposed for residents and none for customers and visitors in a difficult to access area.
- There will be parking on the pavement during non restricted parking hours, creating a road hazard.
- During restricted parking hours the proposal will result in increased competition for resident's parking spaces as visitors to the commercial units from elsewhere in the Borough will be able to use their permits for the controlled parking zone to park in the vicinity.
- Servicing of the commercial units is not adequately provided for in the submitted plans. The Transport Assessment claims that all deliveries to the commercial units will be made from the internal access roads. This would not be possible as the commercial units have no access to them from the access roads. In reality deliveries would be made from vehicles parked on the roads and pavements. In the case of Violet Road this would compromise the existing cycle routes as cyclists would have to swerve around the delivery vehicles and into the path of oncoming traffic.
- The location of the commercial unit on the corner of Violet Road and Yeo Street would make deliveries a particularly hazardous process to everybody using the streets concerned, in addition the disposal of waste from this unit to the bin store involves its transportation along the street and into the sole major access to the site compromising pedestrian movement along the pavement leading to, from and into the access to the site. This example of access to a unit is representative to a great degree for all of the other proposed accesses.

- Refuse collection vehicles servicing the bin stores located in the entrances would block pedestrian and vehicular access to the site.
- There is no need for a pedestrian crossing on the northern part of the bridge as a continuation of the new canalside walkway. There is already an extensive public canal pathway on the south side of the canal with an existing entrance by Balladier Walk.
- There is already a significant build up of traffic at the Chrisp Street/A13 junction and the proposal will exacerbate these problems.

Refuse:

- The bin stores provided are of inadequate size, quantity and shape to cater for recycling.

Overdevelopment:

- The proposal constitutes overdevelopment as it seeks to provide some 960 (net) habitable rooms per hectare (hrh) which is contrary to UDP Policy HSG9 which stipulates a maximum of 247 (gross) hrh.
- The Environmental Statement indicates that the site has a PTAL rating of 3 and the London Plan states that given this rating the maximum density should be 150 units/hectare – this development provides 366 units/hectare.
- The extreme density proposed would be visually inappropriate to the site and its setting leading to crowded open spaces, amenities, pavements and public transport contrary to UDP Policy DEV1.2.

Sustainability:

- The plans do not offer evidence of incorporating energy-efficient features in residential construction.

Ecology:

- The plans show a lack of interest in preserving and enhancing what ought to be its salient feature, the natural wildlife preservation area at the edge of the canal.
- The development is contrary to London Plan policy 4C.3 which states that boroughs should resist development that results in a net loss of diversity and design new waterside developments in ways that increase habitat value.
- The development is also contrary to London Plan policy 4C.4 which states that where appropriate natural landscapes should be protected and enhanced.
- This valuable wilderness area and its protected trees which provides a massive range of environments, including to rare species, will be lost to the detriment of the ecology of the local and wider area.

7.3 The following issues were raised in representations, but they are not material to the determination of the application:

- The height of the proposed development would obscure the view of the historic Spratts Factory from several locations.
- The retail space on the development could be better used for ancillary support retail such as dry-cleaning that will be in demand from the growing local population once the flats are built.

- The 9 storey 'affordable' towers of the development are serviced by only one lift. If the lift breaks down, or someone is using it for removals, disabled persons in the upper storeys will be unable to leave their flats, people will be unable to dispose of their rubbish and so will throw it into the street. This is not an acceptable design for a 9 storey tower in this day and age. Surely we have seen enough of this in the past. I thought they were all being knocked down.
- Loss of visual amenity – The occupants of the existing canal-side developments to the south will see large amounts of their open sky blotted out, views of the hills to the north and the city to the northwest will disappear. While it is recognised that there is no right to a specific view, the general visual amenity of residents will be compromised which is a material consideration.

8. MATERIAL PLANNING CONSIDERATIONS

- 8.1 The main planning issues raised by the application that the Committee must consider are:
1. land use
 2. housing policy
 3. design
 4. impact on the amenity of nearby residents; and,
 5. highway issues.

Land Use

- 8.2 The Proposals Map associated with the Adopted UDP identifies all of Site B and the southern half of Site A within an 'Industrial Employment Area'. Policy EMP1 of the UDP promotes employment growth that meets the needs of local people and opposes development resulting in a loss of employment generating uses (EMP2). However, exceptions to EMP2 will be considered for example where the loss of employment generating land is made good by replacement with good quality buildings likely to generate a reasonable density of jobs.
- 8.3 The emerging LDF documents expect that low intensity industrial uses in the Leaside area to relocate elsewhere and that the retained and new commercial uses will provide a significantly greater number of jobs through the provisions of new purpose built flexible workspace. The Council's emerging LDF proposals for this site (Bromley-by-Bow South Sub-Area (Site Proposal LS33)) and GLA's Lower Lea Valley Framework proposals for this site indicate it's appropriateness for 'Mixed Use' purposes, focusing specifically on the potential for residential and office uses to enable the delivery of open space on the north side of the Limehouse Cut canal.
- 8.4 At present the site contains approximately 5,840 square metres of industrial floor space and 490 square metres of office floor space, all of which is now vacant having previously employed 167 people. The applicants have provided marketing information that demonstrates no demand for the site for continued employment purposes other than what is being proposed as part of this mixed-use proposal.
- 8.5 The application scheme would provide 1,825 sq m of employment generating floor space (93.5 sq m for either A1 or A2 Class uses, 220.3 sq m of Class A3 floor space, 1,296.2 sq m of Class B1 floor space and the remaining 215 sq m for Class D2). The applicant reasonably suggests that the proposed commercial units would have a higher employment density than the previous warehouse uses and could provide jobs for up to 220 permanent employees; a net increase of 53 jobs. The modern commercial floor space could also have the potential to deliver a greater diversity of employment opportunities whilst at a total of 93.5 sq m it is not

considered that the potential retail floor space would threaten the vitality and viability of established shopping locations in the area such that would warrant sequential testing under PPS6.

- 8.6 The scheme would provide regenerative benefits to this part of the Borough, including providing good quality housing, employment floor space and local facilities (e.g. a leisure centre, a restaurant/café fronting the canal, public open space, a local retail unit).
- 8.7 Whilst it could be argued that the range of uses proposed on the site would reduce its role as an employment generator, the structure of employment in the locality is changing significantly. This is recognised by the emerging policy, the recent residential redevelopments undertaken nearby in Barchester Street and other residential-led mixed-use proposals coming forward in Morris Road and Chrisp Street. Accordingly, it is not considered that the proposed land uses would be incompatible with their surroundings, indeed it is anticipated that more of the declining employment sites in the locality would be redeveloped in a similar residential-led manner.
- 8.8 In summary, the change of use of this site from industrial employment purposes to mixed use purposes would not conflict with the aims and objective of the UDP. Further, the principal of the redevelopment of the site for residential-led, mixed-use purposes, providing affordable housing, employment generating floor space, open space and a canalside walkway is endorsed by the emerging LDF and closely reflects the Council's current aspirations for the site. It also satisfies the land use concerns previously expressed by the GLA in their Stage 1 report with regard to reconciling the loss of employment land with the long-term need for industrial employment land in the wider area.

Housing Policy

- 8.9 Policy HSG7 of the UDP states that new housing development should provide a mix of unit sizes where appropriate including a substantial proportion of family dwellings of between 3 and 6 bedrooms. The application proposal would provide 390 residential units in the following mix:

	Studio	1-bed	2-bed	3-bed	4-bed	5-bed	Total
Affordable Units (RSL)	0	7	16	23	15	5	66
Affordable Units (S/O)	0	13	25	0	0	0	38
Affordable Sub-total	0	20	41	23	15	5	104
Private Units	35	105	98	48	0	0	286
Total	35	125	139	71	15	5	390
%	8.97%	32.05%	35.64%	18.21%	3.84%	1.29%	

- 8.10 Policy HSG2 of the emerging LDF requires that the following affordable housing mix is achieved: 0% studios; 20% one-bed; 35% two-bed; 30% three-bed; 10% four-bed; 5% five+ bed.

8.11 The affordable housing would comprise the following dwelling mix:

	Number of Units	% of Total Units	Number of Habitable Rooms	% of Total Habitable Rooms	LBTH Housing Needs Survey (Unit Basis)
Studio	0	0%	0	0%	0%
1 Bed	20	19.23%	40	11.11%	20%
2 Bed	41	39.43%	123	34.17%	35%
3 Bed	23	22.12%	92	25.56%	30%
4 Bed	15	14.42%	75	20.83%	10%
5 Bed	5	4.80%	30	8.33%	5%
TOTAL	104	100%	360	100%	100%

8.12 Of the residential floor space some 35% would be affordable housing which complies with Policy HSG3 of the emerging LDF. Floor space as opposed to habitable rooms was the means of calculating affordable housing in use in the prevailing policies during the earlier stages of the life of the application. However 35% of floor space does equate to 32.5% of habitable rooms and Policy HSG10 of the emerging LDF states that there should be no more than 5% disparity between the respective floor space and habitable room percentages. Accordingly the level of provision is considered acceptable.

8.13 The applicants also have agreed to a 70/30 ratio split between rented and intermediate units when measured by habitable room. Although the proposed 70:30 split in terms of rented/intermediate housing does not conform with the Council's standard of 80:20, it does conform with the GLA requirements in the London Plan and is therefore considered acceptable.

8.14 In terms of habitable rooms the scheme is heavily weighted (54.72%) to the provision of family units. This exceeds the expected minimum of 45% as indicated as required by the Council's Housing Needs Survey. These arrangements are considered acceptable.

8.15 The market housing would comprise the following dwelling mix:

	Number of Units	% of Total Units	Number of Habitable Rooms	% of Total Habitable Rooms	Policy HSG6 Requirements
Studio	35	12.24%	35	04.79%	
1 Bed	105	36.71%	210	28.73%	25%
2 Bed	98	34.27%	294	40.22%	50%
3 Bed	48	16.78%	192	26.26%	25%
TOTAL	286	100%	731	100%	100%

8.16 Emerging LDF Policy HSG2 states that the Council require the intermediate and market housing to provide an even mix of dwelling sizes including a minimum provision of 25% family housing comprising 3, 4, and 5 plus bedrooms to meet housing needs. Policy HSG2 of the also requires that 25% of the market housing is provided for family housing purposes. Accordingly, the mix of market dwellings is considered acceptable.

8.17 The units generally meet the Council's space standards and in some instances these are exceeded substantially, which is welcomed.

Design

- 8.18 Violet Road, which merges into Morris Street and then Chrisp Street as it progresses southwards, is a busy traffic corridor that links Bow with Poplar that is characterised by larger industrial or warehouse buildings that generally turn their back on the main road, presenting buildings with large blank frontages that have a ‘deadening’ effect on the street scene and contribute to creating a harsh built environment that is unfriendly to pedestrians.
- 8.19 The application site is presently occupied by vacant large industrial sheds and a car parking area, which combined with the low level of activity in and around the site gives rise to an environment with minimal natural surveillance to deter against anti-social activity along Violet Road or Yeo Street. The proposed redevelopment therefore provides an opportunity to significantly enhance the locality in urban design terms. Paragraph 4.45 of the Leaside Action Area Plan of the emerging LDF acknowledges the need and potential to increase the intensity of residential development to increase activity and reduce the number of inactive frontages.
- 8.20 The proposed building on Site A is a “stepped” development, ranging in height from predominantly 5 storeys (plus 1) along Violet Road with a further 2 storeys set back from the main façade, and a number of higher focal elements of 7, 8, and 9 storeys in height located at the entrances to the site. The lower elements of the proposed development (4, 5 & 6 storeys) are generally located at the most northerly and southerly ends of the site whilst there is a 1 storey landscaped podium in the centre of the site. The tallest parts are located on the eastern boundary adjacent to the DLR line that incorporates a 13 storey tower element facing the southern entrance, where increased height has no detrimental effect on neighbouring properties a more distant perception from the street scene. Site A also provides a significant wetland habitat adjacent its width, to encourage the existing wildlife that proliferates in this part of the canal.
- 8.21 The proposed building on Site B is also a stepped development, ranging in height from 4 to 6 storeys along Violet Road with one taller focal element of 7 storeys located at the northeast corner, opposite the southern entrance to Site A. The lowest parts of the scheme are located at the southern and western ends of the site.
- 8.22 The buildings on both sites are set back significantly from the edge of the canal to create a new canalside walkway on the northern bank of Limehouse Cut and are both set in tiers around landscaped south facing public open spaces. This is in keeping with paragraph 4.46 of the Leaside Action Area Plan of the emerging LDF which states that development along this part of the Limehouse Cut Canal should maximise the potential of the waterway. The principal elevations to Violet Road would comprise a frontage of varying heights, but with regular fenestration that would give an overall appearance of building 6-storeys.
- 8.23 The scale of the proposed buildings is quite large in relation to the immediate area however the modulated heights across the two sites reduce the visual impact of the scheme and allow it to successfully integrate into its varied surroundings formed by the Spratts building, light industrial sheds and offices, lower-scale residential buildings, public open space and canalside walkway.
- 8.24 Whilst it is a high density scheme the overall design and appearance of the proposal, with its south facing open spaces, canalside walkway and set back upper storeys, would minimise the prominence of the development and any sense of enclosure experienced along Violet Road.

8.25 The proposed development would incorporate an active ground floor frontage which, in particular the canalside restaurant, would animate the pedestrian environment where a mix of lively employment and residential activity can contribute to the quality of the street environment. This is in keeping with Policy L27 of the Leaside Action Area Plan of the emerging LDF. The upper storeys and residential accommodation would provide passive surveillance that would make this part of the street scene more pedestrian friendly, increase natural surveillance in the locality and thus discouraging anti-social behaviour and crime which are key concerns raised within the Community Plan. In view of the above the design of the scheme is considered acceptable. However, should planning permission be granted it is recommended that the details of the elevations and materials be requested for subsequent approval.

Amenity Space and Public Realm

8.26 Paragraph 4.46 of the Leaside Action Area Plan of the emerging LDF, states that development along this part of the Limehouse Cut Canal should maximise the potential of the waterway and provide an ecological space, designed to offer a haven for wildlife and birds through a series of soft spaces that can also be enjoyed by new and existing residents of the area. The adjacent TPO trees are likely to be affected by this part of the proposal, however, the Arboricultural Study, and inspection by Council officers, has confirmed that many of the trees within the group are of limited value. Accordingly it is considered that the retention of the trees should not hinder the redevelopment of the site as proposed. It is recommended that a replacement tree planting schedule be submitted for approval to ensure the high quality re-provision of appropriate semi-mature trees along the canal.

8.27 Across the two sites, the proposal would provide approximately 9,600 sq m of amenity space. This would take the form of landscaped public open space and canalside walkway that includes an ecological habitat (2,500 sq m), semi private amenity space in the form of podiums and roof gardens (2,483 sq m), private amenity space in the form of individual balconies, roofs or balconies (2,609 sq m) and a 145 sq m children's play area. All units would benefit from private amenity space either in the form of individual gardens / roof or balconies and / or communal amenity at podium level or at ground level fronting the canal. This level of amenity space provision generally exceeds that required by emerging LDF Policy HSG7.

8.28 The public open space and walkway provision is particularly welcomed and, at 2,500 square metres, matched the Council's aspirations for the site in the Leaside Action Area Plan of the emerging LDF and generally which seek to maximise opportunities for greater public use of the Borough's waterway networks and increase provision of much needed open space.

Density

8.29 Emerging LDF Policy CP20 states that the Council will resist any proposed housing development that results in the inefficient use or under-development of a site. Paragraph 4.43 of the Leaside Action Area Plan, from the emerging LDF, states that housing densities in the Bromley-by-Bow South Sub-Area up to 700 habitable rooms per hectare (hrh) would normally be permitted.

8.30 The residential density of the proposed development is approximately 960 hrh which is significantly in excess of the normally expected level. However it is considered that a higher density residential development is supported in this strategically important location by the Leaside Action Area Plan and Policy HSG1 of the emerging LDF, PPS3, PPG13 and the

London Plan and is considered acceptable for the following reasons:

- The development will provide significant open space and other local facilities;
- The proposal does not result in any consequence typically seen in an overdeveloped site (i.e. poor size of flats, significant loss of light to adjacent properties, loss of privacy/overlooking of adjacent amenity space, lack of amenity space etc); and
- TfL has confirmed that the development would have a sustainable impact on public transport services;
- The proposed DLR station at Langdon Park, which is to be constructed in late 2007/early 2008, will increase the accessibility of the site to public transport facilities; and,
- The proposal meets the other standards for new development in the UDP.

8.31 In summary, the proposed development will be of a high quality design, will not have any detrimental impact on its context and is considered to be set within an accessible location that would justify the density proposed. Accordingly, the proposed density is considered acceptable.

Residential Amenity

8.32 The application sites are generally due north of the nearby Spratts complex and Balladier Walk. Due to this orientation, and due to the manner in which the application buildings are set back and then tiered away from the southern end of the site, any impact on the surrounding residential uses is minimal. This is reflected by the daylight and sunlight assessment submitted with the application that demonstrates that the proposed development will result in acceptable levels both to existing residential properties in the vicinity and within the development itself.

8.33 The nearest distance of any of the proposed windows to the residential/commercial buildings on the south side of Limehouse Cut is 34 metres (Balladier Walk) and 36 metres (Spratts Complex) which is considered against the Council's minimum standard of 18 metres. Similar distances are maintained between the main facades on Site A. However, in maintaining the building line of the sites across from each other on Violet Road, the distance between the facades of Site A and Site B is approximately 17 metres. However, this type of relationship is common and appropriate in an urban context. Accordingly it is not considered that the proposal would give rise to any significant overlooking or loss of privacy.

8.34 The proposed development has been designed to mitigate the noise impacts from both Violet Road and the DLR line. The noise assessment submitted with the application demonstrates that, subject to the provision of appropriate noise attenuation measures, an acceptable residential environment can be attained.

Highways and Transportation

8.35 The proposed development would provide for 69 car parking spaces accessed from Violet Road and Yeo Street. This provision meets the standards of the emerging LDF and is acceptable in view of the site's public transport accessibility. The proposed development will also provide for 392 cycle parking spaces, which is in excess of 1 space per residential unit. TfL and the Council's Highways officers raise no significant concerns with regard to the level of car parking provision, the servicing of the commercial units, the refuse collection arrangements or the capacity of the public transport system. Details of refuse collection and

recycling are to be required by condition.

- 8.36 A car free arrangement to ensure that future residents of the scheme cannot obtain on-street parking permits will be required. It is considered that the proposed limited levels of parking combined with the car free arrangements would mean that the development would have minimal impact on traffic in the locality. It is not anticipated that the small commercial units would give rise to Borough-wide attraction such that would create an unusually high demand for the on-street resident parking bays by permit holders some distance away. Accordingly the highways impacts are considered acceptable.

Sustainability, Energy Efficiency & Recycling

- 8.37 In accordance with emerging LDF policies a site wide 'Materials Use and Purchasing Strategy' covering all construction management activities for the proposed development has been submitted in support of the planning application. The conclusion of this statement is that, in accordance with the Council's emerging LDF policies, the material purchased and used to construct the proposed development will be sourced, where practicable, from sustainable sources and should help to:

- a) Reduce consumption of irreplaceable material assets;
- b) Promote reuse and minimisation of waste;
- c) Promote prudent use of sustainably managed natural and semi-natural resources;
- d) Promote recycling in demolition and deconstruction; and
- e) Promote the effective protection of the environments.

- 8.38 The proposed development also seeks to achieve either a reduction of 10% in the carbon footprint of the development (should this be deemed necessary) or utilising 10% of its energy requirement from renewable energy sources in accordance with emerging LDF policies. This will include the use of a gas fired combined heat and power (CHP) system in Site A with district mains running to Site B.

- 8.39 Furthermore, in keeping with the emerging LDF policies, the proposed development will:

- make sufficient provision for waste disposal and recycling facilities within each unit and in the communal waste storage areas;
- use Sustainable Urban Drainage Systems (SUDS) in order to reduce surface water runoff; and
- include grey water recycling in order to conserve water and minimise piped water demand.

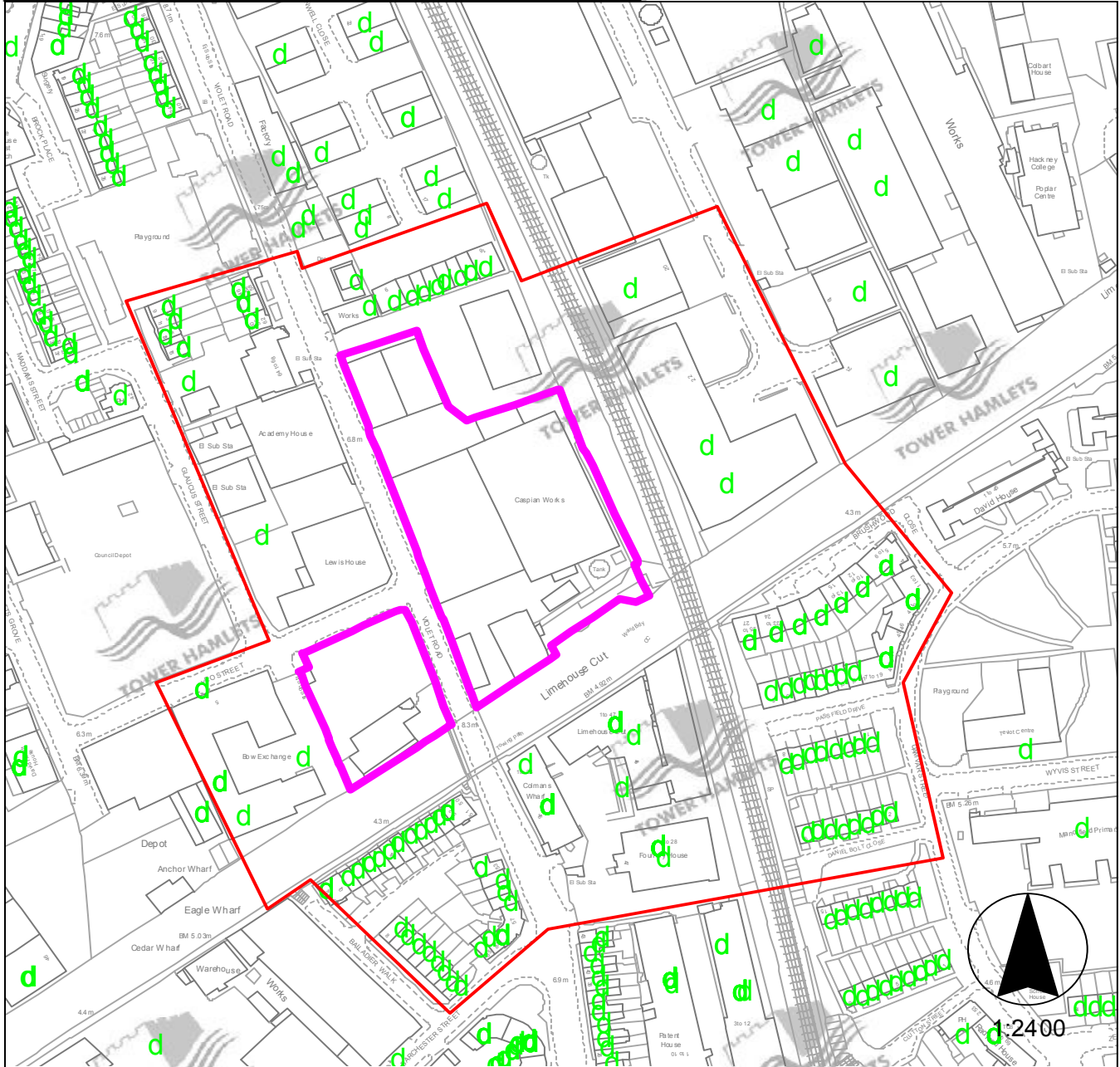
Environmental Impact Assessment

- 8.40 The Council's consultants, Casella Stanger undertook a review of the Environmental Statement. The review highlighted a number of areas where additional information or clarification should be provided. Further to the Council's request, the applicant submitted a range of additional information some of which was re-advertised in accordance with the legislation and reviewed by the Council and Casella Stanger.
- 8.41 The Environmental Statement has been assessed as satisfactory, with mitigation measures to be implemented through conditions and/ or Section 106 obligations.

Conclusions

- 8.42 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.

Site Map



Legend

- Planning Application Site Boundary
- Consultation Area
- d Land Parcel Address

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. The Site Map was reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationery Office © Crown Copyright. London Borough of Tower Hamlets LA086568

Caspian Works And, 1-3 Yeo Street (Caspian Wharf), London, E3

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Agenda Item 8.2

Committee: Strategic Development	Date: 18 th January 2007	Classification: Unrestricted	Agenda Item No: 8.2
Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: Rachel Blackwell		Ref No: PA/06/01897	
		Wards: Bromley by Bow	

1. APPLICATION DETAILS

Location:	2-10 Bow Common Lane, London E14
Existing Use:	Collection of buildings formally used as offices and warehousing.
Proposal:	Redevelopment up to 15 storeys and basement to provide commercial units (B1 and A3) on ground floor with 176 residential units, basement car parking and landscaping
Drawing Nos:	2860PL/001 (Sept 06), 2860PL/100 (Aug 06), 2860PL/101 (Aug 06), 2860PL/102 (Aug 06), 2860PL/103 (Aug 06), 2860PL/104 (Aug 06), 2860PL/105 (Aug 06), 2860PL/106 (Aug 06), 2860PL/107 (Aug 06), 2860PL/108 (Aug 06), 2860PL/109 (Aug 06), 2860PL/110 (Aug 06), 2860PL/111 (Aug 06), 2860PL/200 (Aug 06), 2860PL/201 (Aug 06), 2860PL/202 (Aug 06), 2860PL/203 (Aug 06), 2860PL/204 (Aug 06), 2860PL/206 (Aug 06) Planning Statement Design and Access Statement Appendix Reports Flood Risk Assessment
Applicant:	Ashtontown Ltd C/- Stock Woolstencroft
Owner:	Newspace Developments
Historic Building:	N/A
Conservation Area:	N/A

2. RECOMMENDATION

That the Committee resolve to REFUSE planning permission for the following reasons:

- 1) A significant number of studios and one bedroom flats (42.5%) and a limited number of family housing (13.5%), being three or more bedroom units is proposed. The dwelling mix and type of the proposed housing does not accord with the housing types and sizes identified to meet local needs. The proposed housing mix provides an unacceptable percentage of family housing (3, 4 and 5 bedrooms). As such the proposal is contrary to:
 - (a) Policy HSG7 of the Tower Hamlets Unitary Development Plan 1998, which seeks to provide a mix of unit sizes including family accommodation; and
 - (b) Policy HSG2 of the Local Development Framework, Core Strategy and Development Control Development Control Submission Document which requires all housing to contain an even mix of dwelling sizes including a minimum provision of 25% family housing, comprising 3, 4 and 5 plus bedrooms to meet local needs and promote balanced

LOCAL GOVERNMENT ACT 2000 (Section 97) LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THIS REPORT

Brief Description of background papers:	Tick if copy supplied for register	Name and telephone no. of holder:
Application, plans, adopted UDP. draft LDF and London Plan		Rachel Blackwell 020 7364 0436

communities in accordance with the Government's sustainable communities agenda.

- 2) The proposal would result in an over development of the site, by reason of the excessive residential density of 1,025 hr/ha. This would result in an unacceptable design, layout, amenity and environmental impacts as outlined in reasons for refusal (3) to (8) below. As such the proposal is contrary to Policy HSG1 of the Local Development Framework, Core Strategy and Development Control Development Control Submission Document and Policy 4B.3 of the London Plan 2004, which identifies the appropriate density range for the site as being 200-450hr/ha based on location, setting and public transport accessibility.
- 3) The development would be insensitive to the context of the surrounding area by reason of design, mass, scale and height and fail to take account of the development capabilities of the site. As such the proposal is contrary to:
 - (a) Policies DEV1 and DEV2 of the Tower Hamlets Unitary Development Plan 1998, which requires development to be sensitive to the surroundings and the development capabilities of the site;
 - (b) Policy DEV6 of the Tower Hamlets Unitary Development Plan 1998, which requires the development of high buildings outside the central area zone to have regard to the design, siting and character of the locality and their effect on views;
 - (c) Policy DEV2 of the Local Development Framework Core Strategy and Development Control Development Plan Document, which requires development to be designed to the highest design quality standards;
 - (d) CP48 and Policy DEV27 of the Local Development Framework Core Strategy and Development Control Development Plan Document, which specify the criteria to assess tall buildings; and
 - (e) Policies 4B.1, 4B.3, 4B.8 and 4B.9 of the London Plan 2004 which provide location and assessment criteria for tall buildings.
- 4) The layout of the development would compromise the safety and security of future occupants and the surrounding public realm. As such the proposal is contrary to:
 - (a) Policy DEV4 of the Local Development Framework, Core Strategy and Development Control Development Control Submission Document which requires the safety and security of development and the surrounding public realm to be optimised; and
 - (b) Policy 4B.6 of the London Plan, which seeks to ensure that future development meet the highest standard of sustainable design and construction, including measures to ensure that developments are comfortable and secure for users.
- 5) The proposed location of waste and recyclable storage does not comply with Planning Standard 2: Residential Waste Refuse and Recycling Provision. As such the proposal is contrary to:
 - (a) Policy DEV55 and DEV56 of the Tower Hamlets Unitary Development Plan 1998, which seeks to promote adequate storage and collection for litter and waste in new developments;
 - (b) Policy DEV15 of the Local Development Framework, Core Strategy and Development Control Development Control Submission Document which seeks to encourage more sustainable waste management throughout the Borough; and

- (c) Policy 4B.6 of the London Plan, which seeks to ensure that future development meet the highest standard of sustainable design and construction, including the promotion of sustainable waste behaviour in new developments.
- 6) The proposed vehicle and pedestrian access and linkages throughout the site are poorly designed and un-functional resulting in issues relating to vehicular and pedestrian safety. As such the proposal is contrary to:
- (a) Policy T17 of the Tower Hamlets Unitary Development Plan 1998, which seeks to take full account of the Councils Planning Standards for Parking; and
- (b) Policy T17 of the Local Development Framework, Core Strategy and Development Control Development Control Submission Document which states that development with inadequate servicing and circulation and or resulting in adverse impacts on safety or capacity of the transport network will not be supported.
- 7) The development would fail to provide a satisfactory standard of residential accommodation in terms of the size, and access to the residential units and poor quality and insufficient open space areas. As such the proposal is contrary to:
- (a) Policy DEV1 of the Local Development Framework, Core Strategy and Development Control Development Control Submission Document which requires development to protect and enhance the amenity of existing and future residents as well as the amenity of the public realm;
- (b) Policy DEV 2 of the Local Development Framework, Core Strategy and Development Control Development Control Submission Document and Policy 3A.14 of the adopted London Plan 2004 which seeks to ensure that the internal design and layout of development maximises comfort and usability for occupants and maximises sustainability through the provision of adequately sized rooms and spaces; and
- (c) Policy 4B.6 of the London Plan, which seeks to ensure that future development meets the highest standard of sustainable design and construction, including measures to ensure that developments are comfortable and secure for users.
- 8) The development would be insensitive to its location adjacent to the Limehouse Cut by reason of design, mass, scale and height, and may result in overshadowing which could potentially affect the canal ecology. As such the proposal is contrary to:
- (a) Policy DEV57 of the Tower Hamlets Unitary Development Plan 1998, which seeks to protect Sites of Nature Conservation Importance;
- (b) Policy OSN3 Local Development Framework, Core Strategy and Development Control Development Control Submission Document, which requires development adjacent to the Blue Ribbon Network to respect its water location;
- (c) Policy 4C.28 of the London Plan which expects development adjacent to canals to respect the particular character of the canal; and
- (d) 43.C of the London Plan, which seeks to protect and enhance the biodiversity of the Blue Ribbon Network.

3. PROPOSAL AND LOCATION DETAILS

Proposal

- 3.1 An application has been made for full planning permission to redevelop land located at 2-10 Bow Common Lane, E3 for the construction of 176 residential units comprising studio, one, two, three bedroom units, and four and five bedroom maisonettes.
- 3.2 The buildings would comprise two separate parallel blocks in a north-south alignment separated by a central courtyard. Block A-D would comprise a mixed use block fronting Bow Common Lane, rising from 4 storeys to the north of the site to a multi storey form rising up to 15 storeys in height adjacent to the Limehouse Cut (canal). Block B-C would be located to the east of the site rising from 4 storeys in the north to 6 storeys in the south adjacent to the Limehouse Cut. Block B-C drops down to 3 storeys in form adjacent to residential development to the east at Invicta Close.
- 3.3 Of the 176 units proposed a total of 56 would be affordable and 120 for private sale. This would equate to 36.5% affordable housing provision calculated on a habitable room basis. In total, there would be 14 studio flats, 61 one bedroom units, 77 two bedroom units, 19 three bedroom units, 2 four bedroom and 3 five bedroom maisonettes.
- 3.4 The development proposes 500m² of ground floor B1/A3 commercial space provided at ground level of blocks A/D at the Bow Common Lane frontage.
- 3.5 The proposal includes a canal side walkway, communal landscaped areas, private gardens, roof terrace and balconies to upper floor units.
- 3.6 A basement car park with access from Hawgood Street to the north east of the site provides 61 car parking spaces, including 6 disabled spaces. 176 cycle spaces would be provided within a designated storage area to the north of the site.

Site and Surroundings

- 3.7 The application site comprises land at 2-10 Bow Common Lane. The site has an overall area of 0.46ha and is bounded by Bow Common Lane to the west, and the Limehouse Cut to the south. The site contains access from both Bow Common Lane and Hawgood Street to the rear of the site.
- 3.8 The site contains a collection of buildings that have been developed over time. The current buildings at 6-10 Bow Common Lane comprise 2 storey form with access to the rear from Hawgood Street. A 3-4 storey office building is presently located at 2-4 Bow Common Lane fronting to the Limehouse Cut. The applicant advises that the buildings on the site are currently vacant.
- 3.9 Located directly opposite the site to the west of Bow Common Lane, between Thomas Road and the Limehouse Cut are commercial and industrial premises. Also to the west, is the Burdett Estate containing residential development comprising blocks of flats rising to 3 storeys in form.
- 3.10 To the north of the site is 12 and 14 Bow Common Lane containing buildings of 2-3 storeys. No 14 Bow Common Lane was previously used as a public house.
- 3.11 Directly to the south of the site is the Limehouse Cut, a canal which forms part of the Lea Valley Regional Park and Blue Ribbon Network. Beyond the canal to the south of the site is commercial/industrial development. Cottal Street and Bartlett Park lie to the south west.

- 3.12 To the east of the site is Invicta Close which contains residential development fronting the Limehouse Cut.
- 3.13 The site has a public transport accessibility level of 3 (where 6b is the highest). Devons Road DLR Station is located approximately 700 metres to the north east of the site and Westferry DLR Station is located approximately 800 metres to the south. Bow Road Underground Station (Hammersmith & City and District Lines) is located approximately 1.16 kilometres to the north and can be reached in about 10-20 minutes by foot. There is a bus stop located on Bow Common Lane, which operates the 309 bus service (London Chest Hospital to Canning Town). Other bus services also operate from St Pauls Way and Burdett Road.

Planning History

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

2-4 Bow Common Lane

- PA/01/00644) Conditional permission was granted on the 5th February 2004 for demolition of the existing single storey building to the rear terrace and use as 13 live work units, 13 residential units (8 one bedroom, 5 two bedroom units) and 8 parking spaces. This permission was subject to a legal agreement.
- PA/91/00111 (Unit 1) Conditional permission was granted on the 21st October 1991 for the installation of plant equipment for heating/ventilation system on the roof.
- TP19365 Conditional planning permission was granted on 5th February 1987 for a change of use of single storey building from industry to recording studio
- TP16990 Conditional planning permission was granted on the 22nd February 1985 for the use of the premises for light industrial purposes.
- TP/72236 Planning permission was granted on 18th December 1958 for the use of that part of Hatherley Wharf adjoining Bow Common Lane and the Limehouse Cut for the business of inorganic chemicals manufacture and storage.
- TP95R/6491 Conditional planning permission was granted on the 1st April 1954 for the erection of a building not exceeding 5000 sq ft in floor area to be used for warehousing packing and garaging purposes.

6 Bow Common Lane

- TP17043 Conditional planning permission was granted on the 22nd February 1985 for the use of the premises for general industrial purposes.
- TP4406 Conditional permission was granted on the 18th August 1972 for the use of part of the warehouse space for additional ancillary office and alterations to elevation.
- TP/44575 Conditional permission was granted on the 16th March 1965 for the erection of a roof over the yard of 6 Bow Common Lane.
- TP44575 Permission was granted on the 19th July 1962 for the reconstruction of the offices on the first floor the provision of an accessway from Bow Common Lane to the warehouse at the rear and the reconstruction of a roof over the access to Limehouse Cut at 6 Bow Common Lane.
- TH1237/1740 Conditional planning permission was granted on the 24th September 1969 for the erection of four storey warehouse extension at Phoenix works.

TP/72236	Conditional permission was granted on 15 th October 1959 for the erection of a three storey warehouse building.
TP/44575	Planning permission was granted on the 22 nd January 1953 for the carrying out of alterations and additions at the premises of Lewis Brooks and Co.
TP/44575	Planning permission was granted on the 26 th July 1951 for the erection of a first floor addition at Lewis Brooks Co.
TP52/8743	<u>10 Bow Common Lane</u> Planning permission was granted on the 10 th June 1954 for the installation of an underground petroleum storage tank and pumps.
TP6505	Planning permission was granted on the 4 th April 1949 for the erection of a single storey sack store.
TP44575	Planning permission was granted on the 4 th April 1949 for the formation of a new entrance.

4. POLICY FRAMEWORK

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

Unitary Development Plan

Proposals:

Green Chain
Lea Valley Regional Park

Policies:

DEV1	Design Requirements
DEV2	Environmental Requirements
DEV3	Mixed Use Developments
DEV4	Planning Obligations
DEV6	High Buildings Outside the Central Area & Business Core
DEV12	Provision of Landscaping in Development
DEV13	Design of Landscape Scheme
DEV46	Protection of Waterway Corridors
DEV48	Strategic Riverside Walkways and New Development
DEV50	Noise
DEV51	Soil Tests
DEV55	Development & Waste Disposal
DEV56	Waste Recycling
DEV69	Efficient Use of Water
EMP2	Retaining Existing Employment Uses
EMP8	Encouraging Small Business Growth
HSG2	Provision for Housing Development
HSG3	Affordable Housing
HSG7	Dwelling Mix & Type
HSG8	Mobility Housing
HSG9	Density of New Housing Development
HSG13	Standard of Dwelling
HSG16	Housing Amenity Space
T15	Location of New Development
T17	Planning Standards (Parking)
T21	Pedestrian Needs in New Development
T24	Cyclists Needs in New Development

OS9 Children's Play Space
 OS14 Lea Valley Regional Park

Emerging Local Development Framework

Proposals: CP34 Development Sites
 CP34 Green Chain
 CP35 Lea Valley Regional Park
 CP36 Blue Ribbon Network

Core Strategies: IMP1 Planning Obligations
 CP1 Creating Sustainable Communities
 CP2 Equal Opportunity
 CP3 Sustainable Environment
 CP4 Good Design
 CP5 Supporting Infrastructure
 CP9 Employment Space for Small Businesses
 CP19 New Housing Provision
 CP20 Sustainable Residential Density
 CP21 Dwelling Mix & Type
 CP22 Affordable Housing
 CP25 Housing Amenity Space
 CP35 Lea Valley Regional Park
 CP36 The Water Environment & Waterside Walkways
 CP38 Energy Efficiency and Production of Renewable Energy
 CP39 Sustainable Waste Management
 CP40 A Sustainable Transport Network
 CP41 Integrating Development with Transport
 CP42 Streets for People
 CP46 Accessible and Inclusive Environments
 CP47 Community Safety
 CP48 Tall Buildings

Policies: DEV1 Amenity
 DEV2 Character & Design
 DEV3 Accessibility & Inclusive Design
 DEV4 Safety & Security
 DEV5 Sustainable Design
 DEV6 Energy Efficiency & Renewable Energy
 DEV7 Water Quality and Conservation
 DEV8 Sustainable Drainage
 DEV9 Sustainable Construction Materials
 DEV10 Disturbance from Noise Pollution
 DEV11 Air Pollution and Air Quality
 DEV12 Management of Demolition and Construction
 DEV13 Landscaping and Tree Preservation
 DEV15 Waste and Recyclables Storage
 DEV16 Walking & Cycling Routes & Facilities
 DEV17 Transport Assessments
 DEV18 Travel Plans
 DEV19 Parking for Motor Vehicles
 DEV20 Capacity of Utility Infrastructure
 DEV22 Contaminated Land
 DEV27 Tall Buildings Assessment
 EE2 Redevelopment/Change of Use of Employment Sites
 HSG1 Determining Residential Density
 HSG2 Housing Mix
 HSG3 Affordable Housing Provisions in Individual Private Residential

	and Mixed-use Schemes
HSG4	Varying the Ratio of Social Rented to Intermediate Housing
HSG7	Housing Amenity Space
HSG9	Accessible and Adaptable Homes
HSG10	Calculating Provision of Affordable Housing
OSN3	Blue Ribbon Network & the Thames Policy Area

Planning Standards

Planning Standard 1:	Noise
Planning Standard 2:	Residential Waste Refuse and Recycling Provision
Planning Standard 3:	Tower Hamlets Density Matrix
Planning Standard 4:	Lifetime Homes

Supplementary Planning Guidance/Documents

Designing Out Crime
Sound Insulation
Residential Space
Landscape Requirements
Canalside Development

Spatial Development Strategy for Greater London (London Plan)

Policy 3A.7	Affordable Housing Targets
Policy 3A.8	Negotiating Affordable Housing in Individual Private Residential and Mixed Use Schemes
Policy 3C.2	Matching Development to Transport Capacity
Policy 2C.24	Freight Strategy
Policy 4A.6	Improving Air Quality
Policy 4A.7	Energy Efficiency and Renewable Energy
Policy 4A.8	Energy Assessment
Policy 4A.9	Providing for Renewable Energy
Policy 4A.10	Supporting the Provision of Renewable Energy
Policy 4A.11	Water supplies
Policy 4A.14	Reducing Noise
Policy 4B.1	Design Principles for a compact city
Policy 4B.2	Promoting world class architecture and design
Policy 4B.3	Maximising the potential of sites
Policy 4B.4	Enhancing the Quality of the Public realm
Policy 4B.5	Creating an inclusive environment
Policy 4B.6	Sustainable Design and construction
Policy 4B.7	Respect Local context and communities
Policy 4B.8	Tall buildings, location
Policy 4B9	Large scale buildings, design and impact
Policy 4C.1	The strategic importance of the blue ribbon network
Policy 4C.2	Context for sustainable growth
Policy 4C.3	The natural value of the blue ribbon network
Policy 4C.8	Sustainable Drainage
Policy 4C.12	Sustainable growth priorities for the blue ribbon network
Policy 4C.14	Freight uses on the blue ribbon network
Policy 4C.17	Increasing access alongside and to the blue ribbon network
Policy 4C.20	Design Starting from the water
Policy 4C.28	Development Adjacent to Canals

Government Planning Policy Guidance/Statements

PPG1	Generally Policy and Principles
PPG3	Housing
PPG13	Transport
PPG24	Planning & Noise

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

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

5. CONSULTATION RESPONSE

5.1 The views of officers within the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below. The following were consulted regarding the application:

LBTH Housing

5.2 In summary:

- A total of 176 residential units are proposed. This equates to 471 habitable rooms, approximately 36.5% affordable housing (calculated by habitable rooms) and 34.3% (calculated by floor space). This provision exceeds the policy requirement for 35% housing and under the emerging LDF at least 25% would be required to be provided without grant. Grant funding (if) available could be applied to the additional units.
- The policy expectation is that the ratios will be 80% socially rented: 20% intermediate. The proposed tenure split is 76%: 24% does not reflect the Council's expected requirement. *OFFICER COMMENT: The proposed tenure mix generally accords with the tenure split as specified in policy 3A.7 of the London Plan.*
- The scheme provides 45% family units (3, 4 and 5 bedrooms) within the affordable housing component. This satisfies the LBTH Housing Needs Survey requirement of 45%. There is a proposed scheme mix for the social rented specified, however, none proposed for the intermediate housing units.
- The affordable housing is integrated within the scheme and meets the standards set out in the Housing Corporation's Scheme Development Standards.
- It is proposed that all the dwellings in scheme are lifetime homes standards, and there are parking spaces adjacent to the homes. The wheelchair units are spread in blocks, and there are 10 designated disabled parking bays evenly distributed beneath them all of which are within 20m of wheelchair access lift. On this site, the requirement of 10% wheel chair homes would be to provide 18 units.

LBTH Education Development

5.3 The dwelling mix provided results in the need for an additional 21 primary school places. A developer contribution is sought towards this provision: 21 places @ £12,342 = £259,182. This sum is sought at 100%.

Developer contributions are pooled to provide additional school places at suitable locations in the Borough as part of the overall planning of school provision.

LBTH Corporate Access Officer

5.4 The Access Statement does not adequately consider the issues or provide evidence of best practice standards that they have used to prepare the statement and how they will ensure that the scheme is inclusively designed which is a requirement of Council policy. Accessibility and inclusive design throughout the site requires further exploration.

LBTH Energy Efficiency Unit

5.5 No reply received.

LBTH Highways Development

5.6 This development is unacceptable due to the servicing impacts associated with the refuse and recyclables. The development's access to the underground parking is also deemed unacceptable. Approval should only be granted following redesign of these two issues to a standard acceptable to the Transportation and Highways service.

In addition approval should only be granted subject to the provision of a car free agreement for the site and pedestrian improvements detailed above.

At present this application should not be granted approval based on these highway considerations.

LBTH Environmental Health

Air Quality

5.7 It is imperative that air quality be assessed for the following reasons:

- The Borough has been declared an air quality management area and residences will be placed in this area as result of this development.
- The development might contribute to the further deterioration of the state of air quality in the Borough during the construction/operational phases. In lieu of the above, an air quality assessment must be completed.

Noise

- This department is satisfied with the recommendations of the report with regard to mitigation against external noise. This is subject to the developer ensuring the recommendations in Table 3 (Anticipated Glazing and Ventilation Requirement) of the AIRO Road Traffic Noise Assessment – September 2006 are implemented.
- Details of any proposed ventilation/extract duct must be submitted and approved by Environmental Health.

Contaminated Land

Recommend this application to be conditioned to ensure the developer carries out a site investigation to investigate and identify potential contamination.

LBTH Cleansing Officer

5.8 No response received.

LBTH Horticulture & Recreation

5.9 No response received.

LBTH Sun/Daylight Officer

5.10 No response received.

London City Airport

5.11 No safeguarding objection.

Tower Hamlets PCT

5.12 No response received.

Metropolitan Police

5.13 No objections to the proposal. Recommendations made regarding improvements to safety and security within the development.

British Waterways (Statutory Consultee)

5.14 In summary:

- Satisfied that the tallest element of the development sited adjacent to the road bridge over the canal to give it a nodal function, and due to its orientation would not have any unacceptable overshadowing impact on the canal. Furthermore the public realm area separating the two building blocks ensures we are not left with a bulk of development along the extent of the sites water frontage.
- However BW would prefer to see the 3-5 storey residential block to the northern side of the site positioned further back from the canal to open up the site and reduce the otherwise oppressing impact of the building height from the canal. It is also felt that the boundary treatment to the ground floor units should be designed to allow maximum integration with the canal and the rest of the site.

Relationship to adjoining canal side development

- BW is concerned that the canal side elevation of the proposed 3-5 storey residential block fails to relate to the domestic scale of the adjoining Invicta Close development, particularly in terms of the window proportions and positioning. This results in an awkward relationship where the two developments meet.

Environment Agency (Statutory Consultee)

5.15 Object to the application for the following reasons:-

- Insufficient access to the canal side for river wall maintenance, improvement or renewal has not been provided in the proposed layout of the development.
- A report on the condition of the canal wall has not been submitted.
- Inadequate buffer distance provided between proposed development and the Limehouse Cut.

Lea Valley Regional Park Authority (Statutory Consultee)

5.16 The Authority:

- Considers that the proposed measures to assist biodiversity are less than might reasonably be expected along the Limehouse Cut and that measures both on land and in the water should be enhanced for example by providing fish shelters, coir rafts and increased vegetation;
- Requests that due to the high density of the development that the applicants be required to contribute towards the provision of additional public open space within the Borough;
- Requests that provision be made to provide public access to the riverside; and
- That a condition be imposed requiring the submission, approval and implementation of a scheme for the provision of bat roosting and bird nesting boxes on the proposed buildings.

Greater London Authority (Statutory Consultee)

5.17 The principle of mixed-use development on this site is supported. There is, however, a considerable amount of work required before the development reaches consistency with the

London Plan. Further discussion and work is therefore required on energy, affordable housing and mix, density, transport, the internal design and the provision of play equipment and space for under 5s.

London Development Agency LDA

In summary, the London Development Agency request further justification relating to the loss of employment floor space on-site and the lack of evidence to justify the loss of this floor space. Furthermore, the lack of detail regarding conflict between existing neighbouring uses and the proposed end use should be addressed to ensure compatibility.

Transport for London (TfL)

Given that TfL have raised a number of issues with the application they have written to the Council separately outlining these issues. The issues raised in the TfL response are summarised as follows:

- TfL may not be able to support the proposal of designating 3 parking spaces for commercial use during day time as this is inconsistent with the parking standards set out in the London Plan which requires no car parking provision for the commercial component.
- Arrangement and layout of basement car parking access via Hawgood Street need to be revised to provide sufficient vertical sight lines.
- With regard to the likely traffic impacts during the construction period, consultation should take place with TfL on the routing and the hours that construction vehicles would be allowed to access the site.
- The Transport Assessment lacks detailed information on footway widths or quality of the footways surrounding the site. This information together with assessment of the crossing facilities, the pedestrian access to public transport and the general accessibility of pedestrian movements near the site should be supplied.
- The current level of cycle parking spaces (i.e. 87 spaces) is considered inadequate. A minimum of 176 secure spaces is required for the proposed residential development. For the commercial land use, the specific use classification has to be confirmed as this would assist in calculating the additional number of cycle parking needed for the commercial component of the development.
- Green Travel Plan required as part of the S106 Agreement.

6. LOCAL REPRESENTATION

6.1 A total of 209 neighbouring properties within the area shown on the map appended to this report were notified of the application and invited to comment. The application has also been publicised in East End Life and on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses:	1	Objecting:	1	Supporting:	0
No of petitions received:	0				

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

- The proposal represents an underdevelopment of the site and does not make the best economic use of the land.
- The proposal could have a detrimental impact upon the future development potential of surrounding properties.
- Surrounding businesses employ approximately 50 staff. An opportunity would be welcomed which would allow this business to maintain a business premises within the proposed development.
- The proposal fails to take into consideration the development potential of surrounding

sites. A more comprehensive development would incorporate surrounding sites to achieve a more appropriate scale of development.

7. MATERIAL PLANNING CONSIDERATIONS

7.1 The main planning issues raised by the application that the Committee must consider are:

1. Land Use;
2. Density;
3. Design and Layout & the Suitability of a Tall Building at this Location;
4. Accessibility & Inclusive Design;
5. Affordable Housing, Dwelling Mix & Housing Standards;
6. The Blue Ribbon Network;
7. Energy Efficiency;
8. Transport & Parking; and
9. Residential Amenity.

Land Use

- 7.2 Land use within the area is presently evolving and the site and surrounds has been designated in the Local Development Framework Core Strategy and Development Control Submission Document as a suitable location for mixed use development. In essence the proposed development comprising both residential and B1/A3 use is contrary to the adopted UDP (1998) yet is generally consistent with the emerging LDF.
- 7.3 The existing buildings on the site have an overall area of 8480m² and have previously been used for a variety of uses including industrial, office and warehousing. The applicant advises in the planning statement submitted with the application that the site is vacant. However the site may be used unlawfully for residential accommodation.
- 7.4 The scheme proposes 500m² of B1/A3 flexible floor space at ground level which may be suitable for office or restaurant type uses. The applicant estimates that the projected employment level for the commercial units proposed could have the potential to generate 31-33 jobs (based on 1 job per 16m² for B1 use – London Plan).
- 7.5 It is acknowledged that mixed use development incorporating both commercial and residential uses is appropriate at this location. Whilst it can be argued that the development would result in a loss of employment in terms of floor space and given that the commercial element only comprises a small percentage of the overall scheme, the loss of employment uses is counteracted by the replacement with uses which may have the potential to generate employment above the current rates on the site.

Residential Density

- 7.6 Policy HSG9 of the UDP provides an upper figure of 247 habitable rooms per hectare (HRH) for new residential development. The policy sets out four circumstances where higher densities may be acceptable, these include:
- 1. The development would be for special needs housing or non-family housing*
 - 2. The development is located within easy access to public transport, open space and other local facilities*
 - 3. The dwellings are part of a substantial mixed use development or are a small in fill*
 - 4. It can be demonstrated that the development meets all other standards for new dwellings in the Plan and does not conflict with the Council's policies for the environment.*

- 7.7 UDP policy HSG9 has largely been superseded by the density policies of the London Plan 2004 and Policies of the Local Development Framework – Core Strategy and Development Control Submission Document. Core policy CP20 of the Local Development Framework – Core Strategy and Development Control Submission Document states that Council will seek to maximise residential densities, taking into account the individual relative merits of sites and their purposes. The London plan and LDF policy HSG1 include the implementation of a density, location and parking matrix, which links density to public transport availability as defined by PTAL (Public Transport Accessibility Level) scores which are measured on a scale of 1 (low) – 6 (high).
- 7.8 The site has a public transport accessibility level (PTAL) of 3. For urban sites with a PTAL range of 1 to 3 the appropriate density of 200-450 hrh would allow for dense development, with a mix of uses and buildings. The proposed density of 1025hrh exceeds the greater level of the density range. In this instance the scheme is considered to result in an overdevelopment of the site as it fails to address a number of the policy requirements identified in both the UDP and the Local Development Framework – Core Strategy and Development Control Submission Document. The key deficiencies are outlined as follows:-
- The proposal by way of its height, mass, bulk and form is overbearing in relation to the character of local development and is an inappropriate design response to the surrounding context.
 - The development fails to respect the natural environment, including the adjacent watercourse, in terms of insufficient setbacks, potential ecological impacts and insufficient information on treatments to the canal.
 - The central open space area is poorly designed as it does not provide through linkages from Bow Common Lane to Hawgood Street to the east. This space is also impinged by vehicular access for service vehicles. This access is unsustainable from a permeability and usability perspective.
 - Poor internal design and layout in terms of size of units, and size and location of private amenity space.
 - Several Public and private spaces within the development as well as dwelling entries are obscure from the site frontage and public areas within the site resulting in unsafe spaces throughout the development.
 - An overall inappropriate unit mix containing an overprovision of 1 and 2 bedroom units which is not consistent with the Borough's housing needs.
 - Inappropriate access arrangements resulting in traffic conflicts both on the site and in surrounding streets and impacts to both vehicular and pedestrian safety.

Design & Layout and Suitability of a Tall Building at this Location

- 7.9 The proposal does not accord with policies DEV6 of the UDP (1998) and Policy DEV27 of the Local Development Framework – Core Strategy and Development Control Submission Document in relation to tall buildings, given the high density of the proposal as demonstrated above and failure to adequately justify a number of important design criteria.
- 7.10 In addition to tall building and density policies, the proposal would conflict with the design and environmental Policies DEV1 and DEV2 of the 1998 UDP and Policy DEV2 of the Local Development Framework – Core Strategy and Development Control Submission Document, which requires the bulk, height and density of development to positively relate to surrounding building plots and blocks, and the scale of development in the surrounding area. Furthermore the proposal does not conform to the general scale and character of the canal environs as required by policy DEV47 of the UDP (1998) and OSN3 of the Local Development Framework – Core Strategy and Development Control Submission Document.
- 7.11 The proposed layout, scale and form of development, coupled with the high densities proposed and poor standards of amenity would result in an overdevelopment of the site, furthermore the proposal is considered to have little regard to the site and its surrounding

context adjacent to the Limehouse Cut. The design failures of the proposal are best demonstrated in the following summary:

Site layout

- 7.12 The design and layout of the development fails to provide appropriate linkages from the central and canal side communal open space on the site to proposed community space at Furze Green to the east via Hawgood Street. The introduction of vehicular access, to the rear with raised level units and lack of through pedestrian access at this location, results in the development turning its back on to this local green space. This results in poor site permeability both within the development and its integration to the surrounding street network.

Building height and form

- 7.13 The Limehouse Cut divides the area in two distinct character districts being linear open space with bridges spaced at more than 500m. There are post war housing estate tall buildings of 11 storeys and 13 storeys and the Abbott's wharf residential building to the south. To the north of the Limehouse Cut, the nearest tall building is approximately 400m away from the site. There are two predominant view corridors for the site, one along Bow Common Lane and the other along the Limehouse Cut, both in either direction. Out of four views, the only one view corridor where the 2-10 Bow Common Lane tall building would be clearly experienced near a taller building of similar scale is looking west along the Limehouse Cut towards Abbots Wharf. A clear separation of 200 meters and the presence of the canal separates them, and therefore there is no synergy between these two tall elements.
- 7.14 The building height, as proposed appears out of context, and is bulky in nature. Inappropriate articulation further adds to the negative impact. The site falls outside the tall buildings clusters area as identified in Policy CP48 of the Local Development Framework – Core Strategy and Development Control Submission Document.
- 7.15 The design provides for a stepped profile, which at Block C responds to the canal edge and is reduced to three storeys towards east adjacent to existing residential development. Stepping along Bow Common Lane is also provided to six storeys within Block A, from which the tower element rises (Block D) the scale and proportion of which result in an overbearing scale given its square proportions.
- 7.16 The massing on Bow Common Lane at Block A is modulated after the sixth storey resulting in a reduced impact to the street with minimal setback as well as variation in materials. A similar design response is required to scale down over bearing sense of enclosure of the fifteen storey tower upon the amenity space. Section CC and GG on the submitted plans illustrate that this would result in poor use of almost half of the amenity space. The massing decision of Block B has also resulted in 50 % of back gardens for ground floor units being in poor daylight conditions given their orientation and the overbearing nature of the proposals.

Elevations and materials

- 7.17 The materials, openings, and overall articulation for the tower element is considered to be poor. The west facing elevation with back painted glass would appear out of context given that it is reflective in nature and such a large surface would produce a flat façade resembling an office tower. As opposed to this the east facing elevation features a variety of materials, which fail to create balance and termination at the top, resulting in an unresolved, cluttered appearance.

Amenity space

- 7.18 The amenity space at ground floor level is fragmented. It would be hard and urbane in nature with a major part being allocated for cycle parking, private gardens and access for service vehicles.
- 7.19 The three residential units facing the open space lack any definable space and would be

exposed to public domain resulting in a poor standard of amenity for these units. The inappropriate access for service vehicles associated with waste and biomass delivery/collection would result in the larger part of the area being retained as hard surface.

- 7.20 The proposed roof garden at the sixth floor level and exclusive balconies for individual units are considered to be inadequate to compensate for lack of communal amenity space at ground floor level.
- 7.21 Internally the development is dominated by corridor access to the units and very few units are dual aspect resulting in limited daylight and outlook. A number of residential units within the development do not achieve the Council's Residential Space Standard Guidance resulting in a poor standard of amenity for future occupants.

Accessibility & Inclusive Design – Safety & Security

- 7.22 UDP policies DEV1 and 2 and policy DEV 3 of the Local Development Framework – Core Strategy and Development Control Submission Document seek to ensure that developments incorporate inclusive design principles and can be safely, comfortably and easily accessed and used by as many people as possible. It is considered that the design and layout of public and private spaces within the development are not inclusively designed resulting in poor permeability and connectivity and a reduced standard of amenity for future occupants.
- 7.23 Further UDP Policies DEV1 and 2 and Policy DEV 4 of the Local Development Framework – Core Strategy and Development Control Submission Document seek to ensure that safety and security within development and the surrounding public realm are optimised through good design and the promotion of inclusive environments.
- 7.24 The commercial component of the development is oriented to Bow Common Lane providing for an active frontage. The entries to the residential component of the development and individual units are provided off a central courtyard and the canal side. Several of the communal and unit entries open directly onto the central courtyard with minimal sense of address or transition points between public and private spaces. The lack of defined and accessible entries restricts access and permeability throughout the site and would result in a reduced standard of amenity for future occupants and visitors to the site.
- 7.25 The entrances to several of the family sized units are obscured by the location of private open space areas. These obscure entries would not be visible from the communal open space areas within the development reducing their accessibility and resulting in unsafe spaces. To the rear (east) of the site access to the family sized units via a single accessway is considered to result in issues of safety and security as this area would be obscured by fencing and landscaping associated with the private open spaces of the units fronting this space. As previously discussed above the layout of the site and the lack of through linkages results in poor accessibility and inclusive design which would lead to a poor quality environment. The location of private open spaces, refuse stores and biomass delivery within this central area would also obscure this space creates unsafe spaces thereby compromising the safety and security of future occupants.

Housing Policy

Affordable Housing

- 7.26 Adopted UDP Policy HSG3 seeks an affordable housing provision on sites capable of providing 15 or more units in accordance with the Plan's strategic target of 25%. Policy 3A.8 of the London Plan states that boroughs should seek the maximum reasonable amount of affordable housing taking into account the Mayor's strategic target that 50% of all new housing in London should be affordable and the Borough's own affordable housing targets.
- 7.27 The Local Development Framework – Core Strategy and Development Control Submission

Document Policy CP22 seek 50% affordable housing provision from all sources across the Borough with a minimum of 35% affordable housing provision on site's capable of providing 10 or more dwellings. Policy HSG10 confirms that affordable housing will be calculated in terms of habitable rooms with the exception of where this yields a disparity of 5% or more compared to calculation in terms of gross floor space.

- 7.28 The applicant has offered to provide 56 affordable housing units out of the total 176 units proposed, representing 39% provision overall (32% in terms of units and 39% in terms of the total habitable rooms). This scheme meets the Council's minimum target of 35%.

The affordable housing for rent would comprise the following dwelling mix:

	Units	Habitable Rooms %	GIA m2
Affordable Units	56 - 32%	186 – 39%	3,075 – 36%
Market Units	120 - 68%	289 – 61%	5,415 – 64%
TOTAL	176 – 100%	471 – 100%	8,490 – 100%

- 7.29 Of the affordable housing provision, 76% would comprise social rented accommodation and 24% intermediate in terms of habitable rooms. This ratio does not achieve the requirements of policy HSG4 of the Local Development Framework – Core Strategy and Development Control Submission Document which requires a social rented to intermediate ratio of 80:20 for grant free affordable housing.

Dwelling Mix

- 7.30 On appropriate sites, UDP Policy HSG7 requires new housing schemes to provide a mix of unit sizes including a “substantial proportion” of family dwellings of between 3 and 6 bedrooms.
- 7.31 Local Development Framework – Core Strategy and Development Control Submission Document HSG6 specifies the appropriate mix of units to reflect local need and provide balanced and sustainable communities. Family accommodation is again identified as a priority reflecting the findings of the Borough's Housing Needs Survey as well as the draft East London SRDF. The Policy provides the required breakdown of provision for development proposing 10 units and above. In terms of family accommodation, the Policy requires 45% of social rented housing (without subsidy), 40% of social rented housing (with subsidy), 10% of intermediate and 25% of market housing to comprise units with 3 or more bedrooms respectively.

The proposal would provide for 176 residential units in the following mix:

	Total No of units	% of total units	HSG2 policy requirement
Studio	14	7.9%	0 %
1 bed	61	34.6%	20%
2 bed	77	43.7%	35%
3 bed	19	10.7%	30%
4 bed	2	1.1%	10%
5 bed	3	1.7%	5%
TOTAL	176	100%	100%

- 7.32 In terms of affordable housing the scheme provides a reasonable match with the Council's preferred unit mix providing 45% family units (3, 4 and 5 bedrooms), against the Council's of 45%. It is however considered that overall the scheme does not provide a reasonable match with the Council's preferred unit mix specified in the Local Development Framework – Core Strategy and Development Control Submission Document. The scheme provides 12% family units overall (including 4 and 5 bedroom units) as opposed to a target of 35% with an

overprovision of 1 and 2 bedroom units.

The Blue Ribbon Network – Limehouse Cut

- 7.33 Immediately to the south of the subject site is the Limehouse Cut, which is designated in the proposals maps of both the UDP (1998) and Local Development Framework – Core Strategy and Development Control Submission Document as a site of nature conservation.
- 7.34 In addition the Limehouse Cut is part of the public realm contributing to London's Open Space Network. The Blue Ribbon Network identified in Section 4C of the London Plan sets out general policies for regeneration related to London's network of rivers, docks, canals and other open spaces, this is reiterated in Policies DEV47 and DEV48 of the UDP (1998) and OSN3 of the Local Development Framework – Core Strategy and Development Control Submission Document.
- 7.35 It is acknowledged that whilst development at this location will seek to improve the aesthetic amenity of the site and the canal environs and improve linkages to the canal and its associated tow path development must also respect its waterside location.
- 7.36 It is considered that the development including the layout, scale and form of the proposal fails to provide an appropriate response to the waterside location. In addition minimal consideration has been given in the development of the scheme in terms of potential environmental impacts and how these may be addressed.
- 7.37 This is reiterated in the comments of the Environment Agency who has objected and both British Waterways and the Lea Valley Regional Park Authority who have raised issues in relation to the application.
- 7.38 The Environment Agency has objected to the application on the basis of an insufficient setback distance from the waterway. The development is presently setback approximately 4 metres from the canal edge with obstruction of vehicle access, planting, seating, etc, within this area. An 8 metres buffer distance, free of structures is required between the canal edge and the development.
- 7.39 In addition it is considered that proposed scale and form of the tower element proposed is overbearing in the context of the canal and its surrounds and may result in amenity impacts to the amenity value of the waterway and ecology in terms of visual impact and overshadowing.
- 7.40 A number of other issues have also been raised by consultees, including:-
- BW is concerned that the canal side elevation of the proposed 3-5 storey residential block fails to relate to the domestic scale of the adjoining Invicta Close development, particularly in terms of the window proportions and positioning. This results in an awkward relationship where the two developments meet.
 - BW has a policy of resisting public access on the offside (non-towpath side) to allow for quiet and secure mooring opportunities and to encourage wildlife habitats and other biodiversity, especially where there is no end destination.
 - BW is concerned that the turning area for delivery lorries serving the biomass boiler is not large enough and may therefore lead to lorries manoeuvring in close proximity to the canal edge. Thus adding stress to the canal wall and opening up health and safety hazards, such as the possibility of lorries falling over the canal wall.
 - Insufficient access to the canal side for river wall maintenance improvement or renewal has been provided for in the layout of the development.

Energy Efficiency

- 7.41 The Local Development Framework – Core Strategy and Development Control Submission

Document contains a number of policies to ensure the environmental sustainability of new development. Policy DEV6 requires major development to incorporate renewable energy production to provide at least 10% of the predicted energy requirements on site. In addition all new development is required to include a variety of measures to maximise water conservation (Policy DEV7), incorporate sustainable drainage systems (Policy DEV8) and construction materials (Policy DEV9). In addition all new development is required to make sufficient provision for waste disposal and recycling facilities (Policy DEV15).

- 7.42 The applicant has submitted an energy statement which outlines the proposed and potential energy efficiency and renewable energy measures within the scheme consistent with the London Renewables Toolkit and Part L of the Building Regulations. Communal Biomass heating is proposed to provide the heating base load coupled with a sign up of apartments to a green tariff provider. The proposed development incorporates fuel storage at basement level with fuel deliveries to be carried out at ground level accessed from Bow Common Lane.
- 7.43 The GLA consider that the use of combined heat and power has not considered the potential for increases in capacity and sale of electricity to residents and other third parties. Instead the heat provision is to be provided by a small biomass boiler, thereby enabling a 10% contribution from renewables to be achieved.

Transport & Parking

- 7.44 Both the UDP and the Local Development Framework – Core Strategy and Development Control Submission Document contain a number of policies which encourage the creation of a sustainable transport network which minimises the need for car travel, lorries and supports movements by walking, cycling and public transport.
- 7.45 In accordance with Policy DEV17 the applicant has submitted a transport assessment to demonstrate the impacts of the development upon the local transport network and detail a number of appropriate mitigation measures.
- 7.46 Council Highways Engineers and TfL have assessed the development as unacceptable in highways terms for the following reasons:-
- The site although currently having a PTAL of 3 is generally well located in terms of public transport. Both LBTH Highways engineers and TfL state that the potential approval of the scheme could result in impacts upon the local transport and pedestrian networks throughout the area and further investigation is required in terms of an assessment of the crossing facilities, condition of footways surrounding the site and the ease of access to public transport nodes.
 - This development also provides a mix of housing types from 1 bed units to 5 bed units and is likely to be attractive to families. There are a number of primary schools to the south of the development, and St Paul's Way Secondary School to the North. There is also a multi use games area to the south and Bartlett Park is within a couple of minutes walk. The pedestrian access routes to these facilities will be impacted by this development. This development should contribute to pedestrian improvement and safety scheme that links the secondary school in the North with the primary schools in the South, which will take into account access to Bartlett Park and the Multi Use Games area.
 - The proposed building form adjacent to Bow Common Lane rising to 15 storeys is likely to result in a canyoning effect along Bow Common Lane. With no pedestrian permeability through the site until the bridge on Bow Common Lane, the development is likely to result in a negative walking environment along Bow Common Lane due to the sense of enclosure created.
 - The site would benefit from providing a pedestrian access route through the development, linking Hawgood Street with Bow Common Lane. This would result in a more direct link from the development to Devons Road DLR station, reducing the walking distance by approximately 100m, increase pedestrian permeability through

the site and result in a wider benefit to the area.

- The development provides 61 parking spaces off-street in an underground car park accessed off Hawgood Street. This level of parking falls within the Council's parking standards. However the access to the car park is considered unsafe and unacceptable for the following reasons:
 - The visibility of the entrance is compromised; visibility of vehicles leaving the car park is minimal. The visibility would be hampered should a vehicle wish to leave the site at the same time that a vehicle should wish to enter the site. This would result in vehicles waiting on the corner of Hawgood Street. This corner is at an extreme angle and visibility is an issue for vehicles approaching this corner.
 - The vehicle swept path analysis submitted with the application show that vehicles entering or exiting the car park will need to manoeuvre across the oncoming traffic. In addition, vehicles approaching from the east on Hawgood Street would have no visibility into the car park entrance, they would have to dramatically sweep into the oncoming lane on the blind corner and should a vehicle be approaching the exit from the car park, they would be required to reverse back onto Hawgood Street at the blind corner.
 - There is considerable concern that the entrance width is too narrow, there is barely room for one vehicle to enter or leave the site. This access is too narrow to provide access to larger vehicles such as transit vans; these would be required to service plant equipment such as the lifts and plant equipment.
 - The width of the access point would also encourage vehicles to use the footways as additional manoeuvring space; this would be unacceptable in terms of safety and maintenance.
- The cumulative effect of development planned in this area shows that there will be less than adequate on-street parking provision in the local area to cope with demand. This development does not promote car free living and seeks to use on-street residents permit parking to supplement the car park provided underground. This is unacceptable given the good levels of bus, DLR and underground access in the site and its proximity to local amenities. With these factors taken into consideration the scheme should be car free, with parking limited to the off-street bays.
- The level of cycle spaces provided within the development (87) is inadequate and should be increased to comply with the cycle parking standards of the London Plan and the Local Development Framework – Core Strategy and Development Control Submission Document which would equate to 1 space per unit (176) and designated spaces for the commercial uses.

7.47 Adopted UDP Policy DEV56 and DEV15 Local Development Framework – Core Strategy and Development Control Submission Document seeks to assess waste and recyclables storage in new development.

7.48 The development is considered to provide inadequate refuse storage, with separate storage for the commercial waste. The plans show that the servicing of the refuse will be from an internal service road that accesses the site from an entry point on Bow Common Lane adjacent to Limehouse Cut. This access route is unacceptable for service vehicles or any vehicle access. It is at the base of the road bridge crossing Limehouse Cut; this has very poor visibility and would require service vehicles turning left or right out of this exit to be in the path of both lanes of traffic. This is exacerbated by the 309 bus route that uses this bridge.

7.49 Northbound service vehicles entering the site by turning right, using this access may not be visible by approaching traffic and could be hidden by the apex of the bridge; this would be considered dangerous to approaching northbound traffic. Similarly southbound service vehicles turning left into the site would have to manoeuvre into the oncoming traffic lane; the bridge apex would cause unacceptable risk to northbound traffic.

- 7.50 The internal service road as shown would mean the recyclable storage area shown to the North of the site would be more than 20 metres away; this would be an unacceptable distance.
- 7.51 The general waste underground bins shown on the plan whilst acceptable in terms of capacity, these would not be acceptable in terms of servicing. It is unlikely that the service vehicle would be able to access the rear set of bins; in addition the service vehicle would find the space allocated by the service road unacceptable to ensure that their stability equipment used during lifting the refuse containers would be operable. The proximity of the building on the west of the site could also be a problem for the lifting equipments manoeuvrability.
- 7.52 The bin storage accessed from Hawgood Street is not wide enough for a refuse vehicle to gain access. Any service vehicle access the bins at this point would completely block the entrance to the car park.

Amenity

- 7.53 UDP Policy DEV2 and policy DEV 1 Amenity of the Local Development Framework – Core Strategy and Development Control Submission Document seeks to ensure that development where possible protects and enhances the amenity of existing and future residents as well as the amenity of the public realm.
- 7.54 It is considered that the proposed development should not result in overlooking or loss of privacy to surrounding development. The proposal is massed in two separate buildings. Given the siting of the buildings on the site, habitable room windows of dwellings within the development would be located in excess of 18 metres from adjoining development to the east of the site thereby minimising potential for loss of privacy and overlooking of surrounding properties. Internally the Bow Common Lane and the block to the east are adequately separated in excess of 18 metres thereby minimising impacts of internal overlooking.
- 7.55 In relation to sun and daylight the applicant has undertaken a daylight study which indicates that the proposal should not result in any unacceptable impacts in terms of daylight and sunlight to surrounding properties.

Daylight

- 7.56 The results of the VSC plots demonstrate that six of seven windows will adhere to the BRE VSC guidance. The development will result in a degree of change in the VSC level experienced at window reference point 4 which is slightly below the BRE target of 0.8 (0.72). This however relates to an assumed window position at first floor level in the rear elevation of No 12 Bow Common Lane which were not accessible during visits to the site. It is considered that the overall impacts in terms of day lighting would be minimal given the industrial context of the site and the low levels of day lighting currently experienced.

Sunlight

- 7.57 Under the terms set out in the BRE guidance the scheme should not result in any unacceptable sun lighting impacts.

Overshadowing

- 7.58 The overshadowing plots demonstrate that the proposed development should not result in any unreasonable overshadowing impact of neighbouring properties. Shadow impacts are at their greatest in the afternoon period. On this basis, surrounding properties will receive sunlight for at least half the day. The Environment Agency has also raised issues regarding potential overshadowing and impacts upon the biodiversity of the canal environs, which has been discussed previously in this report.
- 7.59 The microclimatic conditions as a result of the development have been assessed and are not

considered to cause any adverse wind conditions on or around the site.

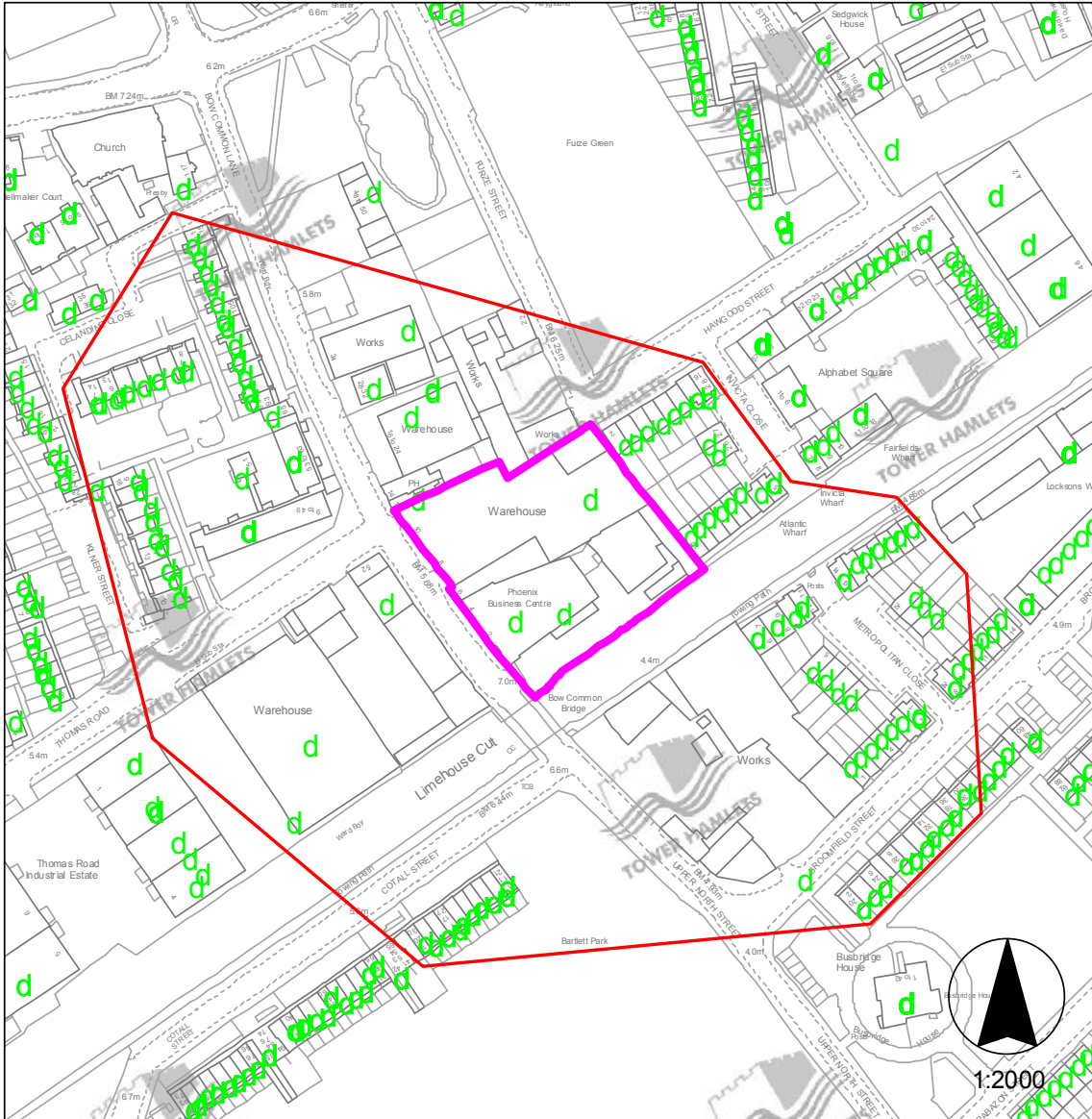
Air Quality

- 7.60 Policy DEV 11 of the Local Development Framework – Core Strategy and Development Control Submission Document requires the submission of an air quality assessment for developments which are likely to have a significant impact on and result in harm to air quality. An air quality assessment has not been submitted as part of the application documentation and therefore the impact of the development upon air quality cannot be assessed.

8.0 CONCLUSIONS

- 8.1 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 CONSIDERATION and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

Site Map



Legend

- Planning Application Site Boundary
- Consultation Area
- d Land Parcel Address

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. The Site Map was reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationery Office © Crown Copyright.
 London Borough of Tower Hamlets LA086568

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Agenda Item 8.3

Committee: Strategic Development	Date: 18 th January 2007	Classification: Unrestricted	Agenda Item No: 8.3
Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: Terry Natt		Ref No: PA/02/01555	
		Ward(s): St Katharine's and Wapping	

1. APPLICATION DETAILS

Location:	News International site at the south east junction of the Highway and Vaughan Way, London E1.
Existing Use:	Car park.
Proposal:	Erection of two buildings of 10 and 27 storeys to create 115,388 sq. m floor space for Class B1 (Offices), 1,419 sq. m A1 (Shop), 913 sq m A3 (Cafe and restaurant) and 1,200 sq. m D2 (Assembly and leisure), together with new access and servicing arrangements, car parking for up to 650 cars, lorry marshalling area & landscaping works.
Drawing Nos:	PENS/PA/03/001 Rev F, PENS/PA/03/002 Rev B, PENS/PA/03/003 Rev F, PENS/PA/03/004 Rev F, PENS/PA/03/005 Rev F, PENS/PA/03/006 Rev F, PENS/PA/03/007 Rev F, PENS/PA/04/001 Rev F, PENS/PA/04/002 Rev B, PENS/PA/04/003 Rev F, PENS/PA/04/008 Rev B, PENS/PA/05/001 Rev F, PENS/PA/05/002 Rev F, PENS/PA/05/003 Rev F, PENS/PA/05/004 Rev F, PENS/PA/05/005 Rev F, PENS/PA/05/010 Rev B, PENS/PA/05/011 Rev B, PENS/PA/05/012 Rev B, PENS/PA/05/013 Rev B, PENS/PA/05/014 Rev B, PENS/PA/05/015 Rev B, PENS/PA/05/016 Rev B, PENS/PA/05/017 Rev B, PENS/PA/05/018 Rev B, PENS/PA/05/019 Rev B, PENS/PA/05/020 Rev B, PENS/PA/07/001 Rev F, PENS/PA/07/002 Rev F, PENS/PA/07/003 Rev B, PENS/PA/07/004 Rev B, PENS/PA/08/001 Rev F, PENS/PA/08/002 Rev B
Applicant:	News International C/-Montague Evans
Owner:	News International
Historic Building:	N/A
Conservation Area:	N/A

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1 The local planning authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan, associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that:

- a) In principle, the redevelopment of the site is acceptable, subject to appropriate planning obligations agreement and conditions to mitigate against the impact of the development;
- b) It is considered that the proposed use would not have an adverse impact on the

LOCAL GOVERNMENT ACT 2000 (Section 97) LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THIS REPORT

Brief Description of background papers:	Tick if copy supplied for register	Name and telephone no. of holder:
Application, plans, adopted UDP. draft LDF and London Plan		Terry Natt 020 7364 5204

residential amenity of the surrounding properties. A number of conditions are recommended to secure submission of details of materials, landscaping, external lighting, and plant, and to control noise and hours of construction;

- c) The submitted Environmental Impact Assessment is satisfactory, including the cumulative impact of the development, with mitigation measures to be implemented through conditions and a recommended legal agreement;
- d) The development would add positively to London's skyline without causing detriment to local or long distant views. The scheme would bring the benefits of job creation and enhance the streetscape and public realm. The need to secure an appropriate planning obligations package is noted;
- e) The development would provide improved pedestrian linkages through the site to St Katherine's Dock and London Underground and bus stations; and
- f) The proposal incorporates a number of sustainability measures.

3. RECOMMENDATION

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

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

B. The prior completion of a **legal agreement**, to the satisfaction of the Chief Legal Officer, to secure the following:

a) Public Transport Improvements, including:

- a contribution of £200,000 for a congestion relief feasibility study for Tower Hill Underground station,
- £200,000 per annum for a period of three years for bus service enhancements and improved waiting facilities to serve the route 100 bus stop on Vaughan Way.
- Shadwell interchange – Contribution to access and public realm improvements to the value of £2,840,000. Including:
 - Improvements in and around Shadwell DLR station
 - A new East London Line station entrance on Watney Street, with new accessible lifts serving the platforms
 - Better lighting and more CCTV cameras
 - improved pedestrian crossings;
 - new pavements and road surfaces
 - better enforcement of existing parking restrictions

c) A contribution of £110,000 to employment. Plus a commitment to and establishment of connections between the applicant and local employment groups to secure the use of local labour both during construction and post-construction.

d) The provision of two sites within the scheme plus a contribution of £150,000 for the creation of works of art for the identified two sites.

e) A Contribution of £500,000 towards primary car needs of employers/employees not covered by existing provisions.

f) A contribution of £200,000 will be sought as a contribution towards the completion of a masterplan for the News International/Tobacco Dock area as identified in the City Fringe AAP

g) A contribution towards the upgrade and improvement of access to and through the nearby Swedenborg gardens to the value of £200,000.

h) Provision of permanent public access to the plaza areas between the two proposed buildings.

i) A total of 400 car parking spaces provided on a temporary basis and only in association with the continued operation of the printing works.

- 3.2 That the Head of Development Decisions is delegated power to impose conditions and informatives on the planning permission to secure the following

Conditions

- 1) Time limit for full planning permission
- 2) The submission and approval of the following details:
 - Plans showing a reduction in the number of car parking spaces from 650 to 500
 - Samples of materials of the external facings of the building
 - A landscaping scheme for the site to include hard and soft finishes, pedestrian routes, external lighting, signage, seating and litter bins
 - Landscape management plan
 - Screens/ canopies
 - The detailed design of the lower floor elevations of the commercial units including entrances and shop fronts
 - On site drainage works
 - Foundation design
 - Surface water control measures
 - The insulation of the ventilation system and associated plant
 - A flue system for the café/restaurant.
- 3) Parking – maximum of 500 cars & minimum of 450 cycle and 67 motorcycle spaces.
- 4) Upon cessation of printing works operations, revised basement plans to be submitted
- 5) Energy strategy to be submitted
- 6) Operational Traffic Management Plan for the site
- 7) Hours of construction (8am – 6pm Mon-Fri; 9am – 1 pm Sat)
- 8) Hours of operation limits – hammer driven piling (10am – 4pm)
- 9) Mitigation measures identified by the Environmental Statement including habitat provision for black redstarts
- 10) The submission of a land contamination study and the implementation of any necessary remedial works
- 11) Implementation of a programme of archaeological works
- 12) Any other condition(s) considered necessary by the Head of Development Decisions

Informatives

- 1) Application is subject to a Section 106 agreement
 - 2) Head of Highways Development to be consulted about any works affecting the public highway.
 - 3) Notice board to be affixed to site regarding emergency contacts.
 - 4) Consult English Heritage regarding the programme of archaeological works.
 - 5) Consult Environmental Health regarding the land contamination study.
 - 6) Any other informative(s) considered necessary by the Head of Development Decisions.
- 3.3 That if the Committee resolves that planning permission be granted the Committee **confirms** that it has taken the environmental information into account, as required by Regulation 3 (2) of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999.
- 3.4 That the Committee **agree** that following the issue of the decision, a statement be placed on the Statutory Register confirming that the main reasons and considerations on which the Committee's decision was based, were those set out in the Planning Officer's report to the Committee (as required by Regulation 21(1) (c) of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999.

- 3.5 That if by 18 July 2007, the legal agreement has not been completed to the satisfaction of the Chief Legal Officer, the Head of Development Decisions is delegated power to refuse planning permission.

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 Application is made for full planning permission for the erection of two buildings 10 and 27 storeys for primarily office (B1) use and additional uses of shop (A1), café/restaurant (A3), and leisure (D2). The development would consist of:

- 115,388 sq.m. of office space.
- 1,419 sq.m. of retail/shop space.
- 1,200 sq.m. of leisure use.
- 913 sq.m of café/restaurant use.
- 2,921 sq.m. of public areas (including reception areas).

- 4.2 The two buildings effectively divide the site into a north and south area with a central landscaped open space, accommodating a café and also allowing for a principal pedestrian route off Vaughan Way and through to Pennington Street.

- 4.3 Building 1 fronts the **northern** portion of the site and has a main frontage to The Highway. The design of the building follows the curve of the road and is setback from the boundary to enable a glazed façade to extend to the lower levels. The building rises to a maximum height of 10 storeys with a total gross area of 42,264sq.m. It is anticipated that Building 1 would become the new headquarters for News International. However, the design of the building is not bespoke and is suitable for other commercial occupiers.

- 4.4 On the **southern** part of the site lies Building 2. The building would be 27 storeys with a 4 storey podium. It would provide gross floorspace of 72,743sq.m. It has been designed taking into account the wind, daylight and sunlight studies.

- 4.5 Vehicular access to both buildings would be as existing via The Highway and Virginia Street. A basement car park is proposed, accommodating:

- 650 car spaces including 28 spaces allocated for disabled parking.
- 67 motorcycle spaces.
- 450 cycle spaces.
- Lorry marshalling areas.

- 4.6 Pedestrian access to the site is proposed from a number of locations. The principal point of access would be off Vaughan Way and via the central area of open space. Pedestrian access to Building 1 would also be provided directly off The Highway leading to an internal pedestrian street at ground level which would feature restaurants, bars, café and a convenience store. A pavilion café is proposed within the central landscape open space.

- 4.7 The application is accompanied by an Environmental Statement under the Town and Country Planning (Environmental Impact Assessment) Regulations 1999.

Site and surroundings

- 4.8 The application site is approximately 2.0 ha and currently occupied by News International as an open air car park and lorry marshalling area associated with the company's printing operations located to the east on Pennington Street. The existing car park has around 400 informally laid out car parking spaces. The land itself is relatively flat and features a high security fence and brick wall along its perimeter. The surrounding area comprises a mix of

commercial and residential uses.

- 4.9 The application site is bounded by The Highway to the north, Vaughan Way to the west, Virginia Street plus the News International plant to the east and Asher Way to the south. The Highway is one of the major arterial roads into central London from the east (A1203).
- 4.10 To the north, on the opposite side of The Highway, is open parkland. Adjacent to the parkland there is a mix of low rise residential blocks, retail and commercial space. Further north, situated off Cable Street, are two residential towers over 20 storeys high.
- 4.11 East of the site beyond Virginia Street are commercial properties with residential flats above, comprising 6 storeys. A row of Grade II listed warehouse buildings are located long the southern side of Pennington Street. Directly south of the site are the residential developments known as Trade Winds Court and Spice Court fronting Asher Way. These residential buildings range from 5 to 10 storeys.
- 4.12 To the west is the Thomas Moore complex which includes the 14 storey Trinity Tower. This complex mainly provides traditional office and other commercial floor space. Further west, adjacent to the Thomas Moore complex is St Katherine's Dock.

Planning History

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

T/93/238 In December 1994, the London Docklands Development Corporation granted planning permission for redevelopment of the site by the erection of 3, six storey buildings, one with access points to the pedestrian bridge linking News International premises and one 15 storey building comprising offices (B1), shop (A1), café & wine bar (A3) all with associated underground car parking for both News International printing buildings and the proposed buildings. The permission included the formation of a new vehicular and pedestrian access and relocation of the security building in conjunction with the realignment of Virginia Street and alterations to Vaughan Way to create a taxi 'drop off' point.

The permission was renewed in December 1998 but expired on 22 December 2004.

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:

Unitary Development Plan 1998

Proposals:		Archaeological importance or potential
Policies:	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV3	Mixed use developments
	DEV4	Planning Obligations
	DEV6	High Buildings outside CAZ
	DEV8	Views
	DEV12	Landscaping
	DEV13	Tree Planting
	DEV18	Public Art
	DEV45	Development in areas of archaeological importance
	DEV50	Environmental Impact of Major Development

DEV51	Contaminated land
DEV56	Litter and Waste
CAZ2	Development providing Central London Core Activities outside the CAZ
EMP1	Promoting Employment Growth
EMP4	Expansion of Existing Firms
EMP6	Access to Employment
EMP10	Business Uses outside CAZ
T9	Strategic Traffic Management
T13	Off-Street Car Parking
T15/T16	Transport and development
T17	Parking standards
T21	Pedestrian Routes
T24	Cyclists
S6	New retail development

Emerging Local Development Framework

Proposals:	Area of Archaeological Importance or potential Strategic Roads Strategic Cycle Routes Development Sites – CF20 News International
Core Strategies:	CP1 Creating Sustainable Communities CP3 Sustainable Development CP4 Good Design CP5 Supporting Infrastructure CP8 Financial and business centres CP30 Quality and Quantity of open space CP41 Integrating development with transport CP43 Better public transport CP45 Strategic Road network CP48 Tall buildings CP50 Important views
Policies:	DEV1 Amenity DEV2 Character and design DEV3 Accessibility and Inclusive design DEV5 Sustainable design DEV6 Energy Efficiency and Renewable Energy DEV9 Sustainable construction materials DEV10 Disturbance form Noise pollution DEV12 Construction management DEV14 Public Art DEV17 Transport assessments DEV18 Travel plans DEV19 Parking for motor vehicles DEV27 Tall buildings assessment EE2 Redevelopment of employment sites OSN2 Open space
AAP Policies:	CFR 1 City Fringe Spatial strategy CFR 2 Transport and Movement CFR 5 Open Space and Flooding CFR 6 Infrastructure and services CFR 21 Employment uses in Wapping sub-area CFR 23 Retail and leisure uses in Wapping sub-area CFR 24 Design and built form in Wapping sub-area CFR 25 Local connectivity and public realm in Wapping sub-area

Spatial Development Strategy for Greater London (London Plan)

Policy 3B.4 Mixed use Development

Policy 3B.1 Developing London's Economy

Policy 4B.1 Design Principles for a Compact City

Policy 4A.7 Energy Efficiency and Renewable Energy

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

A better place for living safely

A better place for living well

A better place for creating and sharing prosperity

6. CONSULTATION RESPONSE

6.1 The views of officers within the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below. The following were consulted regarding the application:

LBTH Environmental Health

6.2 Advises that the scheme's impact on the amount of daylight and sunlight reaching surrounding properties is satisfactory and recommends a condition to secure decontamination of the site.

LBTH Highways Department

6.3 The amount of proposed car parking is questioned. The development may or may not be wholly occupied by News International. From a 24 hour, 3 day car parking survey, the maximum accumulation during this period was between 350-400 cars. It may well be possible that a number of night time journeys are not essential and this level of parking could be negotiated downwards and it would be up to News International to identify those workers whose parking requirement is a necessity.

There will be extensive footway works on The Highway and Vaughan Street, possibly increasing widths of the public highway, and these will be carried out by the Council at the developer's expense. They will include a taxi/car drop off point on Vaughan Way where the existing parking arrangements will require alteration.

(OFFICER COMMENT: The amount of car parking provided would not normally be acceptable. Conditions are recommended to ensure that upon closure of the next door printing plant, the number of car parking spaces provided shall be reduced substantially to meet parking standards. Further, conditions would be applied to reduce the number of car spaces from the 650 applied for, to 500. Discussion as to why 500 car parking spaces is appropriate is undertaken below in paragraphs 8.20 - 8.23).

Obligations are recommended to secure contributions to improve the public realm and undertake highways improvements associated with the scheme.

Greater London Authority (Statutory Consultee (Includes TfL and LDA))

- 6.4 At Stage 1 the Mayor advised:
- Proposed mixed use development should incorporate a residential element.
 - The London Plan requires a provision of 50% off site affordable housing contribution.
 - Support is given to the architecture and design-particularly the reduction in height of the 13 storey tower to 10 storeys to lessen the impact on strategic views.
 - Proposal would not adversely impact on the setting of the Tower of London World Heritage Site.
 - Development could impact upon biodiversity particularly the protected black redstart.

- Funding required for both studies and improvements to the Underground, bus services, pedestrian access and crossings to the existing road network, improvements to the cycle network.
- An increase in the proposed number of cycle parking is required (1 space per 125 m² of B1 office i.e. 923 spaces).
- Development of a Green Travel Plan to promote sustainable modes of transport should be provided

(OFFICER COMMENT: As a designated office location in Tower Hamlets emerging LDF, it is considered that it would not be appropriate to require the provision of housing on this site. The London Plan's policies for off-site provision apply within the CAZ and are not applicable in this instance. In response to TfL's requests for contributions to various public transport/road network improvements, a package of s106 contributions is recommended to address TfL's requirements).

English Heritage (Statutory Consultee)

- 6.5 English Heritage (EH) has no objections in principle to the revised scheme including the height and scale of the northern ten storey building. It recognises that that the design of the tower has developed and could result in a building of high architectural quality. Changes to the scheme at ground level have also improved the possibility of providing a high quality urban space.

However, EH are still concerned at the potential impact of the 27 storey tall building at this location, to the east of the Tower of London. They point out that the joint English Heritage/CABE *Guidance on tall Buildings* strongly endorses the development plan led approach to the location of tall buildings. It is EH's view that the acceptability of locating tall buildings to the east of the Tower of London should be assessed as part of a plan led strategy that identifies acceptable locations for tall buildings in the borough and not by ad hoc speculative proposals.

If planning permission is granted, a condition to secure a programme of archaeological investigation is recommended.

(OFFICER COMMENT: The scheme has been amended reducing the height of Building 1 (north) by two storeys but English Heritage still advise that they have reservations regarding the height of Building 2 (South building - 27 storeys). The emerging City Fringe AAP identifies appropriate locations for clusters of tall buildings and office development but also notes that tall buildings may be appropriate outside these identified areas. Further analysis regarding tall buildings policy is set out below).

City of London

- 6.6 Initially expressed concern that the combined effect of the existing high building at the Thomas Moore complex and the two proposed buildings would result in a large increase in the mass of development forming the backdrop to the Tower of London World Heritage Site.

Government Office for London (Statutory Consultee)

- 6.7 No comments received.

Environment Agency

- 6.8 No objection in principle. Recommends conditions are imposed on any planning permission regarding:
- Contaminated land.
 - Details of foundations.

- Surface water control measures.

Commission for Architecture and the Built Environment

6.9 No comments received.

Corporate Access Officer

6.10 The Access officer has reviewed the Access Statement and is satisfied that access requirements are met.

London Fire and Civil Defence Authority

6.11 No comments received.

London City Airport

6.12 No safeguarding objections.

Historic Royal Palaces

6.13 Originally concerned about views of the Tower of London from the foot of London Bridge and just east of the bridge along the Queen's Walk. Building 1 would have appeared behind the turrets of the White Tower diminishing their current distinctive silhouette against the skyline.

(OFFICER COMMENT: The scheme has been amended reducing the height of Building 1 by two storeys and Historic Royal Palaces now advise that this fully addresses their concerns).

English Nature

6.14 No observations received.

Countryside Agency

6.15 No observations received.

7. LOCAL REPRESENTATION

7.1 A total of 515 neighbouring properties within the area shown on the map appended to this report were notified of the original application on 14 November 2002. The application has also been publicised in East End Life and on site.

7.2 Twenty six objections were originally received. Following the receipt of amended plans, on 28 September 2006, the objectors were re-notified and a further notice was placed in East End Life. In response, a further six objections were received.

7.3 The total number of representations received from neighbours in response to notification and publicity of the application were as follows:

No of individual responses: 26 Objecting: 26 Supporting: 0

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

- Loss of daylight and sunlight.
- Over intense development

- The height of the buildings is out of keeping with the surroundings.
- No local benefit.
- Buildings of this size will place too much strain on sewerage and water systems.
- There is currently a surplus of office space in London.
- The site should be developed for residential use and or key workers.
- Access off Virginia Street is inappropriate.
- Large number of car parking spaces.
- Increase in congestion and pollution.
- Noise impacts from lorries and HGV's.
- Headlamp glare & pollution.
- Entrance/exit should be parallel to Virginia Street on News International land.
- Inappropriate location for heating/cooling plant.

8. MATERIAL PLANNING CONSIDERATIONS

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

1. Land Use (Whether this site is appropriate for large scale office development)
2. Scale, design, tall buildings
3. Access and transport (inc. car parking)
4. Amenity impacts
5. Environmental impact assessment

Land Use

- 8.2 The site is unallocated on the Proposals Map of the 1998 Unitary Development Plan. However, it immediately abuts the defined Central Area Zone (CAZ) where headquarter offices and communications headquarters will normally be permitted – UDP policy CAZ1.
- 8.3 Although the thrust of UDP policy is to direct major office development to the two identified Central Area Zones in the west of the borough and the Isle of Dogs; UDP policy CAZ2 says that development providing central London core activities may be permitted outside the Central Area Zones provided:
1. The scale and density of the development is appropriate to the surrounding area and will not adversely impact on the local environment, or the amenity of adjoining uses;
 2. The site is well served by public transport and within easy reach of public transport interchange facilities;
 3. The site has adequate road access and can accommodate all necessary servicing off the public highway;
 4. The development will not adversely affect existing residential accommodation or result in the loss of residential accommodation.
- 8.4 In addition, UDP policy EMP1 states that employment growth will be encouraged through the re-use of vacant land, whilst policy EMP4 encourages the expansion of existing firms either on their present site or elsewhere in the borough.
- 8.5 The proposal would provide approximately 115,000 sq m of predominately office floor space situated adjacent to the Central Activities Zone. The location of the high quality office space is considered appropriate and supported by the adopted UDP, which identifies a *“concentration of office space at the junction between Vaughan Way and the Highway”*
- 8.6 The site has been allocated in the draft LDF Proposals Map as part of the larger News International site “CF20”. Policy CFR26 of the draft City Fringe Area Action Plan (DCFAAP) states that the preferred uses for the larger News International site include “Residential, Employment, Public Open Space and a health facility.” Policy CFR21 states that major

offices are supported in the western part of the News International site (i.e. the application site.)

- 8.7 The GLA have advised that the site should be redeveloped for mixed use purposes with the provision of affordable housing. If this is not provided within the development, a 50% off-site contribution should be required.
- 8.8 The Draft City Fringe AAP recognises a requirement for the need for residential in this locality and has identified the remainder of the News International site (i.e. the printing works to the east of the application site), together with the redevelopment of the Tobacco Dock area, as suitable for mixed use. This is to take the form of a master plan for the whole News International site and the Tobacco Dock environs. It is considered in this instance that the requirement for off site affordable housing would be inconsistent with the Council's policies for this portion of the News International site. The further redevelopment of News International's printing works and the Tobacco Dock environs will address both the Council's and the Mayor's requirements for affordable housing in the area.

Ancillary Uses

- 8.9 As mentioned, the proposal provides a range of ancillary uses - leisure (gymnasium), a number of A3 (café/restaurants) and small scale retail (A1). These proposed uses would be located at either ground floor or lower ground floor, which would enhance the vitality of the site and area as a whole. These design principles are consistent with the UDP policies DEV1, DEV3 and policy CP11 of the draft LDF.

Conclusion

- 8.10 An office-led redevelopment on this extensive open car park would be consistent with both the adopted UDP and the emerging policy in the LDF. The Council's emerging plan-led approach to the redevelopment of sub areas in and around the City Fringe has been developed in conjunction with the GLA with the western end of the News International site allocated for office development whilst acknowledging that there is scope to provide housing, including affordable housing, on the remainder of the overall site. On this basis, it is considered that it would be unreasonable to refuse this application on the basis that it does not provide affordable housing or to require that 50% of the proposed floorspace area should be provided as affordable housing off-site.

Scale, design & tall buildings policy

- 8.11 The development proposes two separate buildings of 10 storeys (Building 1) and 27 storeys (Building 2). The design of Building 1 slopes down from its highest point at the eastern end of the site to 7 storeys to the western end (Virginia Street). The tower element of Building 2 is designed in a form of a diamond, sloping towards the south eastern corner of the site.
- 8.12 UDP Policy DEV6 stipulates that proposals for high buildings (above 20m) are only appropriate outside of Central Area Zones where it can be demonstrated that they would not be detrimental to visual amenity. In addition, the development should not have a detrimental impact in terms of overshadowing, wind turbulence or other effects. Policies CP4, CP48 and DEV2 of the draft LDF all require regard to be given to the scale and mass, architecture quality of tall building proposals.
- 8.13 Historic Royal Palaces was originally concerned that the taller building impacted on strategic views from the Queen's Walk across the river to the Tower of London. The building has since been reduced in height and Historical Royal Palaces have withdrawn their objection.
- 8.14 The GLA consider that the proposal accords with criteria for tall buildings set out in the national advice with Planning Policy Statement 1, the English Heritage/CABE guidance on

tall buildings, the London Plan and the adopted Tower Hamlets Unitary Development Plan.

8.15 The GLA noted further that:

“The site is within the background assessment area of the river prospect from London Bridge towards Tower Bridge and the Tower of London in the draft View Management Framework (GLA, April 2005). The view assessment submitted with the application reveals that the new tower will usually appear in close proximity to Trinity Tower and will contribute to the form of a ‘mini’ cluster in this location. The new cluster is relatively low-rise compared to those in the City of London and Canary Wharf.

The Tower of London is surrounded by a number of modern buildings in close proximity, which have a greater impact on the Tower than the proposed development, which is located approximately 500 metres away. The development does not fall within the buffer zone set out in the draft (non-statutory) Management Plan for the World Heritage Site. The development represents a high quality piece of townscape that consolidates an existing building group/cluster and hence it will not adversely impact on the setting of the Tower of London.”

8.16 The proposed piazza would be orientated towards St. Katharine’s Dock and the Tower of London. This would help to create a feeling of arrival/destination and sense of place and would extend the established and well used pedestrian route from the Tower environs through St. Katharine’s Dock, which currently stops at Thomas Moore Square to the west of the development site. The positioning of the public space makes the most of natural sunlight and would produce a feeling of enclosure, as there is frontage on all sides, and provide a buffer from the noise and pollution on the Highway. The proposal is not considered to have negative impacts on the nearby Grade II listed warehouse buildings on the southern side of Pennington Street. Indeed, the design and focus of the piazza accessways will highlight these somewhat forgotten buildings. The active public uses provided at the lower levels of the buildings would animate the street and the new piazza and would increase public safety.

Conclusion

8.17 The site currently presents a vast area of openness and breaks the continuity of the urban fabric. The scheme proposes to fill this gap and physically repair the surrounding townscape. The architectural style of the proposed buildings is contemporary consisting of aluminium panels and glazing. The architectural standard is considered high.

8.18 The development would maximise the development potential of an under-utilised brownfield site and substantially enhance the public realm. The site is considered appropriate for a tall building as it would consolidate an existing cluster adjacent to the CAZ and contribute to an interesting skyline whilst not adversely impacting on important views.

8.19 The proposed scale & design of the two buildings is considered appropriate and in accordance with the Council’s adopted and emerging policies for tall buildings.

Access and Transport

Vehicular access and car parking

8.20 Access to the site for vehicles would be via Vaughan Way which runs south from The Highway. The access would link into the basement parking and loading area. The proposal includes a significant amount of basement parking and loading facilities. Parking Standards in the adopted UDP 1998 state the maximum amount of parking as 1 space per 750 sq.m. of gross floor area, which would allow a maximum of 153 spaces. The London Plan and emerging LDF states that the maximum amount of car parking spaces permitted is 1 space per 1250 sq. m. of floor area, which would allow a maximum of 96 spaces. The amount of

parking is far in excess of both adopted and emerging development plan standards and would not normally be supported for a generic office development either on this site or other locations in the area.

- 8.21 News International has however announced a medium-term intention to relocate the printing plant from Wapping to Broxbourne in Essex. The applicant argues that 650 car parking spaces and lorry marshalling areas are required due to the current specialist News International operations which will remain on the adjoining site in the medium term (exact time limit is undetermined as yet). TfL and Tower Hamlets Highways accept the need to retain some existing provision in association with the existing operations at News International. However, the 650 car parking spaces proposed is considered excessive. To this end, TH highways recommends that 350-400 car spaces is the maximum that could be justified based upon current operations.
- 8.22 Based upon the LDF and London Plan, approximately 100 spaces is the maximum number of spaces that should be provided for an office development of 120,000 sq.m. floorspace. (120,000 sq.m./1 per 1250 sq.m.) Adding the 400 justifiable car spaces to the London plan and emerging LDF standard of 100 spaces would allow 500 car spaces to be allocated to this development as it currently stands. A condition would be required to reduce the applied number of car parking spaces from 650 to 500. This level of car parking is still well over the standard for office development and an over provision with regard to the site's location.
- 8.23 To address the over-provision of parking spaces on site, it is recommended that any planning permission be conditioned to limit the number of parking spaces to the continued operation of the next-door printing plant. This condition would require a reduction in the number of car parking spaces on site from the 500 approved as part of this application to 100 in order to bring the development inline with current and emerging policy, once the printing works function departs the adjacent site permanently. On this basis alone the number of car parking spaces is considered acceptable. In the absence of appropriate measures the scheme would result in significant conflict with development plan standards and policy.

Pedestrian access

- 8.24 The pedestrian environment would be greatly improved by the opening up of the site and the creation of new routes and vistas. This would be enhanced by the ground floor retail uses and open spaces and the connection between Pennington Street and Vaughan Way. Appropriate conditions are recommended to secure suitable lighting, signage and quality materials for the public space.
- 8.25 Significant section 106 obligations are recommended to address issues involving vehicular and pedestrian traffic management and public realm improvements, particularly in relation to Tower Hill and Shadwell tube/DLR stations.

Amenity

Daylight /Sunlight reaching adjoining property

- 8.26 Daylight is normally calculated by two methods - the vertical sky component (VSC) and the average daylight factor (ADF). The latter is considered a more detailed and accurate method, since it considers not only the amount of sky visibility on the vertical face of a particular window but also window and room sizes plus the room's use.
- 8.27 The VSC method provides an indication as to whether there will be changes in lighting levels. It does not necessarily reveal whether the predicted quantity and quality of light would be adequate following the construction of a new development. However, the ADF method provides a means for making such an analysis.

- 8.28 Sunlight is assessed by the calculation of annual probable sunlight hours and the amount of sunlight available in both the Summer and Winter is calculated for windows within 90 degrees of due south.

Daylighting results

- 8.29 Telfords Yard (adjoining to the east across Virginia Street). No window would have a VSC below 21%. This is marginally below the BRE's 27% guideline for suburban housing. However, ADF calculations show that light levels would be close to existing or at acceptable levels.
- 8.30 Asher Way (to the south of the site). 73 windows have been tested. Six windows would have their VSC reduced by between 3% and 21%. The BRE advises that a 20% VSC reduction should not be noticeable and it is considered conditions would be satisfactory.

Sunlight

- 8.31 Telfords Yard 98.5 % of the windows would exceed the BRE Guideline of 25% for summer sunshine with only one window having a marginal fail of 24%. In terms of winter sunshine 78.5% of the windows would meet the BRE's guideline of more than 5% average sunlight access. The other 21.5% (14 windows) are marginally below the BRE's guideline requirements for average winter sunshine. However, given the inner-urban context of the site and surrounding development, this is acceptable.
- 8.32. Asher Way Located to the south of the site with north facing windows, there would be no impact on these windows.

Conclusions

- 8.33 BRE Guidelines advise that different light criteria is often appropriate in city centres. Taking this on board, whilst the proposal would have an affect to neighbouring buildings, the quality of the remaining light to adjacent residential properties would not be unacceptable or unusual for this city fringe location. On balance, the proposal is considered acceptable following detailed consideration of the applicant's light study.

Noise

- 8.34 The main issues with regard to noise relate to the impact of a proposed single storey, stand alone plant building on Pennington Street and lorries entering and exiting the site both during construction and following the occupation of the buildings.
- 8.35 Subject to the imposition of conditions requiring appropriate insulation and noise suppression measures, the plant building adjacent to Pennington St will not impact adversely on properties to the east of Pennington Street.
- 8.36 It is recommended that construction traffic should be controlled by a construction management plan which amongst other things would limit vehicular movements and construction times.
- 8.37 With regard to post construction lorry movements, the amount of traffic would not be significantly different from that generated by the current open car / lorry park to which News International receive regular deliveries. Once the printing operations cease and the car parking is reduced traffic movement would be significantly less.

Sustainable Development/ Renewable Energy

- 8.38 Policies DEV 5 and DEV6 of the Draft LDF Core Strategy Document require all new development to incorporate sustainability and energy efficiency measures. The GLA concluded that *“Currently the proposal does not contain renewable energy measures, partly because the submission of the application predates the London Plan; but, after meeting GLA officers, the applicant is working on a strategy to address the relevant policies. Without a credible strategy the application cannot be supported in strategic planning terms.”*
- 8.39 It is recommended that any planning permission is conditioned to require the submission, approval and implementation of an energy strategy to ensure the implementation of the renewable energy measures.

Biodiversity

- 8.40 It is recommended that an appropriate condition be included to ensure that “brown roofs” are provided to enhance opportunities for the nesting and foraging of black redstarts.

Environmental Impact Assessment

- 8.41 The Council’s consultants, Casella Stanger, undertook a review of the Environmental Statement. The initial review highlighted a number of areas where additional information or clarification should be provided. Further to the Council’s request, the applicant has submitted information required under Regulation 19. This has been re-advertised in accordance with the legislation and again reviewed by both Casella Stanger and the Council’s Environmental Health Department.
- 8.42 The Environmental Statement has been assessed as satisfactory, with mitigation measures to be implemented through conditions and/ or Section 106 obligations.

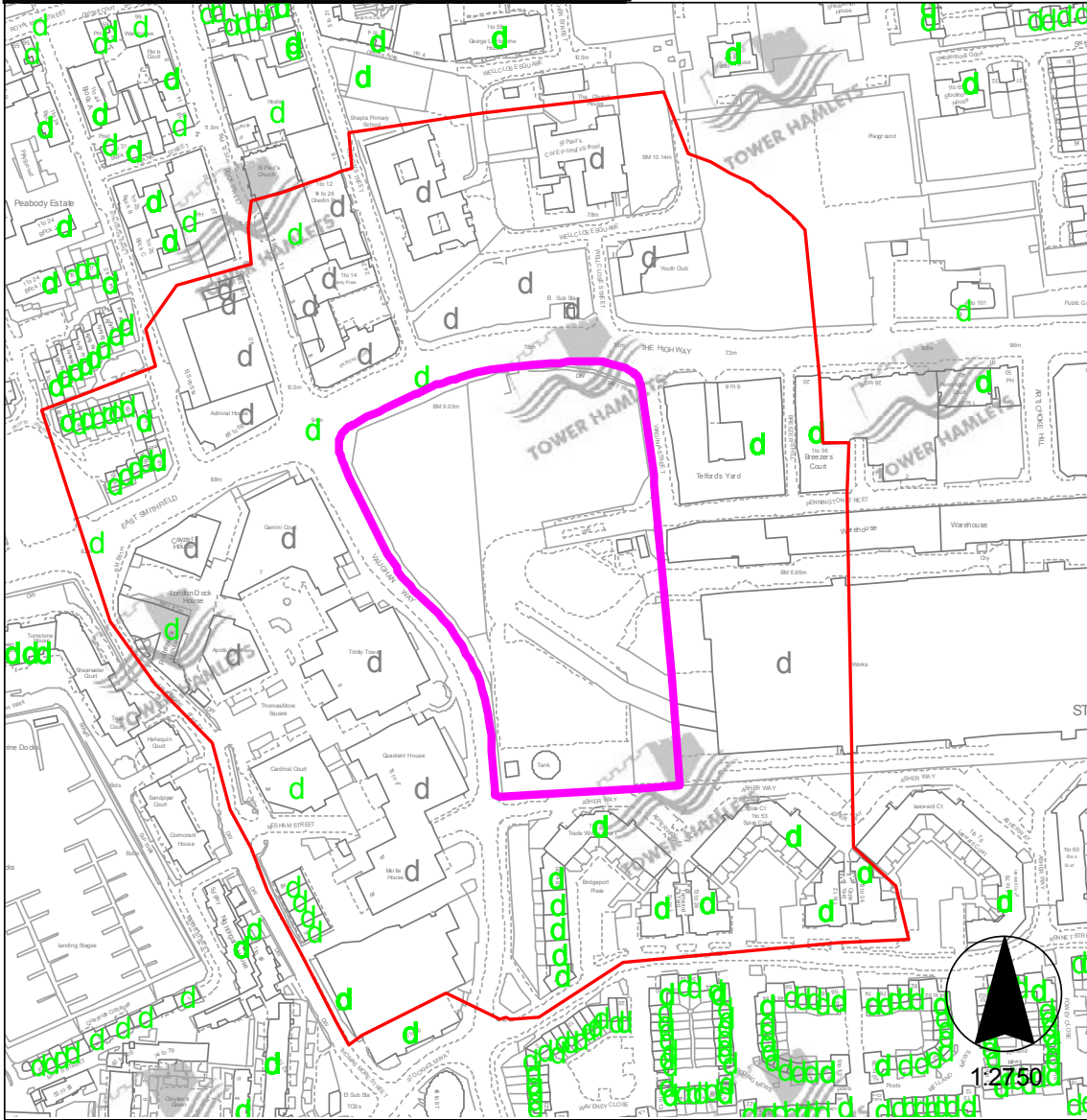
Other Planning Issues

- 8.43 The development would bring local benefit in terms of increased employment opportunities and remove an unsightly open car park. There is no evidence that water and sewage requirements could not be met. The site is allocated for offices and it is not a material consideration as to whether the offices are speculative.

9. CONCLUSIONS

- 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.

Site Map



Legend

- Planning Application Site Boundary
- Consultation Area
- d Land Parcel Address

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. The Site Map was reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationery Office © Crown Copyright.
 London Borough of Tower Hamlets LA086568

Agenda Item 8.4

Committee: Strategic Development	Date: 18 th January 2007	Classification: Unrestricted	Agenda Item No: 8.4
Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: Terry Natt		Ref No: PA/06/01652	
		Ward(s): Bethnal Green South	

1. APPLICATION DETAILS

Location:	249-253 Cambridge Heath Road, London
Existing Use:	Mix of commercial uses including offices, car yard and light industrial
Proposal:	Demolition of existing two/three storey buildings. Redevelopment of the site to provide an eleven storey building in connection with the use of the site for B1/A1/A2/A4/A4 purposes at ground floor level and 305 student bedrooms on the upper floors with associated hard and soft landscaping.
Drawing Nos:	A3/Sch09/Drg010, A3/Sch09/Drg011, A3/Sch09/Drg012, A3/Sch09/Drg016, A3/Sch09/Drg017, A3/Sch09/Drg018, A3/Sch09/Drg020, A3/Sch09/Drg021, A3/Sch09/Drg031, A3/Sch09/Drg032, A3/Sch09/Drg033, A3/Sch09/Drg034, A3/Sch09/Drg035, A3/Sch09/Drg041, A3/Sch09/Drg042, A3/Sch09/Drg043, A3/Sch09/Drg044, A3/Sch09/Drg051, A3/Sch09/Drg053, A3/Sch09/Drg054, A3/Sch09/Drg055.
Applicant:	Unite
Owners:	Universal Button Company, A and J Clayton, Mapco Investments Ltd, Neptune Property Developments
Historic Building:	N/A
Conservation Area:	N/A

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 The local planning authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan, associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that:
- In principle, the demolition of the existing two/three storey buildings and redevelopment of the site to provide B1/A1/A2/A4/A4 uses at ground floor and 305 student bedrooms with associated hard and soft landscaping is acceptable, subject to appropriate planning obligations agreement and conditions to mitigate against the impact of the development;
 - It is considered that the proposed use would not have an adverse impact on the residential amenity of the surrounding properties. A number of conditions are recommended to secure submission of details of materials, landscaping, external lighting, and plant, and to control noise and hours of construction;
 - The scheme would bring the benefits of job creation and enhance the streetscape and public realm.
 - The proposal incorporates a number of sustainability measures.

LOCAL GOVERNMENT ACT 2000 (Section 97) LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THIS REPORT

Brief Description of background papers:	Tick if copy supplied for register	Name and telephone no. of holder:
Application, plans, adopted UDP. draft LDF and London Plan		Xxxx Xxxx 020 7364 xxxx

3. RECOMMENDATION

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

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

B. The prior completion of a **legal agreement**, to the satisfaction of the Chief Legal Officer, to secure the following:

- a) Car Free Agreement
- b) Preparation of a Green Travel Plan
- c) Public realm improvements including footpath upgrade, signage and street furniture: **£200,000**
- d) Bus improvements: **£20,000**
- e) Local labour in construction: **£15,500**
- f) Contributions to Bethnal Green gardens: **£100,000**

3.2 That the Head of Development Decisions is delegated power to impose conditions and informatives on the planning permission to secure the following:

Conditions

- 1) Time limit for Full Planning Permission
- 2) Details of the following are required:
 - Elevational treatment including samples of materials for external fascia of building;
 - Ground floor public realm (detailed landscape plan for amenity courtyard as well as roof garden and ground floor public realm improvements);
 - The design of the lower floor elevations of commercial units including shopfronts and community space.
- 3) Landscape Management Plan required
- 4) Student housing Management Plan required
- 5) Restriction on hours of use of 5th floor roof terrace: 8am to 8pm
- 6) 278 (Highways) agreement required
- 7) Hours of construction limits (0800 – 1800, Mon-Fri, 0800 – 1300 Sat)
- 8) Details of insulation of the ventilation system and any associated plant required
- 9) Hours of operation limits – hammer driven piling (10am – 4pm, Mon –Fri))
- 10) Details required for on site drainage works
- 11) Full particulars of the refuse/ recycling storage required
- 12) Code of Construction Practice, including a Construction Traffic Management Assessment required
- 13) Details of finished floor levels required
- 14) Details of surface water source control measures required
- 15) Biomass heating and Renewable energy measures to be implemented
- 16) Black redstart habitat provision required
- 17) Land contamination study required to be undertaken
- 18) Any other condition(s) considered necessary by the Head of Development Decisions

Informatives

- 1) Environment Agency advice
- 2) Site notice specifying the details of the contractor required
- 3) Standard of fitness for human habitation, means of fire escape and relevant Building Regulations

3.3 That, if by 18 July 2007 the legal agreement has not been completed to the satisfaction of

the Chief Legal Officer, the Head of Development Decisions is delegated power to refuse planning permission.

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 It is proposed to construct a high density student housing led mixed redevelopment comprising the following:
- The provision of a total 305 student rooms, consisting of a mix of studios and cluster flats;
 - The provision of replacement B1 and A1/A2/A3/A4 uses at ground floor level
 - The provision of B1 commercial floorspace along Birkbeck Street to ensure suitable levels of replacement commercial use, including purpose built accommodation for a specified retained occupier (Account 3);
 - Contemporary designed buildings rising from 7 storeys along the Cambridge Heath Road frontage, stepping upwards to an 11 storey element at the rear of the site;
 - Provision of amenity space through an internal courtyard and roof terrace accessible to all residents;
 - Two car parking spaces including one disabled. 88 cycle parking spaces.
 - Additional landscaping, including new street trees along the Cambridge Heath Road and Witan Street frontages.

Site and Surroundings

- 4.2 The application site has an area of 0.2 hectares and comprises land bound by Cambridge Heath Road to the east, Birbeck Street to the north, an elevated railway line to the west and Witan Street to the south.
- 4.3 The site consists of a mix of uses and building heights. Along the northern part is a 2/3 storey building housing Bartlett's building materials with an associated 2 storey building to the rear. On the southern part of the site is a 2 storey building occupied by a chemical laminate business, whilst to the east is a single storey building occupied by Account 3, a community based organisation re-training women for a range of forms of employment. A used car lot is located on the corner of Witan Street and Cambridge Heath Road.
- 4.4 The site is situated on the western side of Cambridge Heath Road some 400 metres to the south of Bethnal Green train and underground station. The site has a public transport accessibility level (PTAL) of 5.
- 4.5 Surrounding Area
Council offices (the LEB building) are situated immediately to the north of the site on the western side of Cambridge Heath Road. These extend some distance along the main road frontage with the main building set back from the main road and extending to some 7/8 storeys in height (with historic large floor to ceiling heights). At the southern part of the Council office site, the neighbourhood centre buildings vary between 1 and 3 storeys in height. Further north along Cambridge Heath Road are a range of shops and services to the south and west of Bethnal Green underground station.
- 4.6 Outside the application site on the south eastern corner of Witan Street and Cambridge Heath Road is the Cambridge Heath motor company, with a single storey building and sales area at the front of the site.
- 4.7 To the south of Witan Street the uses are varied. On the corner of Witan Street and Cambridge Heath Road at 231-237 Cambridge Heath Road is the Backyard comedy club. Elsewhere within the significant area bound by Three Colts Lane, Witan Street, Cambridge

Heath Road and the railway line, the character is predominantly industrial or light industrial uses within 2-3 storey buildings, including electrical, metal work and general industrial occupants.

- 4.8 To the west of the site on the opposite side of the railway line is a 5 storey residential development at 1 Witan Street. The building is situated in very close proximity to the railway line.
- 4.9 On the eastern side of Cambridge Heath Road are Bethnal Green Gardens. Hard standing play areas are situated at the southern part of the gardens with more open recreational space within the centre and northern parts. There are a number of public buildings on the eastern side of the gardens, including a library, together with 4/5 storey residential properties.

Planning History

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

No Number	Change of use to iron mongers and builders merchants yard. Permission Granted 13/08/61
BG/91/272	Change of use of first floor from storage and distribution (B8) to business use (B1) together with ground floor rear extension for warehouse use and alterations to elevations. Permission granted 16/06/92
BG/91/224	Change of use from petrol filling station to storage and distribution. Alterations to frontage and site wall. Permission granted 04/03/92
BG/92/262	Extension at second floor level to provide additional office floor space. Permission granted 16/03/93
PA/05/01842	Mixed use commercial and student accommodation. Withdrawn

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:

Unitary Development Plan

Policies:	DEV1	General design and environmental requirements
	DEV2	Development requirements
	DEV3	Mixed use developments
	DEV4	Planning obligations
	DEV6	High buildings
	EMP1	Employment growth
	EMP2	Sites in employment use
	EMP3	Redevelopment of office floor space
	EMP8	Small businesses
	HSG14	Special needs accommodation
	HSG15	Development affecting residential amenity
	HSG16	Amenity space
	T17	Parking and vehicular movement standards
	T21	Improvement of pedestrian routes
	S6	New retail development

Emerging Local Development Framework

Proposals:	C24	Unspecified use- awaiting Central Area AAP
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Core Strategies:	CP9	Employment space for small businesses
	CP11	Sites in employment use
	CP24	Special needs and Specialist housing
	CP41	Integrating development with transport
	CP48	Tall buildings
Policies:	DEV1	Amenity
	DEV2	Character and design
	DEV3	Accessibility and inclusive design
	DEV4	Safety and security
	DEV5	Sustainable design
	DEV6	Energy efficiency
	DEV10	Disturbance from noise pollution
	DEV12	Management of demolition and construction
	DEV17	Transport assessments
	DEV27	Tall buildings assessment
EE2	Redevelopment/change of use of employment sites	

Spatial Development Strategy for Greater London (London Plan)

Policies	3A.22	Higher and Further education
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Community Plan The following Community Plan objectives relate to the application:

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

6. CONSULTATION RESPONSE

6.1 The views of officers within the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below. The following were consulted regarding the application:

Environmental Health

6.2 Air Quality

Recommended the following:

- Support for 'car free' development;
- Condition to ensure that the Code of Construction Practise is approved by LBTH prior to the commencement of site works; and

Noise and Vibration

Recommended the following:

- Night time works are not allowed and will be considered via dispensation process under a Section 61 agreement;
- The LBTH impulsive vibration limits are 1mm/s ppv and 3mm/s ppv at residential and commercial respectively;
- Adequate mitigation measures for the construction noise will be required and should be submitted as part of the Section 61 consent application in order to ensure the Council's 75dB(A) limit is complied with;
- The mitigation measures suggested for road traffic noise are adequate; and
- The developer is to obtain a Section 61 consent from the Environmental Health Department before commencement of work onsite.

OFFICER COMMENT: The above requirements will be ensured in the relevant Environmental Health legislation.

Contaminated Land

The proposal is acceptable, subject to conditions.

Micro-climate (Sunlight/ Daylight and Overshadowing)

The effects of daylight and right to light issues in respect to other properties have been addressed satisfactorily. Further discussion follows below.

Highways

- 6.4 There are 2 off-street parking places, one for disabled parking and one for general servicing use. The cycle store at 156 spaces is appropriate for the development use.

The sub-station and bin store doors on Witan Street are shown as opening outwards. Legally, these should be reversed but Witan Street is very lightly trafficked so the sporadic use of the stores as indicated could be acceptable.

There will be extensive works to the public highway surrounding the site. These works will be carried out by the Council, under a S278 agreement, and at the developers cost. There are additional paved areas under the upper floors oversail which will not be adopted as public highway so a S177 licence will not be required.

The development of 305 student bedrooms will be subject to a S106 car free agreement. A Green Travel Plan will be required and a Plan co-ordinator appointed. In addition we will require a financial contribution for additional pedestrian signing.

Access Officer

Access statement

Greater London Authority

No comments received

TfL

Car Parking

The 'car free' approach to this development and the provision of 2 spaces off Witan Street for servicing and disabled parking purposes are noted and supported. TfL also welcomes the proposed S106 legal agreement in preventing students from applying for residents parking permits on the surrounding streets. Detailed monitoring arrangements and mitigation measures should be put forward and included as part of the Travel Plan (see point on Travel Plan below).

Travel Plan

There is no mention of a Travel Plan in the TA. TfL would like to see a green Travel Plan being submitted, detailing how sustainable travel to and from the proposed development will be promoted among students residents and staffs working on-site. This should be secured, monitored and reviewed as part of the Section 106 agreement. TfL now expects all referable planning applications to be accompanied by a Travel Plan as part of its commitment to implementing travel demand management measures.

Cycling and walking

More details on the quality of pedestrian facilities in the vicinity should be provided. These would include details such as lighting levels, surface quality, compliance with pedestrian

crossing standard etc. for routes leading to Bethnal Green tube station, national rail station and several bus stops around. Given that walking and cycling will be the major modes of transport for predominantly residential student use of the development, there will be contributions sought for potential improvements towards lighting, footways upgrades, pedestrian safety, security measures and cycling facilities in the vicinity of the development. .

Cycle Parking

A total of 156 cycle parking spaces are proposed TfL consider this level of provision appropriate given the scale of the development and its 'car free' nature and note that it is in line with TfL's Cycle Parking Standards.

Contributions towards Bus Improvements

Given that this application will increase the amount of bus passenger activity in the local area, contributions will be sought for upgrades of bus stops on Cambridge Heath Road to the north and south of the site as well as improved accessibility to the Buses. Subject to detailed site assessments, a capped sum of £20,000 should be provided as contribution by the developer towards bus facility and accessibility improvements.

Traffic Management Act (TMA)

There is no mention in the TA of the likely traffic impacts during the construction period. Consultation should take place with TfL on the routing and the hours that construction vehicles would be allowed to access the site. A construction management plan will be required along with possible temporary scheme Notification under the TMA, given the site's proximity to A11 which forms part of the Transport for London Road Network (TLRN).

London Underground

No comment

Thames water

No comments received

BBC Reception advice

No comments received

Crime Prevention Officer

No comments received

LFEPA

No comments received

7. LOCAL REPRESENTATION

- 7.1 A total of 270 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. [The application has also been publicised in East End Life and on site.] The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses: 17 Objecting: 15 Supporting: 2

7.5 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:

- Loss of sunlight and daylight
- Increased wind effect
- Dust and detritus during construction
- No resident parking is proposed
- An increase in traffic noise will result
- Proposed height of the building contrasts with surrounding area
- This building will set a precedent for other tall buildings in the vicinity
- Additional residents will be additional strain on local services
- Loss of view of skyline of East London
- Loss of privacy as a result of overlooking
- Additional noise and disturbance caused by student residents
- Bethnal Green tube station will not cope with increased peak hour traffic
- Nature of commercial properties allowed on ground floor should be scrutinised
- Additional traffic congestion
- Sense of enclosure from both Green heath business centre and proposed development
- Proposal will kick-start regeneration of this area
- Additional residents will increase the natural surveillance of surrounding area and will contribute to public safety
- Purpose built student flats take pressure off the demand for young persons and family housing in the local area

8. MATERIAL PLANNING CONSIDERATIONS

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

1. Acceptability of student housing in this location
2. Accommodation of employment uses on site- is there a loss of employment resulting from this scheme?
3. Design and height of proposed building – including density
4. Impact on the amenity of the adjacent area, including sunlight, daylight, noise and loss of privacy of surrounding properties
5. Energy efficiency and sustainability

Student housing

- 8.2 Policy HSG14 states that the Council will seek to encourage the provision of housing to meet the needs of residents with special housing needs. It goes on: *“Such housing should be appropriately designed and suitably located”*.
- 8.3 Paragraph 5.29 states that the Council will consider student housing in a variety of locations providing there is no loss of permanent housing or adverse environmental effects. It also notes: *“Additional provision could release dwellings elsewhere in the Borough in both the public and the private rented sector”*.
- 8.4 Policy CP24 of the draft LDF Core Strategy and Development Control DPD issued in November 2006 states that the Council will promote special needs and specialist housing by focusing purpose built student housing ... *“in close proximity to the London Metropolitan University at Aldgate.”*
- 8.5 London Plan policy 3A.22 states that the Mayor will ensure that the needs of the education

sector are addressed and will support the provision of student accommodation, subject to other policies contained in the London Plan.

- 8.6 The draft Core Strategy notes that student housing should be focused around the borough's existing higher educational establishments or within close proximity, being 5 minutes walking distance, from London Metropolitan University. The site is close to Bethnal Green Tube station, but is approximately 15 mins walk from the LMU at Aldgate. In addition, Bethnal Green lies on the Central Line, whilst Aldgate East is on the District/Hammersmith and City lines: As such, a simple one-stop tube ride is impossible, although it is acknowledged that there are buses that connect Bethnal Green and Aldgate (the 106 and 254 travel along Cambridge Heath Road from Aldgate/Whitechapel).
- 8.7 From a strategic perspective, there is a shortage of student accommodation across London. However, the London Plan provides no indication as to the most appropriate locations for student accommodation. The adopted UDP, whilst not specifically identifying any specific area as appropriate for student housing, is flexible in its approach. The use of this site for student accommodation may initially be considered inappropriate given the policy direction outlined in the draft Core Strategy. However, the London Plan indicates that there is strong demand for student housing across London as a whole.
- 8.8 When considered against the policy situation with regard to student housing, it is clear that emerging policy does not support student housing upon this site. However, the adopted UDP and the London Plan do provide strategic support for student housing within the borough. Given the draft status of the core strategy, it is difficult to justify a refusal. Taking into consideration the noted policy position, the use of this site for student housing is supportable.

Employment

- 8.9 A total of 813sq.m of commercial uses is proposed. This comprises a mix of Retail (A1, A2, A3) and Office (B1) accommodation. The proposal includes two separate commercial units fronting Cambridge Heath Road measuring approximately 325m² and 83m², which can be subdivided in a number of ways if required. To the rear of the commercial unit and extending along Birbeck Street is a 405 m² (gross internal) ground floor commercial unit accessed via the Birbeck Street frontage. This unit will be occupied by Account 3 (a community based organisation re-training women for a range of forms of employment) who are currently on site.
- 8.10 Policies EMP1 and Policy EMP2(1) of the UDP seek the upgrading of employment sites already or last in employment use, to produce more employment opportunities for all sectors of the community. In particular, EMP2 states that council will oppose development resulting in a loss of employment except where the loss is made good by replacement with good quality buildings likely to generate a reasonable density of jobs.
- 8.11 Policy CP11 of the draft Core Strategy states that the Council will seek to protect viable employment sites (not specifically allocated for employment uses) which may form part of a mixed use development.
- 8.12 Further, the Council will seek to retain sites for industrial employment:
- where the site is well-located in relation to the strategic or local highway networks; or rail or water transport;
 - where the site benefits from high public transport accessibility and/or are on the edge of town centres;
 - where there is current or future demand for them as employment uses; and
 - where sites are not viable for employment uses.
- 8.13 Policy EE2 of the draft LDF states that redevelopment/change of use of employment sites may be considered:

- where the applicant has shown the site is unsuitable for continued employment due to its size, location, accessibility and condition;
- there is evidence that there is intensification of alternative employment uses on site;
- the retention or creation of new employment and training opportunities which meets the needs of local residents are maximised; and
- there is evidence that the possibilities to reuse the or redevelop the site has been fully explored.

8.13 It is acknowledged that the proposal provides less employment space, as calculated by area, than is presently on site. It is also acknowledged that this under-provision, although a significant improvement in quality over the existing buildings, does not necessarily *maximise* the employment return for this site.

8.14 Although smaller than the existing employment floorspace on site, the mix of uses and the likely employment will be greater, given the improvement in quality of the commercial spaces to be provided. Indeed, as noted, the site currently has 2 people employed at the Universal Button Company, 2 at Fine Food Mix, 4 people at Bartletts Paint Shop and 12 at Account 3 offices. The redevelopment of the site will provide 405 sq.m. of new offices for Account 3 and their 12 staff (who have provided support for the proposal) along with new flexible commercial premises totalling 408 sq.m in area. It is expected that these would accommodate more people than are currently employed on site and new jobs would also be created in relation to the management of the student accommodation.

8.15 With regard to the existing businesses, the owners of both Bartletts (paints) and Universal Buttons are looking to retire in the near future and Fine Food Mix are relocating as their current premises are too large for their requirements. The existing buildings are outdated and in need of significant refurbishment / investment, which is unlikely to represent a viable proposition to future occupiers.

8.16 In line with policy EMP 2 of the UDP, the proposal provides good quality replacement buildings likely to generate an appropriate density of jobs for this location. In addition, the construction of new premises for Account 3, with potential for this important community organisation to expand is supported. Due to the location of the site outside the principal commercial centres and employment areas, and by virtue of the relatively low levels of employment associated with the existing occupiers, it is acceptable that the Council would not be seeking a replacement level of Class B employment floorspace.

Height, Density and Scale

8.17 The tower is 11 storey high (32.5m) and is located to the rear of a podium that is 7 storeys in height (21m). UDP Policy DEV6 specifies that high buildings may be acceptable subject to considerations of design, siting, the character of the locality and their effect on views. Considerations include, overshadowing in terms of adjoining properties, creation of areas subject to wind turbulence, and effect on television and radio interference. Policy DEV27 of the draft LDF Core Strategy states that tall buildings may be acceptable subject to a number of criteria

8.18 The proposal satisfies the relevant criteria of UDP Policy DEV6 and draft LDF Policy DEV27 as follows:

- the architectural quality of the building is considered to be of a high design quality and the design is sensitive to the context of the site;
- it contributes to an appropriate skyline, but is not dominate in terms of height when compared with other buildings in the immediate vicinity;
- it meets the standards of sustainable construction and resource management;
- it meets the Council's requirements in terms of micro-climate;
- appropriate planning obligations are included to mitigate the impact of the development on the existing social facilities in the area;

- the proposal satisfies the Council's requirements in terms of impact on privacy, amenity and overshadowing;
- impacts on the telecommunications and radio transmission networks can be mitigated via an appropriate clause in the S106 agreement;
- the transport capacity of the area now and in the future is appropriate. TfL and the Council's Highways Authority have concluded that the transport assessments submitted satisfy the Council's requirements (including the cumulative impact) and the proposed density is appropriate in this location;
- as discussed above, the mix of uses proposed are considered appropriate. The Council's urban design officer has recommended that a landscape plan for the courtyard, the roof garden and ground floor public realm improvements be conditioned to ensure that the development contributes to its surroundings at street level.

Design and External Appearance

- 8.19 Policy Dev 2 of the UDP states that all development proposals should:
1. Take into account and be sensitive to the character of the surrounding area in terms of design, bulk, scale and the Use of materials;
 2. Be sensitive to the development capabilities of the site, not result in over-development or poor space standards; be visually appropriate to the site and its setting;
 3. Normally maintain the continuity of street frontages, and take account of existing building lines, roof lines and street patterns; and
 6. Include proposals for the design of external treatments and landscaping.
- 8.20 Policy Dev 2 of the Core Strategy and Development Control DPD requires that all new development is required to be designed to the highest quality standards, incorporating principles of good design, including (amongst others):
- a) taking into account and respecting the local character and setting of the development site, including the surrounding:
 - i. scale, height, mass, bulk and form of development;
 - ii. building lines and setbacks, roof lines, streetscape rhythm and other streetscape elements;
 - iii. building plot sizes, plot coverage and street patterns;
 - iv. design details and elements;
 - v. building materials and external finishes; and
 - i) creating visual interest in the urban environment, including building articulation;
 - k) ensuring the use of high quality building materials and finishes;
 - l) ensuring development is designed to be easily adaptable to different uses and the changing needs of users; and
 - m) ensuring the internal design and layout of development maximises comfort and usability for occupants and maximises sustainability of the development, including through the provision of adequately sized rooms and spaces.
- 8.21 The proposal has been assessed by the Council's conservation and design team who note that the design proposal has been negotiated after number of revisions and the current proposal will provide high quality student housing.
- 8.22 To this end, the proposal takes into account and respects the local character and setting of the development site, through:
- the provision of a scale and form of development that it appropriate for this area;
 - a strong building form within the streetscape that provides definition to the block upon which it is located;
 - an appropriate density for this location;
 - conditions requiring details of building materials and external finishes;
 - the improvement of the western side of this section of Cambridge Heath Road in pace of disjointed and ill-defined building stock;
 - the provision of flexible employment space and retail frontage to create bustle and

- activity; and
- the provision of good quality replacement office floorspace for use by Account 3.

8.23 On the basis of the above, the proposal satisfies the requirements of both the adopted UDP and emerging LDF and is acceptable.

Amenity impacts

8.24 Overlooking

Concerns have been raised with regard to the overlooking by the proposed student accommodation, particularly with regard to Sunlight Square. Concern is raised regarding the 7th floor outdoor rooftop terrace located on the podium and the tower bedrooms.

8.25 Sunlight Square is located to the western side of the railway viaduct to the rear of the site. Its distance, across the railway viaduct, ranges between 25 m to 35 m from the proposed development (the width of an average London street). This separation distance is satisfactory and complies with the Council's SPG for housing developments that requires a 15m separation distance between dwellings. Further, a condition will be added to any planning permission restricting the hours of usage for the roof terrace.

Daylight /Sunlight Access

8.26 Daylight is normally calculated by two methods - the vertical sky component (VSC) and the average daylight factor (ADF). The latter is considered to be a more detailed and accurate method, since it considers not only the amount of sky visibility on the vertical face of a particular window, but also window and room sizes, plus the rooms use.

8.27 The change in sky visibility or VSC method only provides an indication as to whether there will be changes in lighting levels. It does not necessarily reveal whether the predicted quantity and quality of light is adequate, following the construction of a new development. However, the ADF method provides a means for making such an analysis.

8.28 Sunlight is assessed through the calculation of what is known as the annual probable sunlight hours (APSH). This method of assessment considers the amount of sun available in the summer and winter, for each window within 90 degrees of due south or, in other words, windows that receive sunlight.

8.29 Sunlight Square – Existing VSC (Vertical Sky Component) readings at first floor level all exceed 31% which is higher than would be normal in an urban situation. This is mainly as result of the railway viaduct which represents the only obstruction. The proposed design of the west elevation extends up eleven floors with the elevation set back as it progresses to the north. At effectively the lowest level to the elevation facing the development to Sunlight Square, the daylight readings at first floor level indicate compliance with the relevant VSC standards. Of the three closest windows on the first floor, two exceed the 27% VSC requirement whilst the third window is slightly less than this. Its loss of light when compared with the existing situation is acceptable given the urban context of the immediate area.

8.30 In summary, the quality of light available within the properties will either be close to the existing or at a reasonable level assuming rooms are to be used as habitable rooms. On the basis that the quality of light remaining is close to British Standard BS8206 Part II, it has been concluded that the light levels are reasonable.

Sunlight Results

8.31 Sunlight Square – Three east-facing, first floor windows will be affected by the proposed development. Of these, it is estimated that they will not lose more than 20% of their Annual Probable Sunlight hours (APSH) and that the resultant summer sunlight is close to BRE recommendations. It is again considered that the resultant level of sunlight (between a half and three quarters of the ideal criteria) is reasonable for an urban location. However, these

noted windows already receive a low level of sun and the proposal will leave a similar amount. As such, it is not considered that a reason for refusal on loss of sunlight grounds could be justified relating to this building. Other windows will not be affected as they are not east facing or higher in the building.

Daylight and Sunlight Conclusions

- 8.32 BRE guidelines state clearly that different light criteria is often appropriate in urban centres, as compared to more suburban environments. Whilst the proposal clearly will have an affect to neighbouring buildings light, the quality of the remaining light to adjacent residential properties would not be unacceptable or unusual for this urban location. On balance, the proposal is considered acceptable by Council officers, following detailed consideration of the applicant's light study.

Noise

- 8.33 Internally: The proposed scheme is located adjacent to a well used railway viaduct and the busy Cambridge Heath Road. In recognition that there may be concerns regarding noise impact, an noise impact assessment has been undertaken by the independent consultants WSP. They have determined that the site is suitable for residential development on the assumption that that sufficient noise mitigation is incorporated into the building façade.
- 8.34 The noise impact assessment notes that elevated viaduct is 4 metres from the eastern boundary of the site. In order to control external noise intrusion from both the railway lines and Cambridge Heath Road, the applicant has placed appropriate glazing systems in windows facing those noise sources so that the relevant British Standard (BS8233 internal noise levels in habitable rooms) can be achieved. This will enable the achievement of an appropriate level of amenity for future inhabitants of the scheme.
- 8.35 Externally: Subject to conditions restricting noise and discharge from any new plant proposed on this site, it is not considered that any unacceptable impact will be created. Furthermore, subject to conditions controlling the usage of the outdoor terrace area on the 7th floor of the podium, the proposed terrace is unlikely to materially affect the amenity of adjacent residents in terms of noise and disturbance.
- 8.36 Whilst some residents consider that the proposal could result in the exacerbation of noise from the 24/7 usage of the site by students, it is difficult to see how such a contention could reasonably be justified given the site's separation from the residential street areas by the railway viaduct and there being few residential properties along Cambridge Heath Road which would connect this site with the main transport links. As such, a reason for refusal based on these grounds could not be sustained.
- 8.37 Officers understand that the size of the proposed development creates concern about construction noise, debris from the site and traffic. In these circumstances, the Planning Department proposes to include a condition ensuring a stringent construction environmental management plan to this scheme to minimise noise and disturbance to nearby residents caused by construction noise, debris and traffic.

Conclusion

- 8.38 It is considered that the proposal complies with Policy DEV2 of the UDP which seeks to ensure that adjoining buildings are not adversely affected by loss of privacy, excess noise or a material deterioration of their daylighting and sunlighting conditions.

Energy Efficiency

- 8.39 Policy SEN3 of the Draft Core Strategy Document requires that all new development should incorporate energy efficiency measures. The proposal includes a south facing array of solar panels to enhance domestic hot water generation. The proposal is generally consistent with the London Plan energy policies and an appropriate condition will be included to ensure the

implementation of the proposed renewable energy measures.

Access

- 8.40 Policy HSG8 of the UDP requires the Council to negotiate some provision of dwellings to wheelchair standards and a substantial provision of dwellings to mobility standards –this should also extend to student housing. To this end an informative will be added to an approval requiring the scheme comply with the Building Regulations.
- 8.41 With regard to wheelchair housing, there is a strong argument for the “peppering” of wheelchair unit through out the development and this would be the desired outcome in terms of mixed and balanced communities. However, the concentration of units allows for a better quality of services to be provided on the relevant floors and is safer with regard to emergency ingress/egress. On this basis, the scheme is acceptable

Other Planning Issues

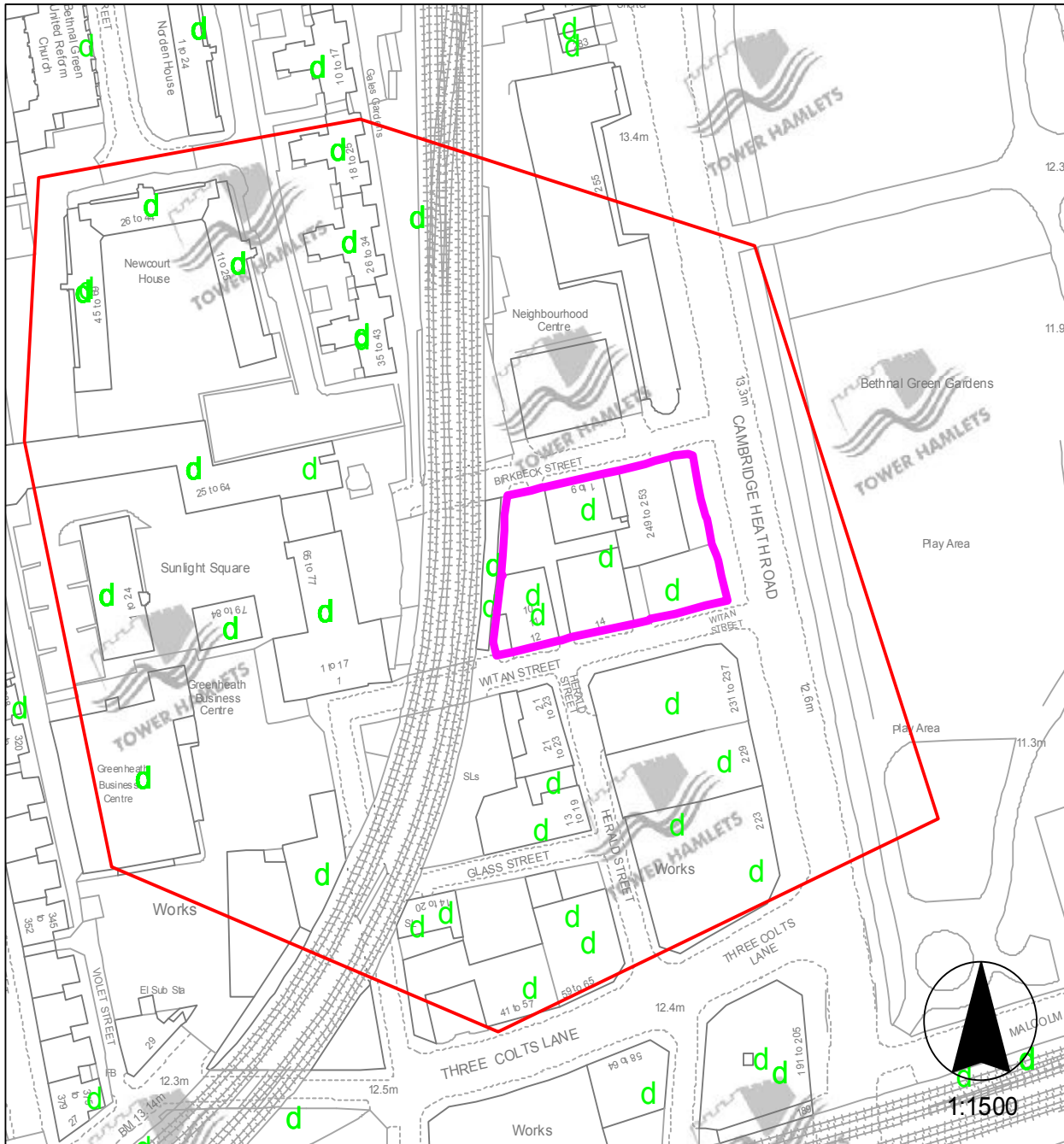
- 8.5 In response to concerns raised in submissions, the following issues not mentioned in previous discussion are considered:
- Increased wind effect – It is not expected that the proposal will result in an increase in wind turbulence
 - Dust and detritus during construction – The applicant is required to submit a Construction management plan to be assessed by Council Environmental Health Officers.
 - This building will set a precedent for other tall buildings in the vicinity – All applications are assessed on their own merits.
 - Additional residents will be additional strain on local services – Development Contributions are sought to reduce the impact on local services.
 - Loss of view of skyline of East London – Not a material consideration in this case
 - Additional noise and disturbance caused by student residents – a management plan will be submitted to for the student component of the development. This will be assessed by Council officers
 - Sense of enclosure from both Greenheath business centre and proposed development – there is no evidence that any sense of enclosure will occur- all residential properties are over 20 metres away from the proposed development
 - Additional residents will increase the natural surveillance of surrounding area and will contribute to public safety - Noted
 - Purpose built student flats take pressure off the demand for young persons and family housing in the local area - Noted

Conclusions

- 8.6 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.

Site Bounded By Cambridge Heath Road, Birkbeck Street And Witan Street, Cambridge Heath Road, London

Site Map



Legend

- Planning Application Site Boundary
- Consultation Area
- d Land Parcel Address

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. The Site Map was reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationery Office © Crown Copyright.
 London Borough of Tower Hamlets LA086568

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Agenda Item 8.5

Committee: Strategic Development	Date: 18 th January 2007	Classification: Unrestricted	Agenda Item No: 8.5
Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: Terry Natt		Ref No: PA/06/01809	
		Ward(s): Shadwell	

1. APPLICATION DETAILS

Location:	Land bounded by Schoolhouse Lane, Cable Street, and Glasshouse Fields, London E1
Existing Use:	
Proposal:	Erection of a part four / part seven storey building to provide 198 residential units; 1865 sq.m of B1 floorspace; 220 sq.m of A1 floorspace; 31 car parking spaces; 118 cycle parking spaces and associated landscaping. (Amendment to planning permission PA/03/1731) (This application supported by an Environmental Impact Assessment)
Drawing Nos:	12029_14_01, 12029_14_02, 12029_14_03, 12029_14_04 (B), 12029_14_05 (B), 12029_14_06 (B), 12029_14_07, 12029_14_08, 12029_14_09, 12029_14_10, 12029_14_11, 12029_14_12, 12029_14_13, 12029_14_14
Applicant:	Kier London
Owner:	Newlon Housing Trust
Historic Building:	N/A
Conservation Area:	N/A

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1 The local planning authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan, associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that:

- a) In principle, the erection of a part four / part 7 storey building to provide 198 residential units; 1865 sq.m of B1 floorspace; 220 sq.m of A1 floorspace; 31 car parking spaces; 118 cycle parking spaces and associated landscaping is acceptable, subject to appropriate planning obligations agreement and conditions to mitigate against the impact of the development;
- b) It is considered that the proposed use would not have an adverse impact on the residential amenity of the surrounding properties. A number of conditions are recommended to secure the submission of details of materials, landscaping, external lighting, plant, and to control noise and hours of construction;
- c) The submitted Environmental Impact Assessment is satisfactory, including the cumulative impact of the development, with mitigation measures to be implemented through conditions and a recommended legal agreement
- d) An appropriate level of employment floorspace has been provided on site and the scheme would bring the benefits of job creation, enhancement of the streetscape and

LOCAL GOVERNMENT ACT 2000 (Section 97) LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THIS REPORT

Brief Description of background papers:	Tick if copy supplied for register	Name and telephone no. of holder:
Application, plans, adopted UDP. draft LDF and London Plan		Xxxx Xxxx 020 7364 xxxx

public realm.

- e) Although there is a reduction in the number of approved housing units on site as compared to the extant permission approved on 18 August 2004 for 211 residential units and 4500 sq.m. of employment floorspace, the proposal retains the same number of affordable housing units.
- f) The scope of the Environmental Impact Assessment is supported.

3. RECOMMENDATION

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

- A. The prior completion of a **legal agreement**, to the satisfaction of the Chief Legal Officer, to secure the following:
 - a) Car free agreement
 - b) Green travel plan
 - c) Provision of Affordable housing: **41 units**
 - d) Highway Improvement Works **£50,000**
 - e) Local Labour in construction
 - f) Upgrade of the adjacent games court on Cable Street **£100,000**
 - g) A contribution towards the provision of an indoor play area within the Glamis Road Adventure Playground **£100,000**
 - h) Contribution to London Cycle Network capital works on Cable Street **£10,000**

3.2 That the Head of Development Decisions is delegated power to impose conditions [and informatives] on the planning permission to secure the following:

Conditions

- 1) Time limit for Full Planning Permission
- 2) Details of the following are required:
 - Elevational treatment including samples of materials for external fascia of building;
 - Ground floor public realm (detailed landscape plan for amenity courtyard as well as roof garden and ground floor public realm improvements)
 - Cycle parking design and location
 - The design of the lower floor elevations of commercial units including shopfronts and community space.
- 3) Landscape Management Plan required
- 4) 278 agreement to be entered into for Highway works surrounding the site
- 5) S38 agreement for the construction and adoption of the new road
- 6) Hours of construction limits (0800 – 1800, Mon-Fri: 0800 – 1300 Sat)
- 7) Details of insulation of the ventilation system and any associated plant required
- 8) Hours of operation limits – hammer driven piling (10am – 4pm)
- 9) Details required for on site drainage works
- 10) Full particulars of the refuse/ recycling storage required
- 11) Code of Construction Practice, including a Construction Traffic Management Assessment required
- 12) Details of finished floor levels required
- 13) Details of surface water source control measures required
- 14) Renewable energy measures to be implemented
- 15) Black redstart habitat provision required
- 16) Land contamination study required to be undertaken
- 17) Any other condition(s) considered necessary by the Head of Development Decisions

Informatives

- 1) Environment Agency advice

- 2) Site notice specifying the details of the contractor required
- 3) Standard of fitness for human habitation, means of fire escape and relevant Building Regulations

3.3 That, if by 18 July 2007 the legal agreement has not been completed to the satisfaction of the Chief Legal Officer, the Head of Development Decisions is delegated power to refuse planning permission.

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 Erection of a part four / part 7 storey building to provide 198 residential units; 1865 sq.m of B1 floorspace; 220 sq.m of A1 floorspace; 31 car parking spaces; 118 cycle parking spaces and associated landscaping. (Amendment to planning permission PA/03/1731)
- 4.2 A previous scheme on this site was approved at the Council's development committee meeting on 18 August 2004. In summary, the current proposal is an amendment to the previously approved scheme and the main differences are as follows:
 1. The removal of the bespoke B2 industrial space situated within the proposed basement;
 2. The removal of basement parking resulting in a reduction of car parking spaces from 121 to 31 spaces; and
 3. A reduction in the number of residential units from 211 to 198 (but no reduction in affordable housing provision).
 4. A change in the mix of units on site, including an increase in the number of family housing units. (See discussion below for details)

Site and Surroundings

- 4.3 The site area is 0.895 hectares and previously comprised a collection of one and two storey buildings of various ages, occupied by T W Ides Paragon Limited. The site has historically been used for various industrial glass manufacturing processes (B2 uses) since the 17th Century. In response to the approved scheme, various buildings on site are currently under demolition, with the remainder of the site in the process of remediation.
- 4.4 The site is bounded by Schoolhouse Lane and Glasshouse Fields to the East and West respectively, with Cable Street to the north. An artificially surfaced outdoor football pitch abuts the Northeast corner of the site. The Shadwell Institute to the South of the Site and fronting The Highway is used for the ancillary educational purposes linked to the Bishop Challoner School. Further East of the site is a series of industrial estates built in the late 70's and early 1980's. The Western end of the site comprise a variety of general and special industrial premises including a mixed use development owned by the Genesis Housing Group.

Planning History

4.5 The following planning decisions are relevant to the application:

PA/01/01101 On 13 March 2002, the Council approved a resolution to grant Conditional Outline planning permission to the Diocese of Westminster for the demolition of existing buildings and redevelopment of the application site for the purposes of education use. This was subject to a legal obligation agreement to provide financial assistance to relocate T W Ides Paragon Ltd in accordance with EMP2 (1) of the UDP. This resolution is extant although the legal agreement has not yet been completed.

PA/03/01660 In September 2003, a planning application was submitted for the Demolition of the existing buildings and redevelopment of the site by the erection of a part six storey building on the Cable Street frontage and part nine storey building on the Schoolhouse Lane frontage (inc. basement) for mixed use purposes comprising office/light general industrial uses (29, 350 sq.ft), 232 self contained flats and 39 live work units inclusive of basement/ground level parking. The application was withdrawn in December 2003.

PA/03/01731 A planning application was approved at development committee on 18 August 2004 for a scheme comprising 4532 sq.m of commercial (mix of B1 and B2) floorspace, 210 sq.m of A1 floorspace and 211 self-contained residential flats with ancillary parking and servicing.

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:

Unitary Development Plan

Proposals:	141	Council will seek to enhance and preserve existing employment uses.
		Area of archaeological importance or potential
Policies:	DEV1	General design and environmental requirements
	DEV2	Development requirements
	DEV3	Mixed use developments
	DEV4	Planning obligations
	EMP1	Employment growth
	EMP2	Sites in employment use
	EMP8	Small businesses
	HSG2	New housing development
	HSG3	Affordable Housing
	HSG7	Housing Mix and Type
	HSG8	Provision of wheelchair units in housing schemes
	HSG9	Housing Density
	HSG13	Internal residential space within residential developments
	HSG15	Development affecting residential amenity
	HSG16	Amenity space
	T17	Parking and vehicular movement standards
	T21	Improvement of pedestrian routes
	S6	New retail development
	ST15	Expansion of local economy
	ST16	Promotion of local job opportunities
	ST35 and S6	Retail development
	IS10	Shopfronts

Emerging Local Development Framework

Proposals:	C42	Unspecified (awaiting central area AAP)
Core Strategies:	CP9	Employment space for small businesses
	CP11	Sites in employment use
	CP20	Sustainable residential density
	CP21	Dwelling Mix and Type
	CP22	Affordable Housing
	CP41	Integrating development with transport
Policies:	DEV1	Amenity
	DEV2	Character and design

DEV3	Accessibility and inclusive design
DEV4	Safety and security
DEV5	Sustainable design
DEV6	Energy efficiency
DEV12	Management of demolition and construction
DEV17	Transport assessments
EE2	Redevelopment/change of use of employment sites
DEV1	Amenity
DEV2	Character and design
DEV3	Accessibility and inclusive design
DEV4	Safety and security
DEV5	Sustainable design
DEV12	Management of Demolition and Construction

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

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

6. CONSULTATION RESPONSE

6.1 The views of officers within the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below. The following were consulted regarding the application:

Highways

- 6.2 The reduction in parking places from 125 to 31 spaces is to be welcomed. Adequate provision has been made for disabled parking. It is noted that the parking places are to be strictly controlled. The courtyard parking area is for disabled and special use and the Glasshouse Fields parking area is only for the commercial element of the development.
- 6.3 It is also noted that the development will be subject to a S106 car free agreement. This will be both for the residential and commercial sections of the new buildings.
- 6.4 A Transport Assessment has been submitted which is acceptable, given the now low level of parking. There will be an insignificant effect on the local road network, including the Highway which is a heavily trafficked Transport for London Road. 10 of the courtyard parking places are accessed from Schoolhouse Lane whereas the balance of 21 are accessed from Glasshouse Fields via Cable Street. The re-opened section of Glasshouse Fields will have a point closure towards its southern end to prevent vehicular access onto The Highway and maintain a low accident risk.
- 6.5 The closure point is shown as being created by demountable bollards. Having discussed this with cleansing, a gated closure is preferred for emergency and refuse vehicles.
- 6.6 The original scheme, with all car access from Schoolhouse Lane, required the bottom end of this road to be made one-way northwards to prevent access onto The Highway and reduce the risk of increased accidents. With the small amount of courtyard parking, this is now redundant.
- 6.7 There will extensive S278 highway improvement works around the perimeter of the site. These works will be carried out by the Council and at the developers cost.
- 6.8 The existing development covers the line of Glasshouse Fields with the exception of a

pedestrian path along the western side. The intention is to set back the new development and provide a new section of road linking the north and south sections of Glasshouse Fields. This will require a S38 agreement for the construction and adoption of the new road.

- 6.9 There is a sealed S106/278 agreement dated 9th Jun 2005 for the consented development. This is now redundant and a new agreement should be drafted. Since the original highway requirements were identified, we have initiated a new Capital works scheme for extension of the London Cycle Network on Cable Street. The new S106 should include for a contribution towards these works in the sum of £10K.

Environmental Health

- 6.10 The Environmental Impact Assessment was considered to be satisfactory. The daylighting and sunlighting survey as well as noise assessment survey were considered to be acceptable in principle. The following observations were made to ensure that the environmental health impacts of the proposal are minimised:
- I. Mitigation measures for dust control are required
 - II. Provision of cycle stores ;
 - III. Site contamination mitigation measures are required including redemption strategy;
 - IV. Need for a Section 61 consent for noise abatement;
 - V. Restriction on hours of work;
 - VI. Ventilation provision for kitchen/bathroom areas;
 - VII. Hours of delivery to be restricted.

6.11 Air Quality

The following conditions must be adhered to in relation to air quality:

- A traffic management plan must be submitted detailing all routes to be used by construction vehicles. The plan must also detail any vehicle maintenance programmes to be employed.
- All on and off-road vehicles must comply with the applicable European Emission Standards at the time construction begins.

TfL

- 6.12 The proposed development provides 31 off-street car parking spaces, of which 10 spaces will be allocated for the residential component and 21 spaces for the commercial component. Two spaces will be allocated for disabled use – one each for the above components. TfL supports the low car parking provision for the residential component.
- 6.13 However, TfL is concerned that the proposed 21 spaces for 220sqm retail and 1,860sqm office use would not be necessary. With a PTAL score of 4, it is considered that the car parking provision proposed for commercial use is unreasonably high. A reduction to the car parking spaces should be considered so that it is consistent with the London Plan requirements.
- 6.14 118 cycle parking spaces will be provided. The cycle parking provision should be consistent with the TfL Cycle Parking Standards, as referred to in the London Plan (Annex 4, Para 37), and 217 spaces should be provided for this development, as follows:
- 204 residential units - 1 space / unit (204 spaces)
 - 1860sqm office use - 1 space / 250sqm (8 spaces)
 - 220sqm retail use - 1 space / 50sqm (5 spaces)
- The proposed retail elements are submitted for flexible permission of land-uses within A1 to A3. In view of this flexibility, this could result in one use class only. Therefore, the above level of cycle parking provision should be provided. Additional provision for visitors at ground level should be considered.
- 6.15 TfL recommends the above concerns be addressed. TfL can confirm that the proposal as it

stands will not result in any unacceptable impact to the TLRN.

Environment Agency

6.16 The Environment agency has assessed this application as having a low environmental risk:

English Heritage

6.17 No objections raised.

English Heritage (Archaeology)

6.18 No objections, subject to conditions securing the provision of archaeological post-excavation work on site

7. LOCAL REPRESENTATION

7.1 A total of 88 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. [The application has also been publicised in East End Life and 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 individual responses or petitions were received.

8. MATERIAL PLANNING CONSIDERATIONS

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

1. Whether or not an appropriate amount of employment floorspace has been provided on site;
2. Reduction in the number of approved housing units on site and retention of affordable housing units
3. Mix of housing units
4. Amenity impacts on surrounding properties as a result of changes to the scheme
5. Reduction in the number of car parking spaces

Employment Floorspace

8.2 Policies EMP1 and EMP2 of the adopted UDP encourage employment growth through the re-use of vacant land and justify the loss of employment generating uses where the loss can be made good by replacement with good quality buildings likely to generate a reasonable density of jobs on suitably sited land.

8.3 The loss of the B2 basement floorspace will not result in a reduction in employment levels generated by the site as it stood prior to the planning permission granted in August 2004. TWI Paragon previously employed 50 people on the site prior to its decision to re-locate to premises outside the Borough. It is not likely that this number would have significantly increased had the proposed re-development gone ahead. This amended scheme proposes 1,730 m² of high quality, flexible B1 space and 290m² of retail floorspace. This is approximately the same amount of floorspace space that was occupied by TWI Paragon.

8.4 Methodology by Arup Economics in respect of employment density for use by English Partnerships and Regional Development Agencies has been submitted with the application. When applied to the current scheme, it demonstrates that the number of jobs which are likely to be generated by the scheme would be almost double the number employed by TWI Paragon Ltd. More significantly, it is estimated that there will be no net loss of jobs on this

site.

- 8.5 Using the prescribed figure of 19 sq. m per employee for general office development, the methodology would suggest that the proposed development would result in approximately 91 people being employed within the B1 commercial element of the site, excluding the retail unit.
- 8.6 It is also noted that there were serious reservations expressed regarding the proximity of the B2 uses to both surrounding residential uses and future occupants when the application was approved in 2004. The removal of this element of the approved scheme will ensure an increase in residential amenity, a reduction in disruptive deliveries and an increase in amenity space.
- 8.7 With a likely increase of almost double the employment levels of the previous use of the site, the proposal accords with the emerging LDF, which seeks to implement the 100 000 – 150 000 target for new job creation to 2016 set by the London Plan. The increase in likely employment levels also means that the scheme should be considered favourably in terms of Policy EE2 of the emerging LDF, which takes into account job numbers as well as floor space when assessing the suitability of a scheme and Policy E3B.4 of the London Plan which encourages developments with complementary mixed uses, especially in areas with good access to public transport.

Housing

- 8.8 Affordable Housing
UDP Policy HSG3 seeks an affordable housing provision on sites capable of providing 15 or more units in accordance with the Plan's strategic target of 25%. Policy 3A.8 of the London Plan states that Borough's should seek the maximum reasonable amount of affordable housing taking into account the Mayor's strategic target that 50% of all new housing in London should be affordable and Borough's own affordable housing targets.
- 8.9 The Local Development Framework – Core Strategy and Development Control Submission Document Policy CP22 seek 50% affordable housing provision from all sources across the borough with a minimum of 35% affordable housing provision on site's capable of providing 10 or more dwellings. Policy HSG10 confirms that affordable housing will be calculated in terms of habitable rooms with the exception of where this yields a disparity of 5% or more compared to calculation in terms of gross floor space.
- 8.10 A total of 41 affordable housing units out of the total 198 units is proposed, representing 21% provision overall (Or 138 out of 535 habitable rooms: 26%). This scheme does not meet the Council's minimum target of 35% and the London Plan and LDF target of 50%. However, it does represent an improvement on the previous scheme which allowed for 41 units out of 211 for affordable housing (19%). On this basis alone is the amount of affordable housing acceptable.
- 8.11 The affordable housing for rent would comprise the following dwelling mix:

	No of Units	No of habitable rooms	% of total habitable rooms	LBTH Housing Needs Survey Unit basis
1 bed	7	14	12%	20%
2 bed	12	36	32%	35%
3 bed	12	48	42%	30%
4 bed	2	10	9%	10%
5 bed	1	6	5%	5%
TOTAL	34	114	100%	100%

Of the affordable housing provision of 83% would comprise social rented accommodation and 17% intermediate in terms of habitable rooms. This does not accord with the London Plan's objective that 70% of the affordable housing should be social rented and 30% intermediate but does meet the requirements of Policy HSG5 of the Local Development Framework – Core Strategy and Development Control Submission Document that requires a social rented to intermediate ratio of 80:20 for grant free affordable housing.

8.12 Dwelling Mix

On appropriate sites, UDP Policy HSG7 requires new housing schemes to provide a mix of unit sizes including a “substantial proportion” of family dwellings of between 3 and 6 bedrooms.

8.13 Local Development Framework – Core Strategy and Development Control Submission Document HSG6 specifies the appropriate mix of units to reflect local need and provide balanced and sustainable communities. Family accommodation is again identified as a priority reflecting the findings of the Borough's Housing Needs Survey as well as the draft East London SRDF. The Policy provides the required breakdown of provision for development proposing 10 units and above. In terms of family accommodation, the Policy requires 45% of social rented housing without subsidy, 40% of social rented housing with subsidy, 10% of intermediate and 25% of market housing to comprise units with 3 or more bedrooms respectively.

8.14 The proposal would provide for 198 residential units in the following mix:

	Total No of Units (Approved Scheme)	Total No of Units (Proposed Scheme)	% of total Units (Proposed Scheme)
1 bed	72	47	24%
2 bed	125	119	60%
3 bed	14	28	14%
4 bed	0	2	1%
5 bed	0	2	1%
TOTAL	211	198	100%

The scheme provides 16% family units (3, 4 and 5 bedroom units) across all tenures. More importantly, the scheme provides 15 out of a total of 34 socially rented housing units (44%) within the socially rented affordable housing component.

8.15 Across all tenures, there is a prima facie shortage family housing and the scheme would not normally be acceptable. However, in comparison with the previously approved scheme, it represents an improvement in the amount of affordable housing proposed and the provision of more family units in place of smaller units. On this basis the scheme can be supported.

Density

8.16 The proposal will result in a density of 657 HRH, which exceeds the existing UDP density requirements. However, the density is acceptable in light of Table 4B.1 of the London Plan which indicates that densities of 450-700 HRH are appropriate in urban sites with good transport links.

Design

8.17 The overall design is acceptable in policy terms and will make a positive contribution to the streetscape. The amended scheme is not significantly different from the scheme approved in August 2004 in terms of overall design and height where the agreed massing and footprint of the building responds positively to the typology of the area and seeks to address various amenity concerns including privacy, sense of enclosure and daylight and sun lighting within

habitable rooms leading off the internal courtyard. The proposal has been agreed with input from the crime prevention officer and thus meets with the Council's main objective in creating a safer living environment, which is welcome.

Amenity

- 8.18 With regard to the proposed scale and design of the scheme, the resulting scheme has evolved with continual dialogue and input from the Council's urban design officers. Further, the proposal has been redesigned and set back to overcome some of the amenity issues originally identified relating to outlook, privacy, daylighting and sunlighting of adjoining dwellings. The resulting scheme is considered appropriate in terms of mass, scale and design to the application site.

Parking

- 8.19 Changes to the scheme result in a reduction of the number of car parking spaces from 121 car parking spaces as approved in the 2004 scheme to 31. The reduction in the number of car parking spaces is supportable in light of Planning Standard 3 contained in the Core Strategy and the London Plan that specifies a *maximum* car parking provision of 0.5:1 for residential units and 1: 1250 sq.m (B1).
- 8.20 Cycle parking will be increased to 118 spaces, which although under the emerging standards is slightly below the minimum requirements, is acceptable in light of being an improvement on the consented scheme.

Sustainable Development/ Renewable Energy

- 8.21 Policy SEN3 of the Draft Core Strategy Document requires that all new development should incorporate energy efficiency measures. The proposal is generally consistent with the London Plan energy policies and an appropriate condition will be included to ensure the implementation of the proposed renewable energy measures.

Access

- 8.22 The scheme will yield much needed accommodation including affordable homes and accommodation for key workers. The access statement submitted highlighted the developer's commitment to provide all accommodation to lifetime home standards to be adaptable for mobility housing.. Most of the units have relative ease of access to disabled parking bays. The statement confirms that 10% of the resulting accommodation will be accessible by wheelchair. The applicant has also amended the scheme to address concerns raised by the access officer.

EIA

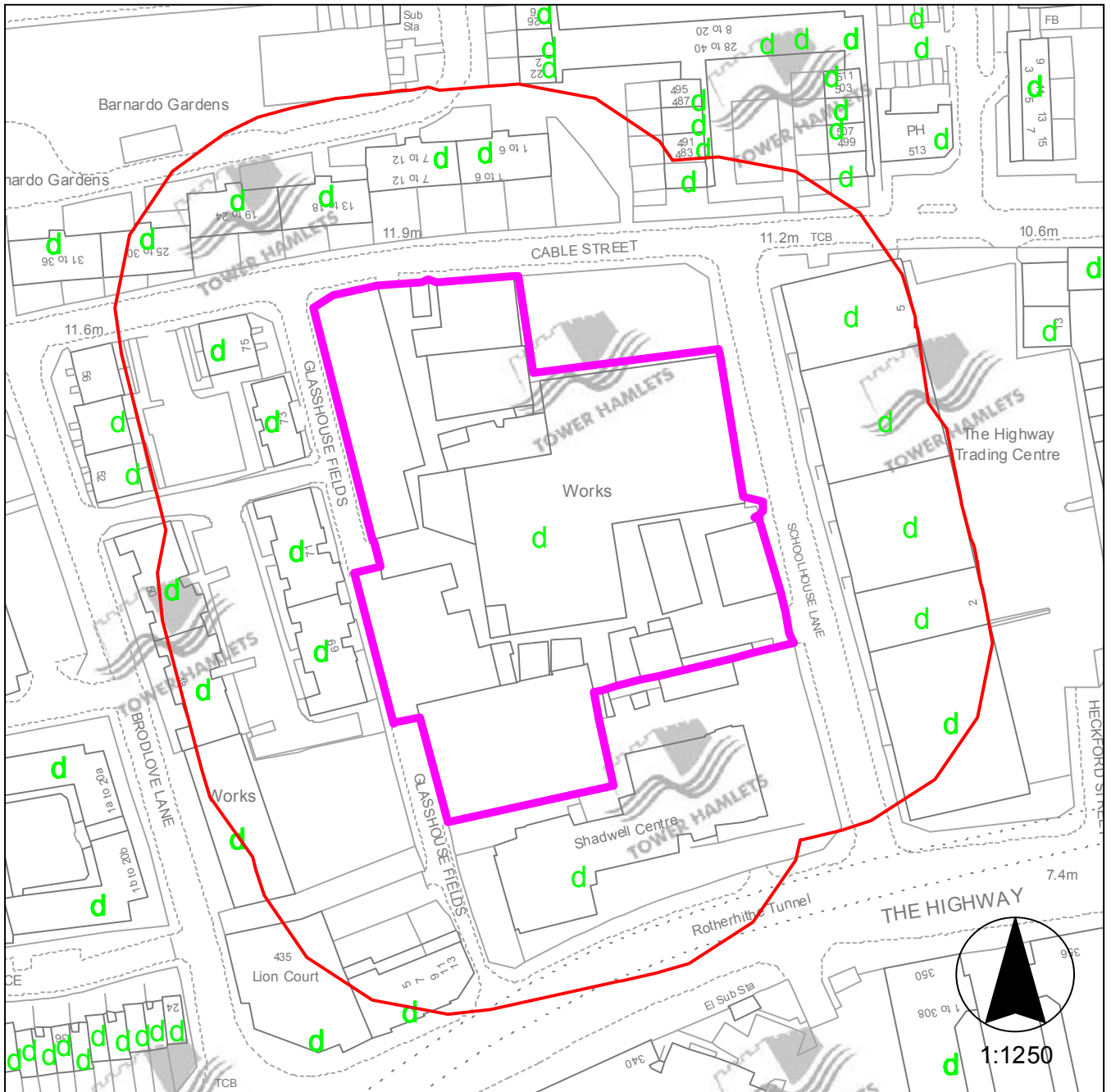
- 8.23 The applicant has submitted an updated EIA with the application. Although many of the statements have not been updated since the previous approval from 2004, this is acceptable given the relatively minor nature of amendments to this scheme. The Environmental Statement and further information/clarification of points in the ES have been assessed as satisfactory, with mitigation measures to be implemented through conditions and/ or Section 106 obligations.

Conclusions

- 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.

LAND BOUNDED BY SCHOOLHOUSE LANE, CABLE STREET AND GLASSHOUSE FIELDS, LONDON E1

Site Map



Legend

- Planning Application Site Boundary
- Consultation Area
- Land Parcel Address

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. The Site Map was reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationery Office © Crown Copyright. London Borough of Tower Hamlets LA086568

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Agenda Item 8.6

Committee: Strategic Development	Date: 18 th January 2006	Classification: Unrestricted	Report Number:	Agenda Item Number: 8.6
Report of: Director of Development and Renewal		Title: Town Planning Application		
Case Officer: Rachel Blackwell		Ward: Bethnal Green North		

1. APPLICATION DETAILS

Location:	Empress Coach works, 1 to 4 Corbridge Crescent and site at rear, Corbridge Crescent, London, E2 9DS
Reference Number:	PA/05/00663
Existing Use:	Coach storage yard with associated buildings containing workshop and office accommodation
Proposal:	Construction of buildings up to 11 storeys to provide 511sq.m. of commercial space on ground floor, 129 residential units and associated car parking.
Drawing Nos/Documents:	204009/100B, 204008/120C, 204009/121B, 204009/122B, 204009/123B, 204009/124B, 204009/125B, 204009/126B, 204009/127B, 204009/128B, 204009/129B, 204009/130B, 204009/140B, 204009/141B, 204009B/143B, 204009/144B, 204009/150A, 204009/151A Planning Statement – April 2005 Historic Buildings Assessment – August 2004 Transport Assessment - April 2005 Sustainable Energy Strategy – April 2005 Urban Design Statement – May 2005 Sun and Daylight Report – May 2005 Density Statement Accessibility (Transport) Statement – August 2005 Environmental Statement, Wind Microclimate Study – October 2005 Landscape Proposals – July 2006 Overshadowing Report - July 2006
Applicant:	KKM Architects
Ownership:	Ridley Villas Ltd
Historic Building:	N/A
Conservation Area:	N/A

2. RECOMMENDATION

- 2.1 That the Committee resolve to REFUSE planning permission on the grounds that:

LOCAL GOVERNMENT ACT 2000 (Section 97) LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THIS REPORT

Brief Description of background papers:	Tick if copy supplied for register	Name and telephone no. of holder:
Application, plans, adopted UDP, draft LDF and London Plan		Rachel Blackwell 020 7364 0436

1) The proposal would result in an over development of the site, with a proposed residential density of 1,713 hr/ha, resulting in unacceptable design, amenity and environmental impacts as outlined in reasons for refusal (2) to (6), and as such it is contrary to:

(a) Policy HSG9 of the Tower Hamlets Unitary Development Plan 1998 which defines a normal guideline of 247 hr/ha for new residential development

(b) Policy HSG1 of the Local Development Framework, Core Strategy and Development Control Development Control Submission Document and Policy 4B.3 of the London Plan 2004, which identifies the appropriate density range for the site as being 650-1100hr/ha based on location, setting and public transport accessibility.

2) The development would be insensitive to the context of the surrounding area by reason of design, mass, scale and height and fail to take account of the development capabilities of the site. As such the proposal is contrary to:

(a) Policies DEV1 and DEV2 of the Tower Hamlets Unitary Development Plan 1998, which requires development to be sensitive to the surroundings and the development capabilities of the site.

(b) Policy DEV6 of the Tower Hamlets Unitary Development Plan 1998, which requires the development of high buildings outside the central area zone to have regard to the design, siting and character of the locality and their effect on views.

(c) Policy DEV2 of the Local Development Framework Core Strategy and Development Control Development Plan Document, which requires development to be, designed to the highest design quality standards.

(d) CP48 and Policy DEV27 of the Local Development Framework Core Strategy and Development Control Development Plan Document, which specify the criteria to assess tall buildings.

(e) Policies 4B.1, 4B.3, 4B.8 and 4B.9 of the London Plan 2004 which provide location and assessment criteria for tall buildings.

3) The applicant has not adequately demonstrated how the development will accommodate the principles of accessibility and inclusive design given the failure to submit an Access Statement. As such the proposal is contrary to:

(a) Policies DEV1, DEV2 and DEV 3 of the Local Development Framework Core Strategy and Development Control Development Plan Document, which require a design and access statement to accompany planning applications.

(b) Policy 4B.5 of the London Plan 2004.

4) The development would fail to provide a satisfactory standard of residential accommodation in that the applicant has not demonstrated that any of the units meet Lifetime Home Standards and incorporate inclusive design principles. As such the proposal is contrary to Policy DEV3 Local Development Framework, Core Strategy and Development Control Submission Document and Policy

3A.14 of the adopted London Plan 2004 which requires development to incorporate inclusive design principles as well as ensuring that all dwellings meet Lifetime Homes Standards and that 10% are wheelchair accessible

5) The applicant has not adequately demonstrated mitigation against unreasonable noise sources to future occupants from the nearby railway line. As such the proposal is contrary to:

(a) Policy DEV10 Local Development Framework, Core Strategy and Development Control Submission Document to ensure that occupiers and neighbours should be protected from excessive noise and vibration pollution.

(b) Policy 4A.14 of the London plan which seeks to reduce the adverse impacts of noise from development proposals.

6) The development would be insensitive to its location adjacent to the Regents/Grand Union Canal by reason of design, mass, scale and height, resulting in overshadowing that could potentially affect the canal ecology. As such the proposal is contrary to:

(a) Policy DEV57 of the Tower Hamlets Unitary Development Plan 1998, which seeks to protect Sites of Nature Conservation Importance.

(b) Policy OSN3 Local Development Framework, Core Strategy and Development Control Development Control Submission Document, which requires development adjacent to the Blue Ribbon Network to respect its water location.

(c) Policy 43.C of the London Plan, which seeks to protect and enhance the biodiversity of the Blue Ribbon Network.

3. PROPOSAL AND LOCATION DETAILS

Proposal

3.1 An application has been made for full planning permission to redevelop land at 1-4 The Oval and 1-3 Corbridge Crescent by demolition of the existing buildings on the site and erection of an 11 storey residential led development with B1 units at ground level. The development is proposed to incorporate 130 residential units with 14 car parking spaces and 160 cycle spaces provided within the podium level.

3.2 The building would comprise an 11 storey form massed towards the corner of Corbridge Crescent and The Oval. The form reduces to 9 storeys as it departs from the corner of the site and is further reduced to 8 storeys at the abuttal with 5-6 The Oval. The building comprises a central podium at ground level containing the following features:

- A basement car park accessed from The Oval containing 14 car parking spaces, and one disabled space.
- 2 Commercial units (B1 use, 511m²) fronting both The Oval and Corbridge Crescent.

- Pedestrian access to residential accommodation above. There are 4 separate entrances proposed.
 - Cycle spaces.
 - Bin Storage.
 - Plant equipment.
- 3.3 Located above the podium level is a central area of communal open space. Communal roof gardens are also proposed on the 6th and 7th floors of the development.
- 3.4 It is also sought to carry out public realm improvement works, including paving, landscaping, seating, lighting, etc to the site at both The Oval and Corbridge Crescent frontages to improve the integration between the site and the canal environs. Enhancements are also proposed to Grove Passage, Hare Row and under the railway viaduct to improve the aesthetics as well as the safety and security of access to the site.

Site and Surroundings

- 3.5 The application site comprises land at 1-4 the Oval and 1-3 Corbridge Crescent, London. The site is located to the north of Bethnal Green within 100 metres of Cambridge Heath Road. The site is currently occupied by the Empress Coachworks, which is enclosed by a brick wall with a single storey workshop building located in the southern portions of the site. A two storey building is located at the north west corner of the site, which provides a reception and office. The remainder of the site is used for open storage. Historically the site was used for a saw mill, timber yard and a bottle factory.
- 3.6 Corbridge Crescent to the north of the site runs parallel with the Regents Canal/Grand Union Canal. The canal has a width of approximately 15 metres. This watercourse also forms the boundary with the LB of Hackney. The north and part west boundaries of the site front Corbridge Crescent. Bollards are provided at the eastern end of Corbridge Crescent where the site abuts Cambridge Heath Road. Therefore it is only possible to access the site by vehicle from The Oval.
- 3.7 To the north of the site on the opposite side of the Regents/Grand Union Canal are a number of residential properties and vacant industrial land fronting Andrews Road. The towing path is located on the north side of the canal and provides access in an east/west direction along the canal. This access is frequently used by pedestrians and cyclists.
- 3.8 The Oval abuts the western site boundary and separates into two portions of roadway to the south of the site, with an oval shaped car parking area in the centre. Historically the Oval was a public park and is designated as a London Square and is protected by the London Square Preservation Act 1931.
- 3.9 Further to the west of the site on the opposite side of The Oval is No 5-10 Corbridge Crescent. This site is currently vacant. Further west is the Bethnal Green Gasworks, which rises up to approximately 10 storeys in height.
- 3.10 To the south of the site is 3-4 The Oval currently containing a 2-3 storey form associated with light industrial uses. Immediately to the east of the site is the railway viaduct, which carries National

Rail services. Pedestrian access is provided from the site through to the Cambridge Heath Road via Corbridge Crescent and Hare Row and to Hackney Road via Grove Passage and The Oval.

3.11 The area bounded by Cambridge Heath Road to the east, Regents Canal to the north, Hackney Road to the South and the gasworks to the west is predominantly employment use other than a Church and commercial and residential development located on Cambridge Heath and Hackney Roads. The nature of land use within the area is currently evolving with a number of recent planning applications to develop mixed use development, including office and residential uses at this location.

3.12 Recent permissions in the area include:

- PA/06/71 - 22-27 The Oval - Change of use from a design studio to an education centre - Permission 09/03/2006
- PA/04/640 - 5-6 Corbridge Crescent - Demolition and construction of a 9 storey building containing B1 units at ground level and 72 flats - Permission - 03/04/2006
- PA/05/421 - 33-35 The Oval - Demolition and construction of a 5 storey building containing B1 units at ground level and 14 flats - Permission 15/12/2005
- PA/02/855 - 5-6 Corbridge Crescent - Demolition of the existing buildings and erection of 3 class B1 units and 10 live work units - Permission - 12/12/2002
- PA/01/188 - 5-6 Corbridge Crescent - Retention of print works on ground floor and erection of 2-3 additional storeys to create 8 live work units - Permission 13/09/2001
- PA/01/446 - Between 3-4, 5-6 The Oval - Construction of a pre fabricated building on the site - Permission 10/12/2001
- PA00/938 - 20A The Oval - Demolition and construction of a 2 storey building containing B1 use - Permission - 21/11/2000

3.13 The site is well located in terms of public transport. The site has a PTAL (Public Transport Accessibility Level) of 6. Cambridge Heath Railway Station is located approximately 150 metres to the south of the site. This station provides services operated by One Railway. Bethnal Green Underground Station (Central Line) is located approximately 800 metres to the south and can be reached in about 10 minutes by foot. There are a number of bus stops located on both Cambridge Heath and Hackney Roads.

Planning History

3.14 The following planning decisions are relevant to the site:

PA/01/01446 - Planning permission was issued on the 10th December 2001 for the erection of a 2 storey prefabricated building for use as temporary offices.

4. POLICY FRAMEWORK

4.1 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:

Unitary Development Plan

Proposals:		N/A
Policies	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV3	Mixed Use Developments
	DEV4	Planning Obligations
	DEV6	High Buildings Outside the Central Area Zone
	DEV12	Landscaping Provision
	DEV13	Planting
	DEV17	Street Furniture
	DEV18	Public Art
	DEV34	London Squares
	DEV46	Protection of Waterways & Water Bodies
	DEV47	New Development Adjacent to rivers, canals and other water areas
	DEV48	Access to Waterways in New Development
	DEV50	Construction Noise
	DEV51	Contaminated land
	DEV54	Health & Safety Executive
	DEV55	Development & Waste Disposal
	DEV56	Development & Recycling of Waste
	DEV57	Sites of Nature Conservation Importance
	DEV62	Development Adversely Affecting the Ecology of Sites of Nature Conservation
	HSG2	Location of New Housing
	HSG3	Affordable Housing
	HSG7	Dwelling Mix & Type
	HSG8	Access to Housing
	HSG9	Density in Family Housing
	HSG13	Standard of Dwelling
	HSG16	Housing Amenity Space
	T15	Transport & Development
	T17	Planning Standards (Parking)
	T20	Pedestrian facilities along Canals
	T21	Improvement of Existing Pedestrian Routes

Emerging Local Development Framework

Proposals:	C6	Development Sites (Subject to the preparation of the Central Area AAP)
Core Strategies	IMP1	Planning Obligations
	CP1	Creating Sustainable Communities
	CP2	Equal Opportunity
	CP3	Sustainable Environment
	CP4	Good Design
	CP5	Supporting Infrastructure
	CP9	Employment Space for Small Businesses
	CP11	Sites in Employment Use
	CP19	New Housing Provision
	CP20	Sustainable Residential Density
	CP21	Dwelling Mix & Type
	CP22	Affordable Housing
	CP25	Housing Amenity Space
	CP30	Improving the Quality and Quantity of Open

		Space
	CP31	Biodiversity
	CP33	Sites of Importance for Nature Conservation
	CP38	Energy Efficiency and Production of Renewable Energy
	CP39	Sustainable Waste Management
	CP40	A Sustainable Transport Network
	CP41	Integrating Development with Transport
	CP42	Streets for People
	CP46	Accessible and Inclusive Environments
	CP47	Community Safety
	CP48	Tall Buildings
Policies:	DEV1	Amenity
	DEV2	Character & Design
	DEV3	Accessibility & Inclusive Design
	DEV4	Safety & Security
	DEV5	Sustainable Design
	DEV6	Energy Efficiency & Renewable Energy
	DEV7	Water Quality and Conservation
	DEV8	Sustainable Drainage
	DEV9	Sustainable Construction Materials
	DEV10	Disturbance from Noise Pollution
	DEV11	Air Pollution and Air Quality
	DEV12	Management of Demolition and Construction
	DEV13	Landscaping and Tree Preservation
	DEV14	Public Art
	DEV15	Waste and Recyclables Storage
	DEV16	Walking and Cycling Routes and Facilities
	DEV17	Transport Assessments
	DEV18	Travel Plans
	DEV19	Parking for Motor Vehicles
	DEV20	Capacity of Utility Infrastructure
	DEV21	Flood Risk Management
	DEV22	Contaminated Land
	DEV24	Accessible Amenities and Services
	DEV27	Tall Buildings Assessment
	EE2	Redevelopment /Change of Use of Employment Sites
	HSG1	Determining Residential Density
	HSG2	Housing Mix
	HSG3	Affordable Housing Provisions in Individual Private Residential and Mixed-use Schemes
	HSG4	Varying the Ratio of Social Rented to Intermediate Housing
	HSG7	Housing Amenity Space
	HSG9	Accessible and Adaptable Homes
	HSG10	Calculating Provision of Affordable Housing
	OSN3	Blue Ribbon Network and the Thames Policy Area
	CON3	Protection of World Heritage Sites, London Squares, Historic Parks and gardens

Supplementary Planning Guidance/Documents

Designing Out Crime
Sound Insulation
Residential Space
Canal side Development
Landscape Requirements

Spatial Development Strategy for Greater London (London Plan)

Policy 4A.7 Energy Efficiency and Renewable Energy
Policy 4A.8 Energy Assessment
Policy 4A.9 Providing for Renewable Energy
Policy 4A.10 Supporting the provision of renewable energy
Policy 4A.14 Reducing Noise
Policy 4B.1 Design Principles for a compact city
Policy 4B.2 Promoting world class architecture and design
Policy 4B.3 Maximising the potential of sites
Policy 4B.4 Enhancing the Quality of the Public realm
Policy 4B.5 Creating an inclusive environment
Policy 4B.6 Sustainable Design and construction
Policy 4B.7 Respect Local context and communities
Policy 4B.8 Tall buildings, location
Policy 4B.9 Large scale buildings, design and impact
Policy 4C.1 The strategic importance of the Blue ribbon network
Policy 4C.2 Context for sustainable growth
Policy 4C.3 The natural value of the Blue ribbon Network
Policy 4C.20 Design, starting from the water
Policy 4C.28 Development adjacent to canals

Government Planning Policy Guidance/Statements

PPG1 General Policy and Principles
PPG3 Housing
PPG9 Nature Conservation
PPG24 Planning & Noise
PPS1 Delivering Sustainable Development
PPS22 Renewable Energy

Community Plan

The following Community Plan objectives relate to the application:

A better place for living safely

A better place for living well

A better place for creating and sharing prosperity

A better place for learning, achievement and leisure

A better place for excellent public services

5. CONSULTATION RESPONSE

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

The following were consulted regarding the application:

LBTH Environmental Health

5.1 Contaminated land

Potential that the site is contaminated given previous uses. Recommends a condition to ensure that the applicant carries out a detailed desk study documenting the site history identifying the nature and extent of any

contamination on the site.

Air Quality

No information provided on air quality. A report is required and this can be requested via condition.

Noise

The level of vibration was measured from the yard and not a building foundation. The applicant's consultant states that noise levels will not be exceeded, but horn blast from trains can exceed satisfactory levels. No night time measurements were carried out. There is an issue over the number of trains passing in proximity to the site. Furthermore the noise and vibration measurements submitted by Divine Acoustics cannot be verified and there are several errors in the noise and vibration calculations and assessment

LBTH Highways Development

- 5.2 No objection subject to:-
- S278 agreement to carry out off site highways work including some improvements to two junctions.
 - Improvement to pedestrian routes adjacent to the site including lighting, signage etc.
 - S106 to include car free agreement, contribution in the region of £50,000 towards traffic management schemes and safer routes to schools in the area.

LBTH Cleansing Officer

- 5.3 No response received.

LBTH Horticulture Officer

- 5.4
- Although massing has been reduced still of inappropriate scale.
 - Access to block R by Hare Row is likely to be an unpleasant route under the railway viaduct. The design and lighting provision must avoid hidden corners and shadowing.
 - Open space is limited, higher level of open space required given the density of the proposal.
 - No access to toddlers play area from Block R and limited access from Blocks A and B.
 - Providing The Oval as open space is a step towards meeting open space objectives in the area. Open space objectives of children and young people must be addressed in the design.
 - Detailed hard and soft landscaping proposals required.
 - Some comments on desired species proposed.

LBTH Horticulture & Recreation

- 5.5 The Oval is owned by LBTH and is designated as a London Square. It has not been maintained for many years and it is the intention of the Parks Department to bring it back into use. S106 requirements to assist in the development of public open space in the area.

LBTH Housing Strategy Group

- 5.6
- The provision of affordable housing exceeds the policy requirement for 35% affordable housing, and under the emerging LDF we would require that at least 25% is provided without grant. Grant funding (if available) could be applied to the additional affordable units.
 - The proposal exceeds this policy target i.e. provides more than 80% of 35% of the habitable rooms on site for social rent.
 - From the analysis of unit mix it can be seen that whilst the proposals do not provide any five bedroom accommodation, on balance the scheme provides a reasonable match with the Council's preferred unit mix specified in the LDF. The scheme provides 42% family units (3 bedrooms or larger) within the affordable rented housing, against the Council's target of 45%.
 - Within the market housing, the scheme provides mainly two bed accommodation, with 11% 3 beds against a target of 25%. On balance this is acceptable, taking into account the higher than normal amount of affordable housing proposed.
 - The affordable housing is situated on the east side of the site next to the railway and away from the canal views. Social rented and intermediate housing have their own separate circulation cores. The design is similar to the market units.
 - Most of the flats (but not all) have private balconies.
 - Private amenity space in the form of balconies for all units should be provided.
 - Wheelchair accessible units should be provided and the scheme should demonstrate that all units meet lifetime homes standards.

LBTH Corporate Access Officer

- 5.7
- An access statement should be submitted for assessment.
 - Landscape proposals indicate design ideas which may not be suitable. Granite sets proposed on carriageway, may have implications for mobility impaired.
 - It should be demonstrated that the inset parking work is appropriate for the visually impaired.
 - There are access implications for The Oval improvements.
 - No justification in terms of lifetime homes.
 - Access to all communal facilities should be accessible, i.e. bins, bike store, post entry, etc.

Environment Agency (Statutory Consultee)

- 5.8
- No objections.

Greater London Authority (Statutory Consultee)

- 5.9
- The Mayor supports in principle high density, residential led mixed use development in this location subject to a number of detailed concerns being addressed.

Further work should still be undertaken by council in partnership with the GLA on the design, costing and implementation of the public realm works identified in the framework.

Outstanding issues include:

- Sunlight and shadowing model should be supplied to help assess the impact of overshadowing.
- A full visual impact assessment should be carried out using audited planning images.
- Consideration should be given to the internal layout of the dwellings to eliminate noise issues. Conditions should be applied requiring acoustic glazing and ventilation for all windows. These measures should be indicated in the noise and vibration report.
- Further work should be carried out investigating the technical feasibility of combining CHP with other renewables.
- Evidence should be provided which demonstrates that the proposed new housing is to be built to lifetime homes standards, a minimum of 10% are to be wheelchair accessible. A comprehensive access statement should be provided.
- Clarification should be provided on the number and location of disabled parking spaces.
- The number of bicycle spaces should meet the standards set out in the London Cycle Network Design Manual.
- Agreement should be reached over financial contributions towards improving security for pedestrians around the site including along Grove Passage, Hare Row and Corbridge Crescent where it passes under the railway viaduct.
- Agreement should be reached over the payment of contributions towards the upgrading of pedestrian routes in the area and towards improvements to the oval.
- Green travel plan should be submitted identifying measures to enforce low car use and improve access in and around the site and for public transport users.
- An ecological assessment should be carried out to assess the impact of the development upon the regent's canal.
- Further info required on detailed design and layout of the play space on the first floor podium and the equipment to be provided.
- Agreement should be reached over the payment of a financial contribution towards the upgrading of play space facilities within existing parks close to the development.
- Agreement should be reached regarding financial contribution towards local employment initiatives.

British Waterways (Statutory Consultee)

5.10

Overshadowing/ Design

- Whilst we like the idea of a feature tower it does little to break up the development because the rest of the building mass and bulk is not much shorter than the tower. Therefore the development as illustrated by the shadow analysis would have a significant overshadowing impact on the canal to the detriment of ecology, boaters and the amenity value of the canal and its towpath. Whilst the height of the adjacent building is noted, the cumulative effect of tall buildings adjacent to the canal would have a canyoning effect. BW would clearly welcome any sustainable design solutions to mitigate the overshadowing and potential for ecological harm.
- Any works involving BW land will need to be agreed by British

Waterways through an appropriate commercial agreement before development commences.

- BW welcomes many of the landscaping proposals, which are assumed to be the subject of negotiations on a section 106 agreement.
- BW would also like to see measures to soften the canal wall edge to improve the visual appearance and to promote biodiversity as mitigation against the overshadowing effects of the development.
- The site location (next to the canal) presents a rare opportunity to provide a wharf, moorings and/or vehicle access point to transfer freight to and from the canal network.
- The construction cycle for the development could potentially be serviced from the canal.
- Once construction is completed, the site frontage presents an opportunity for the provision of formal moorings.
- The section of the canal frontage nearest to the railway bridge presents an opportunity for a loading area for storing and transporting domestic and commercial waste and recyclables to a Waste Transfer Station.

London Borough of Hackney

- 5.11 Object to the application:
- Scale, bulk and mass excessive
 - Not appropriate in the context of surrounding low scale development
 - Bulk and mass
 - Impact to Regent's Canal

English Heritage – Archaeology

- 5.12 Site lies outside of an Archaeological Priority Zone as specified in the UDP, however the canal side location and previous industrial use is of potential significance.

English Heritage

- 5.13 It is important that any development on this site and the various developments coming forward around The Oval are coordinated in terms of scale and proportion. The plans to landscape the open space at the centre of The Oval and possibly erect railings, would be a very welcome development.

London Fire & Civil Defence Authority

- 5.14 No response received.

Health and Safety Executive (Statutory Consultee)

- 5.15 HSE advice is that there are sufficient reasons on safety grounds for advising against the granting of permission in this case.
If the application is refused on grounds of safety HSE will provide the necessary support in the event of an appeal.
If it is decided to support the application LBTH must give prior notice to HSE in order for them to give further consideration to the case.

6. LOCAL REPRESENTATION

6.1 A total of 123 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

It is noted that the application was reconsulted following amendments to the design. The neighbouring properties were sent an additional letter, site notice and a newspaper advertisement were reissued.

1st Consultation (May 2005)

No of individual responses: (62)	Objecting: (61)	Supporting: (0)
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No of petitions received:	1 objecting containing 34 signatories
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2nd Consultation (August 2006)

No. of individual responses: (7)	Objecting: (7)	Supporting: (0)
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No. of petitions received: (0)

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

Land Use

- The development would have a negative effect on the local environment.
- The Broadway Market and surrounding streets currently have a village atmosphere; a 14 storey (sic) building would be out of character with this.
- The development has a high population density – would exceed guidelines.
- The proposal lacks suitable affordable housing provision.
- There is a lack of mixed accommodation in terms of dwelling sizes.
- The existing houses on the site should be restored and used to promote small businesses within the coach yard.
- There is a lack of services in area, i.e. supermarkets, to meet the demand of residents.
- Improvements should be made to The Oval as part of the development.

Design

- A 14 storey (sic) building is out of character with other development along the Regents Canal.
- The proposed building would dominate the landscape
- The proposed height and scale is out of character with surrounding development
- The unsympathetic design and use of materials is overwhelming to the low rise surroundings and canal habitat.
- There is a danger in establishing a precedent for buildings that are significantly taller than the surrounding.

Conservation

- The proposal would change the fabric of the area which has great historical significance
- The existing buildings on the site should be restored.
- There are buildings on the site which are of historical interest.
- Corbridge Crescent has a rare cobbled road surface which should be retained and restored.

Environmental

- The proposal would negatively effect the wildlife and character of the canal environs
- The proposal would result in overshadowing of the canal.

Amenity

- The development would result in overshadowing to surrounding residential properties.
- The development would result in a loss of privacy/overlooking to surrounding residential properties.
- There are insufficient amenity areas provided within the development.
- The position of the site makes it difficult for rubbish collection, emergency access, etc.
- There is a lack of consideration in the development of open space for families and children.
- The development would impede the existing views of surrounding residential properties.
- The development will result in noise impact to the surrounding area both during construction and occupation.

Highways

- There are existing parking issues in the area.
- There is a lack of parking provided within the development.
- Many businesses within the area presently use The Oval for car parking. The reinstatement of this area as open space will place pressure on parking in the area.
- Vehicle access is an issue.
- Development would increase traffic problems within the area.
- The development would lead to increased traffic levels resulting in higher pollution and noise levels throughout the area

Other Matters

- There are safety concerns for future occupants given the proximity to the railway line and the gas works.
- There is a potential fire hazard on the site given that the site is inaccessible on two sides, which provides poor access to fire brigade or other emergency vehicles.
- Existing infrastructure, i.e. Victorian sewers would find it difficult to cope with the increased demand resulting from the development.
- There is the potential for a restriction on the operation of existing businesses on Corbridge Crescent and The Oval due to the proposed location of residential development.

7. MATERIAL PLANNING CONSIDERATIONS

7.1 The main planning issues raised by the application that the Committee must

consider are:

1. Land use in a defined employment location;
2. The suitability of the Urban Design Framework;
3. Whether the density, scale and mass of the proposal is acceptable;
4. The impact of the proposal on the character of the area;
5. Affordable housing, dwelling mix and housing standards;
6. Internal and external amenity;
7. The impact of the development on sites of nature conservation;
8. Associated amenity impacts to surrounding properties.

Land Use

- 7.2 Land use within the area is presently evolving and the site and surrounds has been designated in the Local Development Framework – Core Strategy and Development Control Submission Document as a development site.
- 7.3 The site is presently used for a coachworks. A majority of the site is currently used for the storage and maintenance of coaches. We are advised by the applicant that approximately 3 persons are currently employed on the site.
- 7.4 The scheme proposes 511m² of B1 floor space at ground level. The GLA in its Stage 1 referral applied the RICS/Gerald Eves standard of an average of 16m² per worker, therefore the scheme would have the potential to provide B1 office/workspace for approximately 31.9 people, which is well above the current level of employment generated on the site. In order to complement and ensure compliance with Policy EMP2 of the UDP (1998), should the development be supported it is recommended that planning contributions be sought for employment and training initiatives for local people as well as social infrastructure.

Density

- 7.5 The scheme would result in a residential density of 1713 hr/ha (habitable rooms per hectare). This substantially exceeds the guidance of Policy HSG9 of the UDP (1998). Policy HSG9 sets out four circumstances where higher densities may be acceptable, these include:
- 1. The development would be for special needs housing or non-family housing*
 - 2. The development is located within easy access to public transport, open space and other local facilities*
 - 3. The dwellings are part of a substantial mixed use development or are a small infill*
 - 4. It can be demonstrated that the development meets all other standards for new dwellings in the Plan and does not conflict with the Council's policies for the environment.*
- 7.6 UDP policy HSG9 has largely been superseded by the density policies of the London Plan 2004 and Policy HSG1 of the Local Development Framework – Core Strategy and Development Control Submission Document. These both include the implementation of a density, location and parking matrix, which links density to public transport availability as defined by PTAL (Public Transport Accessibility Level) scores which are measured on a scale of 1 (low) – 6 (high).
- 7.7 It is acknowledged that the site is excellently served by public transport with a

PTAL '6'. For 'central site's with a PTAL range of 4 to 6, the appropriate density of 650-1100hr/ha would allow for very dense development, large building footprints and buildings of four to six storeys and above, consistent with larger town centres all over London and much of Central London. The proposed density of 1713 hr/ph exceeds the greater level of the density range, indicating a potentially significant level of overdevelopment on the site.

- 7.8 The applicant has not provided sufficient justification as to why this level of development is suitable for this site or this location. The GLA stated in their Stage 1 referral report that *"the density of the proposal could be justified if the design quality of the scheme is high enough, there are however concerns about the visual impact of the development on the site, particularly in terms of the height, bulk massing of the drum tower and the shadowing the development would cast upon the internal courtyard space, residential units in the lower floors, Regents Canal and the nearby existing pedestrian routes particularly Grove Passage and Hare Row."*

Design & Built Form

- 7.9 The proposal does not accord with policies DEV6 of the UDP (1998) and Policy DEV27 of the Local Development Framework – Core Strategy and Development Control Submission Document in relation to tall buildings, given the high density of the proposal as demonstrated above and failure to meet a number of important design criteria.
- 7.10 In addition to tall building and density policies, the proposal would conflict with the design and environmental Policies DEV1 and DEV2 of the 1998 UDP and Policy DEV2 of the Local Development Framework – Core Strategy and Development Control Submission Document, which requires the bulk, height and density of development to positively relate to surrounding building plots and blocks, and the scale of development in the surrounding area. Furthermore the proposal does not conform to the general scale and character of the canal environs as required by policy DEV47 of the UDP (1998) and OSN3 of the Local Development Framework – core strategy and Development Control Submission Document.
- 7.11 The proposed scale and form of development, coupled with the high densities proposed and poor standards of amenity would result in an overdevelopment of the site. Furthermore the proposal is considered to have little regard to the site and its surrounding context, including the nature conservation value of the Regents/Grand Union Canal. The design failures of the proposal are best demonstrated in the following summary:

- Corbridge Crescent, The Oval and surrounding streets, although presently an employment location currently exhibit a low scale character which is consistent with surrounding development on Hackney and Cambridge Heath Roads as well as the scale of the Regents/Grand Union Canal and development to the north within the LB Hackney. It is acknowledged that the area is evolving with a more mixed use focus; however development within the area currently does not exceed 6 storeys in form, to the west of the gas holders.
- A development was recently approved at No. 5-10 Corbridge Crescent to the west of the site on the opposite side of The Oval; this development would have a height of ranging from 7-9 storeys in height. This development was however much smaller in scale (72 units) with varied

heights and setbacks.

- Higher built form may be appropriate at this location, however the sheer bulk, scale and massing of the proposed building results in a form which appears out of context with this low scale local environment.
- The scheme would propose an 8-9 storey sheer form rising up to 11 storeys at its corner circular element. The proposed provision of balconies, fenestration and variation in materials does little to articulate the façade of the building resulting in a visual appearance of building bulk from the canal. A similar conclusion is reached in regards to The Oval elevation.
- It is acknowledged that setbacks from both The Oval and Corbridge Crescent have been increased in the revision of the scheme. It is however considered that for a building of the proposed size and scale to sit comfortably on this site, in this context, more generous setbacks are required from Corbridge Crescent and the canal to allow for improved integration between these two environments. This is also the case at The Oval where the 8-9 storey form would be located a minimum distance from a recently consented scheme at 5-10 The Oval. The siting of these two buildings given the minimal setbacks would create a tunnelling effect to The Oval resulting in the creation of a poorly designed space, which may reduce the level of integration between the canal environs and proposed open space and development to the north.
- The proposal would result in a poor standard of amenity for future occupants in terms of well oriented, functional, private and communal amenity spaces as discussed in Section 7.25 of this report
- In addition to the appearance of the bulk and scale of the proposal to surrounding residents the proposal may also result in amenity impacts such as overlooking/loss of privacy, overshadowing/loss of sunlight/daylight, etc to surrounding residents as discussed in section 7.45 of this report.
- The development may have an adverse impact on the natural environment, including ecological impacts to the biodiversity of the Regents/Grand Union Canal as discussed in Section 7.33 of this report.

Development Framework

- 7.12 Given the evolving nature of the land use in the area, the applicant at the request of the GLA was asked to initiate the production of a development framework for the site and surrounding area in order to demonstrate how development on the subject site could be implemented, whilst also contributing to development in the wider area. In response the applicant produced a framework which provides a land use strategy, public realm improvements, movement strategy and a spatial layout with development massing guidelines.
- 7.13 It was envisaged that the applicant would be liable for the payment of financial contributions towards the cost of implementing the development framework and the associated public realm improvements to The Oval, Corbridge Crescent, Hare Row and Grove Passage.
- 7.14 As identified in the public realm and landscape strategy, public realm improvements would include:
- Pedestrian improvements to the canal edge in consultation with British Waterways. This would feature a wider pavement and a new balustrade feature to open up views to the canal.

- Widening of the pavement at the sites abuttal with The Oval, provision of planting, paving with the road carriageway repaired.
- Landscape improvements to central London Square within The Oval and potential for public art.
- Improved surfacing for pedestrian approaching the site from Cambridge Heath Road.
- Pavement and landscaping works to surrounding streets including Hare Road and Grove Passage. This would also include lighting to improve pedestrian safety.

7.15 It is considered that the proposed public realm improvements generally accord with the relevant UDP policies regarding landscaping, design, pedestrian movement, etc.

7.16 The nearest public open space to this site is Victoria Park which is 0.9 km away and across Cambridge Heath Road. London Fields and Haggerston Park are a similar distance. This is further away than the London Plan's accessibility standard of 0.4 km to the nearest local park. The proposed public realm improvements including reinstatement of The Oval as open space and pedestrian improvements to the canal edge will go some way towards meeting the areas open space requirements. Therefore in this instance the proposed open space arrangements are considered to be satisfactory.

Affordable Housing

7.17 Adopted UDP Policy HSG3 seeks an affordable housing provision on sites capable of providing 15 or more units in accordance with the Plan's strategic target of 25%. Policy 3A.8 of the London Plan states that Borough's should seek the maximum reasonable amount of affordable housing taking into account the Mayor's strategic target that 50% of all new housing in London should be affordable and Borough's own affordable housing targets.

7.18 The Local Development Framework – Core Strategy and Development Control Submission Document Policy CP22 seek 50% affordable housing provision from all sources across the Borough with a minimum of 35% affordable housing provision on site's capable of providing 10 or more dwellings. Policy HSG10 confirms that affordable housing will be calculated in terms of habitable rooms with the exception of where this yields a disparity of 5% or more compared to calculation in terms of gross floor space.

7.19 The applicant has offered to provide 45 affordable housing units out of the total 130 units proposed, representing 35% provision overall (38% in terms of gross floor space and 40% in terms of the total habitable rooms). This scheme meets the Council's minimum target of 35%.

7.20 The applicant has undertaken the GLA Affordable Housing 'Toolkit' Assessment, which concludes that providing more than 35% affordable housing would remove the reasonable financial incentive for the redevelopment of the site, thereby jeopardising the proposed affordable housing provision.

7.21 Of the affordable housing provision 75% would comprise social rented accommodation and 25% intermediate in terms of habitable rooms. This generally accords with the London Plan's objective that 70% of the affordable housing should be social rented and 30% intermediate. Policy HSG5 of the

Local Development Framework – Core Strategy and Development Control Submission Document requires a social rented to intermediate ratio of 80:20 for grant free affordable housing. The proposal exceeds this policy target.

Dwelling Mix

- 7.22 On appropriate sites, UDP Policy HSG7 requires new housing schemes to provide a mix of unit sizes including a “substantial proportion” of family dwellings of between 3 and 6 bedrooms.
- 7.23 Local Development Framework – Core Strategy and Development Control Submission Document HSG6 specifies the appropriate mix of units to reflect local need and provide balanced and sustainable communities. Family accommodation is again identified as a priority reflecting the findings of the Borough’s Housing Needs Survey as well as the draft East London SRDF. The Policy provides the required breakdown of provision for development proposing 10 units and above. In terms of family accommodation, the Policy requires 45% of social rented housing without subsidy, 40% of social rented housing with subsidy, 10% of intermediate and 25% of market housing to comprise units with 3 or more bedrooms respectively.
- 7.24 It is considered that whilst the proposals do not provide any five bedroom accommodation, on balance the scheme provides a reasonable match with the Councils preferred unit mix specified in the Local Development Framework – core strategy and Development Control Submission Document. The scheme provides 42% family units (3 bedrooms or larger) within the affordable rented housing, against the Council’s target of 45%. Within the market housing, the scheme provides mainly two bed accommodation, with 11% 3 beds against a target of 25%. On balance this is acceptable, taking into account the higher than normal amount of affordable housing proposed.

Amenity

Amenity Space

- 7.25 UDP (1998) Policy HSG16 and Local Development Framework – Core Strategy and Development Control Submission Document Policy HSG13 – Housing Amenity Space states that all housing developments should include the adequate provision of amenity space. The proposal incorporates a central south facing communal amenity space. In order to promote the space it is proposed to provide landscaping, pathways, seating and toddlers play area. Informal south facing roof gardens would also be provided on floors 6 and 7.
- 7.26 A majority of the 130 units proposed are provided with private amenity space in the form of balconies, ground level private gardens and access to communal roof terraces in addition to the central open space.
- 7.27 The open space although south facing and of generous dimensions, given the height, scale, form and layout of the proposed development the north eastern corner of this space would be in shadow for most of the day and would receive poor sun/daylight access, thereby resulting in a poor standard of amenity for these spaces and for units located in this corner of the development. A daylight/sunlight assessment has not been submitted with the application to demonstrate otherwise.
- 7.28 It is noted that there is no access to the central communal open space area from

Blocks C and D (affordable housing) which results in this space being exclusively available to the market housing only. The only communal area of open space provided for the affordable housing units within the development would be the south facing roof garden provided on the 6th floor. This is not considered to be acceptable as it would lead to segregation between residents in the development and a poor standard of amenity for these units, some of which are family sized.

Access

7.29 In accordance with the London Plan and Local Development Framework – Core Strategy and Development Control Submission Document policy HSG9 it is expected that all new housing must be built in accordance with Planning Standard 5: Lifetime Homes including at least 10% of all new housing being wheelchair accessible or easily adaptable for residents that are wheelchair users.

7.30 The applicant has not provided an access statement nor demonstrated how the proposal will promote an inclusively accessible development. The proposal therefore does not comply with Policy DEV1 of the UDP (1998) nor Policy DEV1, DEV2, DEV3, DEV4, DEV5 or HSG9 of the Local Development Framework – Core Strategy and Development Control Submission Document which requires the submission of an access statement to demonstrate permeability throughout the site and the provision of adequate access for disabled people with respect to the layout of the development.

Noise

7.31 Policy DEV10 of the Local Development Framework – Core Strategy and Development Control Submission Document states that attenuation measures will be required for development sensitive to noise and vibration pollution. Concerns have been raised about the proposal and its relationship to the railway line to the east. The development has been designed to ensure that habitable rooms are located away from this boundary. However a small number of single aspect rooms, some of which are bedrooms, overlook the railway and are located a minimum of 7 metres from the elevated railway viaduct.

7.32 The applicant has submitted an acoustics assessment as part of the proposal. This statement has been assessed by LBTH Environmental Health and Environmental Protection Departments. It is concluded that there are several technical errors in the reports and that further consideration should be given to the design to eliminate this problem in order to ensure that habitable rooms are not unduly affected by unreasonable noise sources. This has not been further explored by the applicant to date.

The Canal Environs

7.33 Immediately to the north of the subject site is the Regents/Grand Union Canals, which are designated in the proposals maps of both the UDP (1998) and Local Development Framework – core strategy and Development Control Submission Document as a site of nature conservation.

7.34 In addition the Regents/Grand Union Canal is part of the public realm contributing to London's Open Space Network. The Blue Ribbon Network identified in Section 4C of the London Plan sets out general policies for regeneration related to London's network of rivers, docks, canals and other open spaces, this is reiterated in Policy OSN3 of the Local Development Framework –

Core Strategy and Development Control Submission Document.

- 7.35 It is acknowledged that in accordance with Policy DEV47 and DEV48 of the UDP (1998) the proposal will improve the aesthetic amenity of the site and the canal environs whilst also allowing for improved pedestrian access to the canal and its associated tow path.
- 7.36 Policy OSN3 of the Local Development Framework – Core Strategy and Development Control Submission Document states that development adjacent to the Blue Ribbon Network must respect its waterside location.
- 7.37 British Waterways were consulted given their role in the management, maintenance and preservation of the network of canals and other navigations. Both British Waterways and LBTH officers concur that the height scale and massing of the proposed building does not respect the canal environs or the surrounding context.
- 7.38 The applicant has submitted a shadow study, which details the shadow impacts of the proposal upon the canal environs at various times throughout the year. The applicant has failed to submit an ecological assessment. Therefore the ecological impacts of the shadows upon the biodiversity of the canal environs cannot adequately be assessed, resulting in a failure to address the requirements of UDP (1998) Policies DEV46 Protection of Waterways & Water Bodies, DEV47 Development Adjacent to rivers, canals and other water areas, DEV57 Sites of Nature Conservation and Importance and DEV62 Development Adversely Affecting the Ecology of Sites of Nature Conservation and policy OSN3 of the Local Development Framework – Core Strategy and Development Control Submission Document.

Energy

- 7.39 The Local Development Framework – Core Strategy and Development Control Submission Document contains a number of policies to ensure the environmental sustainability of new development. Policy DEV6 requires major development to incorporate renewable energy production to provide at least 10% of the predicted energy requirements on site. In addition all new development is required include a variety of measures to maximise water conservation (Policy DEV7) incorporate sustainable drainage systems (Policy DEV8) and construction materials (Policy DEV9). In addition all new development is required to make sufficient provision for waste disposal and recycling facilities (Policy DEV15).
- 7.40 The applicant has submitted an energy statement which outlines the proposed and potential energy efficiency and renewable energy measures within the scheme. The development achieves an ecohomes rating of “good” given its orientation, building materials, use of energy efficient appliances; and natural ventilation, etc. However the combined heat and power proposals (CHP) with a biomass back up are not considered to be practically feasible by the GLA and it is recommended that the applicant discuss this further with the GLA. Given that further discussion on this point has not been carried out it is concluded that the development does not comply the energy principles as detailed in the London Plan or policy DEV6 of the Local Development Framework – Core Strategy and Development Control Submission Document.

Transport & Parking

- 7.41 In accordance with Policy TR1 the site is well located in terms of public transport, with a PTAL (Public Transport Accessibility Level) of 6. Both LBTH Highways engineers and TfL in the GLA stage 1 referral report state that the public transport network in the vicinity of the site is capable of absorbing the additional trips generated by the development. The proposed improvement works detailed in the development framework will seek to provide improved vehicle and pedestrian accessibility within the area thereby enabling better access to transport facilities.
- 7.42 TfL expects the developer to make a contribution towards the implementation of the accessibility improvements works including lighting to promote improved safety and security. TfL also expects the production of a Green Travel Plan to encourage the use of sustainable modes of travel. In the event that the development is approved this would be a requirement of the S106 agreement.
- 7.43 These contributions as well as a Section 278 agreement for Highways works in the vicinity of the site (junctions), a car free agreement and a contribution towards traffic management schemes and safer routes to school are supported by LBTH Highways department and would be included in the S106.
- 7.44 The car parking provision of 14 spaces is in accordance with the maximum standards defined in the London Plan and Local Development Framework – core strategy and Development Control Submission Document. One disabled space is provided within the car parking area. In order to comply with LBTH car parking standards it is recommended that two be provided. Cycle parking provision is provided in excess of TfL and LBTH requirements.

Impact Upon Residential Amenity

Daylight/Sunlight/Overshadowing

- 7.45 In support of the application, the applicant has undertaken a daylight/sunlight assessment to determine the impact of the development to surrounding properties. The study has been carried out in accordance with the methodology and advice set out in the 'Building Research Establishment's' (BRE) guidance report, "Site Layout Planning For Daylight and Sunlight".
- 7.46 The guidelines provide different methods for daylight assessments. The method that officers have generally accepted as the most detailed and most meaningful tool, is the Average Daylight Factor (ADF) method, as this takes into account internal room layouts and sizes, window positions and sizes, and also makes an allowance for reflectance of internal room surfaces. Windows which overlook the site and are north facing are not required to be assessed, as noted within the BRE guidelines.
- 7.47 The daylight and sunlight assessment undertaken as part of the application found that impacts to daylight and sunlight availability to properties at 51-59 St Andrews Road on the opposite side of the Regents/Grand Union Canal are expected to be negligible given that the properties are not located directly opposite the subject site and the orientation of these properties being directly to the south.
- 7.48 As discussed previously the applicant has submitted details of shadow impacts to the canal environs. This shadow study fails to address the shadow impacts to

residential properties to the north. The assessment of impact to residential properties would allow for a more detailed assessment of the shadow impacts associated with the development. Given the height of the buildings proposed and the orientation of the site it is considered that there would be shadow impacts both internally within the site and to surrounding development.

Overlooking

7.49 A number of the objections raised concerns with reference to the potential overlooking from the development and the resulting loss of privacy. The potential overlooking impacts of the development have not been addressed in the information submitted with the application.

7.50 The proposed development would comprise a U shaped building with an 11 storey form massed towards the corner of Corbridge Crescent and The Oval reducing to 9 storeys as it departs from the corner of the site further reduced to 8 storeys in height at the abuttal with 5-6 The Oval. The building would feature a number of balconies, which may have a perceived impact upon the privacy of the surrounding residential properties.

7.51 It is considered that the proposal would have a minimal overlooking impact to surrounding residential properties given the separation distance of approximately 29m to residential properties on the opposite side of the Regents/Grand Union canal. In addition the railway viaduct would provide a separation of more than 20 metres from habitable room windows within the east elevation of the buildings to the rear of units above shops on Cambridge Heath Road.

Demolition and Construction Noise

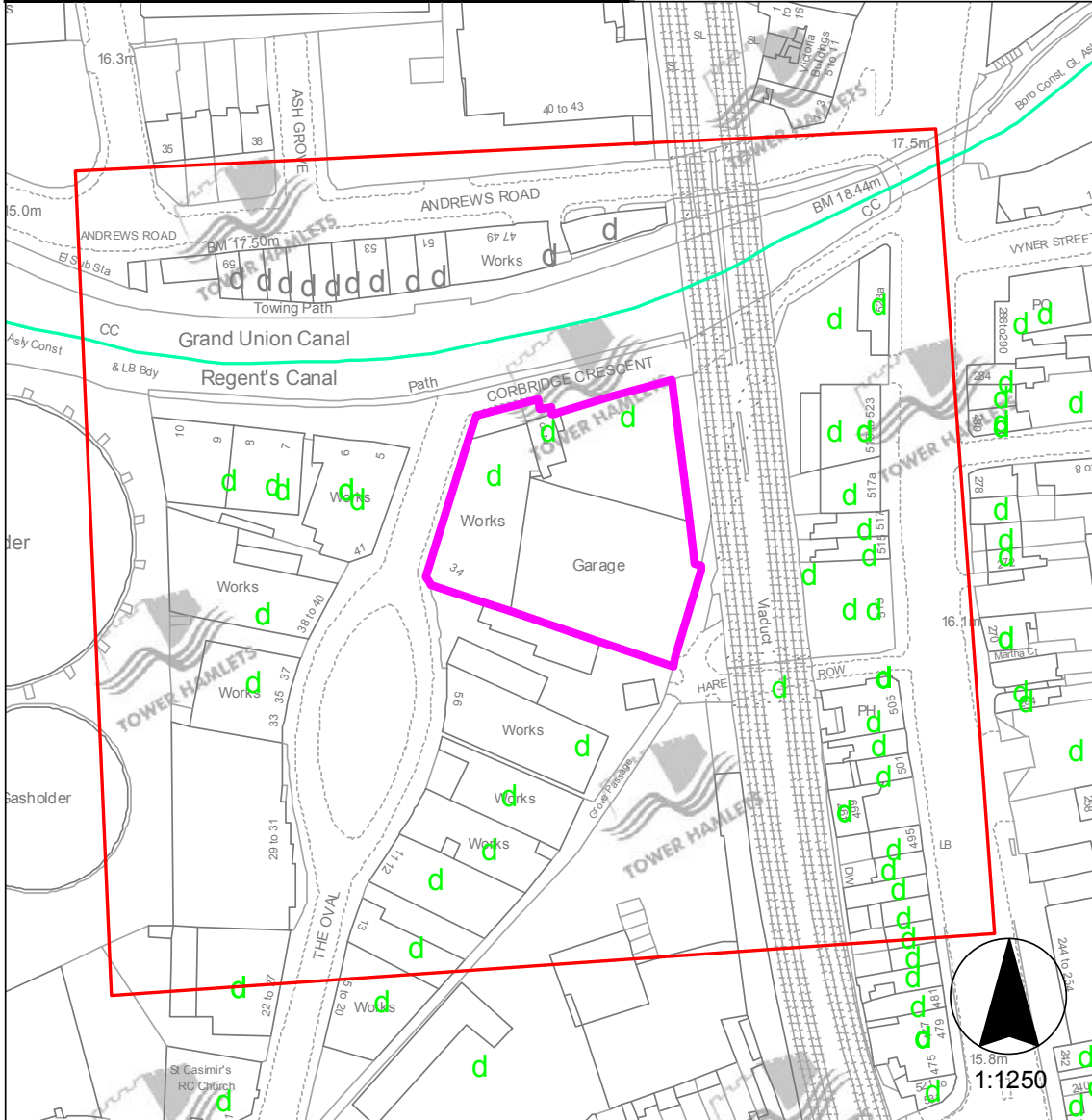
7.52 Concerns have also been raised as to the potential demolition and construction noise impacts to the surrounding properties.

7.53 A Demolition and Construction Method Statement (DCMS) would be required to be approved by the Council, prior to works commencing on site. The DCMS will also be required to comply with the Council's Code of Practice for Construction Sites.

CONCLUSIONS

8.1 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 CONSIDERATION and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

Site Map



Legend

- Planning Application Site Boundary
- Consultation Area
- d Land Parcel Address

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. The Site Map was reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationery Office © Crown Copyright. London Borough of Tower Hamlets LA086568

Agenda Item 8.7

Committee: Strategic Development	Date: 18 th January 2007	Classification: Unrestricted	Agenda Item No: 8.7
Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: S. Stolz/ J. Salim		Ref No: PA/05/01409	
		Ward(s): Blackwall and Cubbit Town	

1. APPLICATION DETAILS

- Location:** Leamouth Peninsula North (Pura Foods Ltd), Orchard Place, London, E14.
- Existing Use:** Industrial (Use Class B2) – derelict
- Proposal:** Combined Outline and Full Planning Application (Hybrid application) for a mixed use redevelopment comprising:
- a total of 2,460 residential units (Use Class C3)
 - 21 459m2 of non residential development including arts and cultural centre (Use Class D1/D2), leisure (Use Class D2), management offices (Use Class B1), of retail (Use Class A1/A2), food and drink (Use Class A3/A4), healthcare accommodation (Use Class D1)
 - the provision of public open space and
 - a bridge linking to Canning Town.
- Drawing Nos:** The application includes the submission of an Environmental Statement under the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999.
- Drawing numbers DPA-001 to DPA-006; DPA-101 to DPA-127; DPA-201 to DPA-209; DPA-301 to DPA-327; DPA-401 to DPA-409; DPA501 to DPA504, all dated 1/08/2005
 - Drawing numbers 364/001 Rev03; 364/002 Rev02; 364/003 Rev02; 364/004 Rev02; 364/005 Rev02; 364/006 Rev02, 364/007 Rev02; 364/008 Rev02; 364/009 Rev02; 364/0010 Rev02 and 364/0011 Rev00;
 - Development Schedule, dated 20/01/2005; and
 - Supporting Statements as set out in GVA Grimley cover letter dated 15 August 2005, received on 16 August 2006.
- Applicant:** Clearstorm Properties
- Owner:** See schedule of owners/occupiers, received on 16 August 2006.
- Historic Building:** N/A
- Conservation Area:** N/A

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 The local planning authority has assessed the development proposal against the Council's planning policies contained within the adopted Unitary Development Plan (1998), the Local Development Framework Core Strategy submission document (2006) and associated supplementary planning guidance, and against the London Plan (2004) and Government Planning Policy Guidance and has found that it:

LOCAL GOVERNMENT ACT 2000 (Section 97) LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THIS REPORT

Brief Description of background papers:	Tick if copy supplied for register	Name and telephone no. of holder:
Application, plans, adopted UDP. draft DPD and London Plan		Silke Stolz 020 7364 6--2

- a) does not satisfy the overall spatial, economic, social, urban and sustainability strategies / environmental criteria adopted by the Council and;
- b) would result in material harm to the amenity and character of the local area, environment of the adjacent area and amenities of future occupiers.

Had the Council been empowered to determine this application, it would have been refused on the following grounds:-

1. Development and Transport
2. Vehicular access
3. Land use - employment
4. Land use – retail
5. Car parking
6. Bicycle parking
7. Design and layout
8. Overdevelopment
9. Dwelling mix
10. Affordable Housing
11. Standard of accommodation
12. Residential amenity: sunlight/daylight and noise
13. Inclusive design
14. Amenity space and public open space
15. Energy
16. Flood Risk
17. Biodiversity
18. Sustainability

3. RECOMMENDATION

- 3.1 The planning application was received on 16th August 2005. The application was considered to be invalid due to the lack of an offer of affordable housing and no decision was made.
- 3.2 The application is now the subject of an appeal (appeal ref APP/E5900/A/06/2013333/NWF) against non-determination. The Planning Inspectorate held that the application should have been determined despite the lack of an offer of affordable housing and thus accepted the appeal as valid. A start date for the public inquiry has not yet been set.
- 3.3 The Director of Development and Renewal is instructed to inform the Planning Inspectorate that had the Council considered the application to be valid, a request would have been made under Regulation 19 for further information as the submitted Environmental Statement fails to meet the requirements of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.
- 3.4 The Director of Development and Renewal is instructed to inform the Planning Inspectorate that had the Council been empowered to make a decision on the application, it would have **REFUSED** planning permission for the following reasons:
- 3.5 Reasons for refusal:
 - 1 The existing and proposed links to public transport interchanges, the nearby town centre at Canning Town and the highway network would not allow convenient, safe, 24 hour access. Furthermore, they would not sufficiently cater for vehicle, pedestrian and cycle activity generated by the proposed development by reason of the existing limited highway infrastructure and capacity, and by reason of an unsuitable bridge link across the River Lea. The proposed development does not integrate well with the surrounding area and its

services and facilities, to the detriment of the ease of movement of people to and from the development.

Without appropriate links, the site is not considered to be suitable for intensive, high-density redevelopment and the proposal is considered to be contrary to policies 2A.1, 3C.1, 3C.2, 3C.3, 3C.16, 3C.20, 3C.20, 3C.22 and 4B.1 of the London Plan (2004), policies ST25, ST30, ST32, T10, T15, T16, T19 and T23 of the LBTH adopted UDP (1998), policies CP1, CP5, CP40, CP41, CP42, DEV3, DEV16 and DEV17 of the LBTH Local Development Framework Core Strategy submission document (2006) which seek to ensure that new developments are well connected with their surrounds and that adequate infrastructure provision exists or is planned.

- 2 The proposed vehicular access arrangement is substandard for the size and type of development proposed. Access for the emergency services would be severely restricted in cases of road closures or accidents, to the detriment of the safety of future residents and visitors.

As such, the proposal is contrary to policy T16 of the LBTH adopted UDP, DEV17 of the LBTH Local Development Framework Core Strategy submission document and policies 2A.1 which seek to ensure that adequate servicing and circulation is ensured and unobstructed access for emergency vehicles is guaranteed.

- 3 The proposal results in an unacceptable loss of employment floor space and fails to provide for an adequate supply of floor space to safeguard employment opportunities within the Leaside area, to the detriment of the economic wellbeing of the Borough.

As such, the proposal is contrary to policy EMP2 of the LBTH adopted UDP (1998), policies CP1, CP9, CP11, EE2 of the LBTH Local Development Framework Core Strategy submission document (2006) and policies L38 and L43 of the LBTH Local Development Framework Leaside Area Action Plan submission document (2006). These policies seek to ensure the retention and provision of an adequate amount of employment generating floor space to create and safeguard employment opportunities within the Borough in order to promote and maintain a healthy economic base.

- 4 The proposed provision of retail floor space is considered to be excessive and could have a detrimental impact on the vitality and viability of the district town centre of Canning Town. It is therefore contrary to policy 3D.1 of the London Plan and policy B1 of the draft Lower Lea Valley Opportunity Area Planning Framework (2006), which seek to protect and promote designated centres in order to ensure an adequate provision of shopping and other facilities and services within areas easily accessible by a large number of local residents.

- 5 The proposed car parking provision is excessive and would lead to unnecessary, non-essential car journeys which would put additional strain on the highway network.

As such, the proposal fails to meet policies 3C.1, 3C.16 and 3C.22 of the London Plan (2004), policies ST28, T13 and T17 of the LBTH adopted UDP (1998) and policies CP40 and DEV19 of the LBTH Local Development Framework Core Strategy submission document (2006) which seek to actively deter car use and promote the use of alternative transport modes.

- 6 The proposed development provides an inadequate amount of bicycle parking for use by future residents, employees and visitors of the site. The proposal also fails to provide a segregated, direct and safe cycle network within the development which integrates with the surrounding Strategic Cycle Networks in the local area.

The proposal is therefore contrary to policies 2A.1, 3C.1, 3C.3, 3C.16 and 3C.21 of the London Plan (2004), policies ST30, T17, T22 and T24 of the LBTH adopted UDP (1998),

policies CP1, CP40, and DEV16 and DEV19 of the LBTH Local Development Framework Core Strategy submission document (2006) which seek the promotion of cycling as an alternative, sustainable transport mode through the provision of adequate routes and parking facilities.

- 7 The proposed development, due to its layout and many level changes, would not be easily legible and permeable. Furthermore, it would appear bulky and squat when viewed from the distance and would fail to create an interesting silhouette on this prominent site. Its detail design (Phase 1) is repetitive and lacks innovative and interesting façade treatments, thus failing to create an interesting environment.

As such, the proposal is contrary to Policies 2A.1, 4B.1, 4B.4 and 4B.9 of the London Plan, policies CP1, CP4, DEV2, DEV27 of the LBTH Local Development Framework Core Strategy submission document (2006). These policies seek to ensure that new developments are easily legible and permeable, create an interesting silhouette and skyline and result in an inspiring environment.

- 8 The proposed development constitutes overdevelopment of the site which manifests itself in:-
- Poor standard of accommodation for future occupiers by reason of small flat sizes (as per accommodation schedule), poor internal layout, restricted daylight, sunlight and natural ventilation in particular to the 'small one bedroom' units;
 - Poor outlook and unacceptable sense of enclosure for future residents (of some of the inward-facing units of buildings D, E, F, H, J, M)
 - overlooking and associated limited privacy (inward facing units);
 - insufficient amount and quality of open space; and
 - an unbalanced mix of housing units heavily weighed towards small units

As such, the proposal is contrary to policies 2A1, 4B.1 and 4B.9 of the London Plan (2004), policies ST23, DEV1 and DEV2 of the LBTH adopted UDP (1998) and policies CP1, CP4, CP20, CP25, CP30, DEV1, DEV2, HSG1 and HSG7 of the LBTH Local Development Framework Core Strategy submission document (2006) which seek to ensure that new development respects the constraints of a site and exploits its development potential without adversely impacting on the residential amenity of future occupiers and on the environment.

- 9 The proposed dwelling mix is unacceptable on grounds of the considerable over provision of studio and one-bedroom flats and the limited percentage of family accommodation (3 bedroom+), which would not facilitate the creation and growth of a sustainable community in this area.

As such, the proposal is contrary to policy 3A.4 of the London Plan (2004) and associated SPG: Housing (2005), policies ST22 and HSG7 of the LBTH adopted UDP (1998) and policies CP1, CP21 and HSG2 of the LBTH Local Development Framework Core Strategy submission document (2006), which seek to ensure that housing accommodation in new residential developments include those housing types and sizes to meet local needs and promote balanced communities in accordance with the Government's sustainable community objectives.

- 10 No formal offer of affordable housing has been made and any affordable housing element remains unspecified. Consequently, the proposal could result in an unacceptable level of affordable housing.

As such, the proposal is contrary to policies 3A.7 and 3A.8 of the London Plan (2004) and policies CP1, CP21, CP22, HSG3, and HSG4 of the LBTH Local Development Framework Core Strategy submission document (2006) which seek to ensure the adequate provision of affordable housing in terms of quantity, tenure types and unit types and sizes to meet the needs of London's diverse population.

- 11 The proposal does not ensure an acceptable standard of accommodation throughout the development by reason of inadequate internal space provision, poor outlook, restricted sunlight and daylight, lack of privacy and inadequate private amenity space to some residential units.

As such, the proposal is contrary to policy 4B.9 of the London Plan (2004), policies ST23, DEV2, HSG13 and HSG16 of the LBTH adopted UDP (1998), policies DEV1, DEV2 and HSG7 of the LBTH Local Development Framework Core Strategy submission document (2006) which seek to ensure the creation of high quality residential accommodation in order to ensure an acceptable level of residential amenity.

- 12 Both the sunlight/daylight and the noise assessments are incomplete. There is a strong concern and likelihood that future occupiers of the development would be subject to unacceptable conditions with respect to the amount of sunlight and daylight they receive and noise they would be subjected to, to the detriment of their residential amenity,

As such, the proposal is contrary to policies 4B.9, 4A.14 and 4B.6 of the London Plan (2004), policies ST23, DEV2 and DEV50 of the LBTH adopted UDP (1998) and policy DEV1 of the LBTH Local Development Framework Core Strategy submission document (2006) which seek to ensure the creation of high quality residential accommodation in order to ensure an acceptable level of residential amenity.

- 13 The development proposal fails to create a fully inclusive environment where people of all abilities, including the mobility impaired, can circulate with ease due to the proposed level changes and connection points between the podium level and riverside walkway where no lifts are provided.

As such, the proposal is contrary to policies 3C.20, 4B.1, 4B.4 and 4B.5 of the London Plan (2004), policies ST3 and DEV1 of the LBTH adopted UDP (1998) and policies CP1, CP4, CP40, CP46, DEV3, DEV16 and OSN3 of the LBTH Local Development Framework Core Strategy submission document (2006) which seek to ensure the creation of fully inclusive environments where people of all abilities can move with ease and comfort, without undue separation of effort.

- 14 The proposed development does not provide a sufficient amount of private amenity space and usable recreational public open space of adequate quality and variety for the reasonable needs of the future residents in an area already experiencing a significant deficiency in public open space provision.

The proposal is therefore contrary to policy 3A.5, 3D.10 and 3D.11 of the London Plan (2004), policies HSG16 and OS9 of the LBTH adopted UDP (1998), policies CP25, CP30 and HSG7 of the LBTH Local Development Framework Core Strategy submission document (2006) and policies L5 and L43 of the LBTH Leaside Area Action Plan submission document, which seek to ensure that amenity space and public open space are fully integrated into all new major developments to provide high quality and useable amenity open space for all residents.

- 15 The proposed electric heating to the residential units represents a substantial additional CO2 load in comparison to other energy sources, to the extent that it would outweigh the proposed efficiency and renewable energy benefits in the non-residential elements.

As such, the proposal is contrary to Policy 4A.7, 4A.8, 4A.9 and 4B.6 of the London Plan (2004), Policy DEV46 and DEV62 of the LBTH adopted UDP (1998) and Policies CP3, CP38 and DEV6 of the LBTH Local Development Framework Core Strategy submission document (2006), which seek to reduce carbon dioxide emissions, improve energy efficiency and increase the proportion of energy used generated from renewable sources.

- 16 Insufficient information is provided regarding flood risk with respect to the quality and forecast longevity of the existing flood defence walls. Furthermore, an inadequate buffer zone has been designed which may prejudice flood defence interests and which may restrict necessary access to the flood defences for maintenance and improvement works.

Without adequate information regarding the walls, including a strategy for remedial works if necessary, and without an adequate buffer zone which allows maintenance, repair and renewal works to be carried out in a sustainable and cost effective way, the proposal is contrary to policy 4C.7 of the London Plan, policies U2 and U3 of the LBTH adopted UDP (1998) and policy CP37 of the LDF Core Strategy submission document, which seek to minimise the risk of flooding.

- 17 The ecology and biodiversity assessment fails to fully assess the development's impacts on the natural environment. The proposed mitigation and enhancement measures are inadequate and opportunities have not been fully explored.

Without a full assessment of the impacts of the scheme and without adequate mitigation and enhancement measures, the proposal is contrary to policies 3D.12 and 4C.3 of the London Plan (2004), policies ST8, DEV57 and DEV62 of the LBTH adopted UDP (1998) and policies CP31, CP33 and OSN3 of the LBTH Local Development Framework Core Strategy submission document (2006), which seek to ensure the protection, conservation, enhancement, and effective management of the borough's biodiversity.

- 18 The proposed scheme does not represent a sustainable form of development as:-

- It fails to facilitate the creation of a well balanced mixed community: it does not provide for a wide variety of household sizes and an appropriate split in tenures;
- It fails to connect and integrate well with its surroundings:
 - It only provides a direct link of questionable capacity to Canning Town underground station and does not provide a direct link to the wider area
 - it does not provide 24h access as the route through the station is only open during operating hours
 - it relies on a vehicular access arrangement that is inadequate and substandard for the development proposed;
- It fails to limit car use (and demand on the highway network) by making an excessive over-provision of car parking;
- It fails to meet environmental objectives by making an over-provision of car parking, by failing to commit to an adequate level of use of renewable energy and by failing to explore opportunities fully with respect to reducing the development's impact on the environment;
- It fails to create an inclusive environment due to many level changes and associated problems of segregated access to places within the development;
- It fails to create a liveable environment due to its excessive density which manifests itself in
 - unacceptable restricted daylight and sunlight to some of the residential units as well as overlooking and limited privacy (in particular inward-facing units)
 - poor, little or no private residential amenity space to some units
 - little usable recreational public open space which would not adequately provide for the needs of the development, in an area already deficient in public open space.

As such, the proposed development is contrary to policies 2A.1, 2A.2 and 2A.4 of the London Plan (2004), policies ST3, ST19, ST27, ST37, ST49 and ST54 of the adopted UDP 1998, policies CP1, CP2, CP3, CP4 and CP5 of the Local Development Framework LBTH Development Plan Document Core Strategy and Development Control Submission Document (November 2006) as well as the provisions of Government Guidance PPS1

'Delivering Sustainable Developments', which seek to promote sustainable patterns of development by ensuring the creation of high quality, well integrated and adaptable developments which provide for the diverse needs of the population today and in the future, with minimum adverse impacts on the environment.

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 The proposal provides a residential-led mixed-use redevelopment scheme which comprises a total of 2460 residential units and 21.459sq.m. of non-residential uses consisting of arts and cultural centre (Use Class D1/D2), leisure (Use Class D2), management offices (Use Class B1), of retail (Use Class A1/A2), food and drink (Use Class A3/A4) and healthcare accommodation (Use Class D1). Permission is sought for the provision of parking and associated landscaping on the site, as well as for the erection of a new pedestrian bridge across the River Lea to Canning Town. The application includes the submission of an Environmental Statement under the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999. The application is part in outline, part in full (a 'hybrid' application).
- 4.2 The proposal includes the provision of two types of one-bedroom units. The larger type (simply called 'one-bedroom unit') includes a separate bedroom whilst the smaller type includes a bedroom or bedroom area at the back of the unit. There is no window to this bedroom of the 'small one-bedroom flat'.
- 4.3 The outline part of the proposal ("Phase 2 and Phase 3") covers the southern part of the site and is for:
- 121 747 m² of residential floor space/ 1586 (256 studio flats, 362 'small' one-bedroom flats, 434 one-bedroom flats, 171 two-bedroom flats and 363 three-bedroom flats);
 - 118 m² of management offices;
 - 3099 m² of retail/restaurant (Use Classed A1, A2, A3, A4 and A5);
 - 1869 m² of clinic, nursery and dentist accommodation;
 - 1122 m² of training accommodation
 - Details are provided for the siting, design, means of access and highway works.
 - The reserved matters for later approval relate to landscaping and external appearance of the buildings.
- 4.4 The 'full' part of the proposal ("Phase1") which covers the northern tip of the peninsula is for:
- 59 573 m² of residential floorspace/ 874 (194 studio flats, 164 'small one-bedroom flats', 323 one-bedroom flats, 165 two-bedroom flats and 28 three-bedroom flats);
 - 4 275 m² of public/exhibition space;
 - 2 939 m² of leisure accommodation;
 - 668 m² of management offices;
 - 2 538 m² of flexible workspace;
 - 4 831 m² of retail/restaurant accommodation; and
 - The pedestrian bridge across the river Lea.
 - Details are provided for siting, design, means of access, highway works, parking and landscaping.
- 4.5 The application site would be accessed via the existing single vehicle access to the south of the site as well as via a new pedestrian bridge at the northern end of the site. The bridge would provide a link to Canning Town transport interchange via the existing lift and stairs and tunnel.

- 4.6 The proposed scheme is a complex 'podium level' development, which means that the ground level is raised. The height of the proposed podium ranges from 1 to 4 storeys in height, increasing from the southern end to the northern end of the site. Within the podium, parking and service areas are accommodated. This rise from south to north creates an overall level change of approximately 13.5 metres.
- 4.7 Around this podium, a walkway would be provided. This walkway becomes a shared surface (vehicular and pedestrian) from approximately the middle of the site southwards, where it also diverges away from the river's edge. Only along the northern tip of the peninsula does the walkway run directly along the riverside.
- 4.8 A dense layout of low rise buildings of 2 to 5 storeys in height and 12 tall buildings of 8 to 26 storeys in height is proposed. The buildings, which are often connected and thus result in a very wide, continuous frontage, broadly follow a north-south alignment. Four of the tallest buildings of 18, 24, 25 and 26 storeys are located at the northern end of the site. Two 20 storeys buildings are located in the central part of the site.
- 4.9 A network of connecting open spaces at podium level leads pedestrians through the site. These connecting spaces form a largely hard-surfaced main through-route between the closely set buildings with some non-residential uses at ground floor. The precise location of the non-residential uses is not indicated and flexibility is sought in this respect. Soft-landscaped space is proposed:
- at the entrance to the development at its southern end, in the centre of a small 'roundabout',
 - approximately in the middle of the oblong site, and
 - along the western boundary as well as along the eastern boundary, by the river.
- 4.10 The main through route connects to the hard-surfaced 'plaza' at the northern end, which is also the landing point of the bridge. Stairs, ramps and lifts at a number of points connect the podium with the lower-lying riverside walkway.

Site and Surroundings

- 4.11 The application site comprises an area of 4.63 hectares and covers the entire peninsula north. The site is practically surrounded by water and inter-tidal mud flats of the River Lea to the east, north and west. The site contains industrial buildings and processing plant equipment. The site was until recently used by 'Pura Foods', an oil processing factory. Following the de-commissioning of the site, structures are now being removed.
- 4.12 Canning Town transport interchange and town centre lie across the River Lea roughly to the north of the application site. The vacant site known as the 'Limmo' site lies across the river to the east of the application site. To the west lies an ecological park on a very narrow peninsula, which also supports the bridge carrying the DLR.
- 4.13 To the south of the site, Leamouth Peninsula South accommodates a variety of cultural, industrial and mixed-use live and work units. The Lower Lea Crossing bridge spans across the peninsula to the south of the application site boundary.
- 4.14 A slip-road off the Lower Lea Crossing provides vehicle access to the site from the west. Another slip road joins the flyover from Leamouth Peninsula South, westwards. To the southwest lies the nature reserve of East India Dock Basin.
- 4.15 East India Dock DLR station is located to the west of the site, approximately a 10 minute walk from the southern end of the application site.

Planning History

- 4.16 PA/04/01831 Request for Scoping Opinion as to the information to be provided in an Environmental Impact Assessment to be submitted in support of planning applications for redevelopment to provide 4,000 residential units, offices, retail, restaurants, leisure facilities and a bridge spanning the River Lea. **Issued 10/01/2005: EIA required.**
- 4.17 PA/03/01814 Opening pedestrian and cycle bridge across the river lea, linking the leamouth peninsula to Canning Town and the lower lea crossing. **Withdrawn on 22/03/2004.**
- 4.18 PA/04/01081 Opening pedestrian and cycle bridge across the River Lea, linking the Leamouth Peninsula to Canning Town Station and the Lower Lea Crossing including upgrading of Flood defences on Hercules Wharf. **Approved 18/05/2005.**
- 4.19 The following applications have been submitted by the same applicant for 3 sites on the Leamouth Peninsula South:
- 4.20 PA/05/01597 Outline Planning Application for a mixed use development comprising 477 residential units and 400 sqm of non residential floor space including offices (B1), retail (A1, A2), food and drink (A3, A4) and the provision of public open space. **Applications relate to Hercules Wharf and are now the subject of a planning appeal (ref APP/E5900/A/06/2013328/NWF).**
- 4.21 PA/05/01598 Combined Outline and Full Planning Application (Hybrid Application) for a mixed use development comprising 925 residential units and 1600sq m of non residential floor space including offices (B1), retail (A1, A2), food and drink (A3, A4) and provision of public open space. **Application relates to Union Wharf and Castle Wharf and is now the subject of a planning appeal (ref APP/E5900/A/06/2013334/NWF).**
- 4.22 PA/05/01600/ LBC Partial demolition and alteration of the listed dock structure and retention of the existing caisson in relation to mixed use development at Union Wharf. **Application relates specifically to Union Wharf and is now the subject of a planning appeal (ref APP/E5900/A/06/2013329/NWF).**
- 4.23 The applications referred to above which are subject of appeals will be presented to the strategic development committee in due course.
- 4.24 This year, the same applicant has submitted the following applications, which are for determination by the newly established London Thames Gateway Development Corporation:
- Leamouth Peninsula North:
- 4.25 PA/06/00748 Combined outline and full planning application (hybrid application): Demolition and /00749 of all existing buildings and structures; Comprehensive phased mixed-use (duplicates) development comprising 224,740sqm GEA of new floorspace for the following uses: residential (C3), business including creative industries, flexible workspace and offices (B1), retail, financial and professional services, food and drink (A1, A2, A3, A4, A5), leisure (D1 & D2), arts and cultural uses (D1), primary school (D1), community (D1), energy centre, storage and car and cycle parking. The development includes formation of a new pedestrian access across the River Lea connecting to land adjacent to Canning Town Station, formation of a new vehicular access and means of access and circulation within the site, new private and public open space and landscaping

including a riverside walkway. This application is accompanied by an Environmental Statement as required by the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations). **The applications are still under consideration.**

Leamouth Peninsula South:

- 4.26 PA/06/01341 In outline, demolition of all existing buildings and structures and /01342 redevelopment to provide 41,530 sq.m. floorspace comprising residential (duplicates) (Class C3), business use (Class B1), retail, financial and professional services, food and drink (Classes A1, A2, A3, A4 and A5), energy centre, storage and car and cycle parking. The development includes formation of a new vehicular access from Orchard Place and means of access and circulation within the site, new private and public open space and landscaping including a riverside walkway. This application is accompanied by an Environmental Statement as required by the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. **Applications relate to Hercules Wharf and are still under consideration.** (Associated application PA/05/01597)
- 4.27 PA/06/01343 Combined Outline and Full Planning Application (hybrid application) for and /01344 demolition of all existing buildings and redevelopment to provide 80.070 sq.m. floorspace comprising residential (Class C3), business uses (Class B1), retail, financial and professional services, food and drink (Classes A1, A2, A3, A4, A5), energy centre, storage and car and cycle parking. The development includes formation of a new vehicular access from Orchard Place and means of access and circulation within the site, new private and public open space and landscaping including a riverside walkway. This application is accompanied by an Environmental Statement as required by the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. **Applications relate to Union Wharf and Castle Wharf and are still under consideration.** (Associated application: PA/05/01598).
- 4.28 PA/06/01345 Partial demolition and alteration of the listed dock structure and retention of the existing caisson in relation to mixed use development at Union Wharf. **Application relates to Union Wharf and is still under consideration.** (Associated application: PA/05/01600).

5. POLICY FRAMEWORK

- 5.1 The relevant policy and guidance against which to consider the planning application is contained within the following documents:-
- London Plan (2004) and Supplementary Planning Guidance
 - London Borough of Tower Hamlets Unitary Development Plan (1998) (UDP) and Supplementary Planning Guidance
 - LBTH Local Development Framework Core Strategy and Development Control Submission Document (November 2006) (DPD)
 - LBTH Local Development Framework Leaside Area Action Plan Submission Document (November 2006) (LAAP)
 - LBTH Community Plan
- 5.2 In the preparation of the above documents, Government guidance had to be taken into account. National policy guidance documents (PPGs and PPSs) are listed below.
- 5.3 Decisions must be taken in accordance with Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004.

Furthermore, s54A of the 1990 Act requires decisions to be made in accordance with the plan unless material considerations indicate otherwise.

- 5.4 Whilst the adopted UDP is the statutory development plan for the borough, it will be replaced by a more up to date set of plan documents that will make up the Local Development Framework.
- 5.5 On 13th September 2006, Council resolved to approve the DPD for submission to the Secretary of State for Independent Examination. The approved DPD represents an up-to-date statement of Tower Hamlets planning policy priorities. On 3 October 2006, the Strategic Development Committee endorsed that the policies within the DPD, approved on 13th September 2006, should be given significant weight as a material consideration in determining planning applications, prior to its adoption.
- 5.6 Furthermore, where the London Plan and the adopted UDP contain contradicting guidance, the more recent policy must be followed, which is in this case the London Plan.
- 5.7 This report takes account of the policies and guidance contained within the documents set out above in paragraph 5.1. Members are invited to agree the recommendations set out in section 2 which have been made on the basis of the analysis of the scheme set out in this report. The proposed development scheme has been analysed and assessed against the policies set out below and other material considerations set out in the report.
- 5.8 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:

Unitary Development Plan 1998:

- | | | |
|------|--------------------|--|
| 5.9 | Proposals: | Areas of Archaeological Importance or Potential
Industrial Employment Areas
Flood Protection Areas
Within 200 metres of East West Crossrail
Aviation use and bird attracting
Wind Turbine development by City Airport
Urban Development Corporation
Potential Contamination |
| 5.10 | Strategic Policies | ST3 - ST5 Good Design and Community Safety

ST6 Management of development and processes
ST7 Energy Efficiency, Renewable Energy and Sustainable Design
ST8 Open Space Protection
ST9 Promote and preserve character of river Thames
ST19 Employment
ST25 Sustainable infrastructure for housing
ST27 Transport
ST28 Restrain us of private cars
ST30 Safety of road users
ST31 Minimize road works for increased car commuting
ST32 Effective integration of into existing transport
ST37 Open Space
ST45 Education and Training
ST49 Social and Community Facilities
ST54 Public Utilities and Flood Defences |
| 5.11 | Policies: | DEV1 Design Requirements
DEV2 Environmental Requirements
DEV3 Mixed Use Developments
DEV4 Planning Obligations |

DEV6	High buildings outside the Central Area & Business Core
DEV8	Protection of local views
DEV11	Communal TV Systems
DEV12	Provision of landscaping in development
DEV13	Design of landscaping Schemes
DEV17	Siting and design of Street Furniture
DEV18	Art and development proposals
DEV44	Preservation of Archaeological Remains
DEV45	Development in Areas of Archaeological Interest
DEV46	Protection of Waterway Corridors
DEV47	Development affecting Water Areas
DEV48	Strategic riverside walkways and new development
DEV50	Noise
DEV51	Contamination
DEV55	Development and Waste Disposal
DEV56	Waste recycling
DEV57	Nature Conservation and Ecology
DEV62	Nature Conservation and Ecology
DEV66	Creation of new walkways
EMP1	Encouraging new employment uses
EMP2	Retaining existing employment uses
EMP7	Work environment
EMP8	Small business
EMP10	Business use outside the Central Area Zone
EMP11	Industrial employment areas
EMP12	Business Uses in Industrial Employment Areas
EMP13	Residential Use in Industrial Employment Areas
HSG1	Quantity of Housing
HSG2	Location of New Housing
HSG3	Affordable Housing
HSG7	Dwelling Mix and Type
HSG8	Wheelchair accessible housing
HSG9	Density in Family Housing
HSG13	Standard of Dwellings
HSG15	Development affecting residential amenity
HSG16	Housing Amenity Space
T3	Bus Services
T5	Interchanges between public transport facilities
T10	Proprieties for strategic management
T15	New development on existing transport system
T16	New development and associated operation requirements
T17	Planning Standards (Parking)
T18 – T20	Pedestrians
T22 – T24	Cyclists
S6	New Retail Development
S7	Special Uses
S10	New shopfronts
OS2	Open space and access for disabled
OS9	Children’s Playspace
OS10	Indoor and outdoor sports facilities
OS12	Dual use of suitable open space and recreational facilities
ART1	Promotion of arts and entertainment uses
ART4	Restriction of art and entertainment facilities
EDU3 and 9	New training facilities
SCF1	Provision for Community and Social Facilities.
SCF4	Location of primary health care facilities.
SCF5	Provision of Community Care

SCF6	Location of Community Support Facilities.
SCF11	Meeting Places
U2	Development in Areas at risk from flooding
U3	Flood Protection Measures
U9	Sewerage network
U10	

Local Development Framework: London Borough of Tower Hamlets Development Plan Document Core Strategy and Development Control Submission Document (November 2006):

5.12 Proposals:		Areas of Archaeological Importance or Potential Industrial Employment Areas Flood Protection Areas Within 200 metres of East West Crossrail Aviation use and bird attracting Wind Turbine development by City Airport Urban Development Corporation Potential Contamination
5.13 Core Policies:	IMP1	Planning Obligations
	CP1	Creating Sustainable Communities
	CP2	Character and Design
	CP3	Sustainable Environment
	CP4	Good Design
	CP5	Supporting Infrastructure
	CP7	Job creation and growth
	CP9	Employment Space for Small Businesses
	CP10	Strategic Industrial Locations and Local Industrial Locations
	CP11	Sites in employment uses
	CP14	Combining Employment and Residential Use
	CP15	Provision of a range of shops and services
	CP19	New Housing Provision
	CP20	Sustainable Residential Density
	CP21	Dwelling Mix and Type
	CP22	Affordable Housing
	CP25	Housing Amenity Space
	CP27	High Quality Social and Community Facilities to Support Growth
	CP29	Improving Education and Skills
	CP30	Improving the Quality and Quantity of Open Space
	CP31	Biodiversity
	CP37	Flood Alleviation
	CP38	Energy Efficiency and Production of Renewable Energy
	CP39	Sustainable Waste Management
	CP40	Sustainable Transport Network
	CP41	Integrating Development with Transport
	CP42	Streets for People
	CP43	Better Public Transport
	CP46	Accessible and Inclusive Environments
	CP47	Community Safety
	CP48	Tall Buildings
	CP49	Historic Environment
5.14 Policies:	DEV1	Amenity
	DEV2	Character and Design
	DEV3	Accessibility and inclusive design
	DEV4	Safety and Security
	DEV5	Sustainable Design

DEV6	Energy Efficiency and Renewable Energy
DEV7	Water Quality and Conservation
DEV8	Sustainable Drainage
DEV9	Sustainable Construction Materials
DEV10	Disturbance from Noise Pollution
DEV11	Air Pollution and Air Quality
DEV13	Landscaping and Tree Preservation
DEV15	Waste and Recyclable Storage
DEV16	Walking and Cycling Routes and Facilities
DEV17	Transport Assessments
DEV18	Travel Plans
DEV19	Parking for Motor Vehicles
DEV20	Capacity of Utility Infrastructure
DEV21	Flood Risk Management
DEV22	Contamination Land
DEV23	Hazardous Development and Storage of Hazardous Substances
DEV24	Accessible Amenities and Services
DEV25	Social Impact Assessment
DEV27	Tall Buildings Assessment
EE2	Redevelopment /Change of Use of Employment Sites
RT4	Retail Development and the Sequential Approach
RT5	Evening and Night-time Economy
HSG1	Determining Residential Density
HSG2	Housing Mix
HSG3	Affordable Housing Provisions in Individual private Residential and Mixed-use Schemes
HSG4	Varying the Ratio of Social Rented to Intermediate Housing
HSG5	Estate Regeneration Schemes
HSG7	Housing Amenity Space
HSG9	Accessible and Adaptable Homes
HSG10	Calculating Provision of Affordable Housing
SCF1	Social and Community Facilities
SCF2	School Recreation Space
OSN2	Open Space
OSN3	Blue Ribbon Network and the Thames Policy Area
CON4	Archaeology and Ancient Monuments

Local Development Framework: London Borough of Tower Hamlets Development Plan Document Leaside Area Action Plan Submission Document (November 2006) (LAAP):

5.15 Proposals:	LS23	Orchard Place North
5.16 Policies:	L1	Leaside Spatial Strategy
	L2	Transport
	L3	Connectivity
	L4	Water space
	L5	Open Space
	L6	Flooding
	L7	Education Provision
	L8	Health Provision
	L9	Infrastructure and Services
	L10	Waste
	L38	Employment Uses in Leamouth sub-area
	L39	Residential Uses in Leamouth sub-area
	L40	Retail and Leisure uses in Leamouth sub-area
	L41	Local connectivity in Leamouth sub-area
	L42	Design and built form in Leamouth sub-area

5.17 London Borough of Tower Hamlets Supplementary Planning Guidance/Documents

Designing out Crime (Parts 1 and 2)
 Archaeology and Development – Adopted 1998
 Residential Space – Adopted 1998
 Riverside walkways – Adopted 1998
 Landscape Requirements – Adopted 1998
 Canalside Development - Adopted 1998

5.18 Spatial Development Strategy for Greater London (London Plan)

2A.1 Sustainability Criteria
 2A.2 Opportunity Areas
 2A.3 Areas of Intensification
 2A.4 Areas for Regeneration
 2A.7 Strategic Employment Locations
 3A.1 Increasing London's Supply of Housing
 3A.2 Borough housing targets
 3A.4 Housing choice
 3A.5 Large residential developments
 3A.7 Affordable housing targets
 3A.8 Negotiating affordable housing in mixed-use schemes
 3A.15 Social infrastructure and community facilities
 3A.22 Community strategies
 3B.1 Developing London's economy
 3B.4 Mixed Use Development
 3B.5 Strategic Employment Locations
 3B.12 Improving skills and employment opportunities for Londoners
 3C.1 Integrating transport and development
 3C.2 Matching development to transport capacity
 3C.3 Sustainable transport in London
 3C.16 Tackling congestion and reducing traffic
 3C.19 Improving conditions for buses
 3C.20 Improving conditions for walking
 3C.21 Improving conditions for cycling
 3C.22 Parking Strategy
 3D.10 Open space provision in UDPs
 3D.12 Biodiversity and nature Conservation
 4A.1 Waste strategic policy and targets
 4A.6 Improving air quality
 4A.7 Energy efficiency and renewable energy
 4A.8 Energy assessment
 4A.9 Providing for renewable energy
 4A.14 Reducing noise
 4A.16 Bringing contaminated land into beneficial use
 4B.1 Design principles for a compact city
 4B.2 Promoting world-class architecture and design
 4B.3 Maximising the potential of sites
 4B.4 Enhancing the quality of the public realm
 4B.5 Creating an inclusive environment
 4B.7 Respect local context and communities
 4B.8 Tall buildings
 4B.9 Large-scale buildings – design and impact
 4B.14 Archaeology
 4C.1 The strategic importance of the Blue Ribbon Network

4C.3	The natural value of the Blue Ribbon Network
5A.1	Sub-Regional Development Frameworks
5C.1	Strategic priorities for East London
5C.2	Opportunity Areas in East London

5.19 Government Planning Policy Guidance/Statements

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG4	Industrial and Commercial Development and Small Firms
PPS6	Planning for Town Centres
PPG9	Biodiversity Strategy
PPG13	Transport Strategy
PPG16	Archaeology and Planning
PPG17	Sport and Recreation
PPG23	Air Quality Strategy
PPG24	Planning and Noise
PPS9	Biodiversity and Geological Conservation
PPS22	Energy Strategy
PPS25	Development and Flood Risk

5.20 Other relevant planning documents:

Sub Regional Development Framework: East London (May 2006) (SRDF-EL)

Lower Lea Valley Opportunity Area Planning Framework (Consultation Draft – May 2006) (LLV OAPF)

London Plan SPG: Industrial Capacity (Draft 2003)

London Plan SPG: Housing (Nov 2005)

London Plan SPG: Accessible London (April 2004)

London Plan SPG: Provision of children's play and informal recreation (Draft, Oct 2006)

London Plan SPG: Housing Space Standards (August 2006)

London Plan SPG: Biodiversity Strategy (2001)

London Biodiversity Action Plan – Species of Conservation Concern and Priority Species for Action

5.21 Community Plan

The following Community Plan objectives relate to the application:

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

6. CONSULTATION RESPONSE

6.1 The views of officers within the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below. The following were consulted regarding the application:

6.2 LBTH Highways

Recommended the following:

- the estimated PTAL rating is optimistic and further assessments are required;
- the parking provision is considered excessive;
- pedestrian bridge provides a poor and unsustainable link to the site and integration with the surrounding area;
- road network is limited with unacceptable traffic demand and flow within the immediate vicinity; and

- limited improvements to the existing cycle and walking infrastructure that would result in an overall substandard of provision for the existing area and future occupiers of the site.

6.3 **LBTH Housing**

Object due to the lack of an acceptable element of affordable housing and insufficient information to full assess the acceptability of the proposal.

6.4 **LBTH Environmental Health**

Concerns raised regarding the level of sunlight/daylight to the proposed residential units and the undue shadowing of the development on itself; concern raised over noise.

6.5 **LBTH Parks and Open Spaces**

No comments received.

6.6 **LBTH Education**

Concerns raised regarding the scale of the development and insufficient information to calculate contributions.

6.7 **LBTH Building Control**

A number of comments made to be incorporated as part of the building application.

6.8 **LBTH Environment and Culture**

No comments received.

6.9 **Tower Hamlets Primary Care Trust**

No comments received.

6.10 **Crime Prevention Officer**

Comments raise the following concerns:

- Too many entrances to buildings to allow proper access control;
- Poor control of vehicle access and movement;
- Unacceptable impact on the security and general operation of Canning Town Underground Station;
- Security and general design issues in relation to the pedestrian bridge link; and
- General design and layout result in unobserved pathways and pockets, which discourage the idea of an open observed public realm.

6.11 **English Nature**

No comments received.

6.12 **Greater London Authority**

The Mayor considered the application on 18th October 2005. The principle of the mixed use development is considered acceptable. However, a number of issues were raised that do not fully reflect the objectives set out in the London Plan. These are:

- *“The proposed foot/cycle bridge across the River Lea to Canning Town is crucial for*

achieving a high level of public transport accessibility but the proposal for this connection is not practical or resolved;

- *The typology of the buildings would result in a high level of inactivity on the ground floors. The massing of the development is imaginative but the design of the separate buildings would render them indistinctive. More information is required on the internal and external space standards and the quantity and allocation of play and sport spaces;*
- *The spatial characteristics of the scheme do not create a suitable environment for the proposed density, which is almost twice the highest density set out in the London Plan density location and parking matrix. The scheme does not provide an adequate level of housing choice in line with London Plan policy 3A.4 'Housing choice' and PPS1. No information is yet given on the amount of affordable housing within the development;*
- *The choice to introduce a 13.5 metres height level difference across the site poses a number of accessibility concerns. The design of the bridge and its landings does not seem to be consistent with the London Plan and its SPG Accessible London. Assurances are sought that all residential units meet Lifetime Homes standards and that 10% of the market housing and of the affordable housing is wheelchair accessible;*
- *The proposal is contrary to the Mayor's London Plan energy policies. The assessment of the various renewable energy technologies is not acceptable at present, and there remain opportunities to incorporate wind, biomass and CHP; and*
- *A more comprehensive sound assessment is required. More information is required on the impact of the development on biodiversity and the effectiveness of the proposed measures to enhance biodiversity. The development should maximise the provision for sustainable drainage and green roofs and an independent safety assessment should be undertaken with regard to the proposals for the river walk”.*

6.13 Environment Agency

Objections to the proposal relates to the following:

- *“The proposal does not demonstrate that the flood defences will have a life the greater of 50 years or the life of the development. This may prejudice flood defence interest and may increase risk of flooding;*
- *The proposal includes development of buildings in close proximity to Bow Creek. This will prejudice flood defence interest restricting necessary access to the watercourse for carrying out functions;*
- *The proposal involves the construction of a bridge which , due to the positioning of supporting structures, restrict necessary access to the watercourse for the carrying out of necessary functions; and*
- *The proposed development is too close to the watercourse resulting in an inadequate buffer zone between the proposed development and the watercourse. This will adversely affect the character and value of the watercourse by reason of the development not paying adequate attention to the role of the river in terms of landscape and ecology;*
- *The ecology assessment is inadequate; and*
- *Inadequate mitigation, compensation and enhancement measures are proposed”.*

6.14 The Countryside Agency

Raise concerns over the amount of open space proposed by the application, particularly in regards to the existing poor levels of open space in the area and the opportunities this site presents to address current shortfalls. Comments conclude by indicating that, *“if the proposal was to proceed, the agency would like to see an increased provision of open space*

as part of the development”.

6.15 London Borough of Newham

Objections to the proposal relates to the following:

- *“The Council has considered the proposal and...it is noted there is heavy reliance on public transport, especially the Jubilee Line were it is likely that 50% of the trips will take place. From the directional trip assignment the vast majority of these trips will be to or from Tower Gateway. While other nearby committed developments have been included into the assessment of highway capacity, the additional trips do not appear to have been included in the public transport assessment;*
- *The Council is unable to comment fully until further and better transport information is provided that has regard to other committed schemes such as the Greenwich Peninsula development, to demonstrate that there is adequate public transport availability (especially for the Jubilee Line) without the reliance on uncommitted upgrades and the use of crush passenger capacity instead of peak hour planning standard; and*
- *Notwithstanding the reliance on public transport, it is noted that the developers offer no measures for improving their river transport”.*

6.16 London Borough of Greenwich

No comments.

6.17 London Thames Gateway Development Corporation

Objections reaffirm the principal issues and objections raised by the GLA. The main issues identified are:

- Unacceptable residential density and mix;
- Non-compliance with affordable housing targets;
- Overall appearance and microclimate effects due to proposed height, massing and overall layout;
- Poor residential amenity;
- Unacceptable and inadequate public open space;
- Poor accessibility and quality of pedestrian bridge link;
- Concerns with regard to transport capacity;
- Undue impact of proposed retail and other uses on Canning Town;
- Impact on road network and associated car parking provision;
- Failure to incorporate renewable energy and sustainability initiatives; and
- Unacceptable balance and mix of uses.

6.18 Transport for London

See comments of GLA.

6.19 London Underground Ltd

Object to the proposed development by reason of its undue impact on the safety and security, management and maintenance and general accessibility of the station. Concerns are also raised with regard to the public transport requirements of the proposal and its effects it would have major infrastructure protection and operational management implications for London Underground.

6.20 DLR

See comments of GLA.

6.21 Port of London Authority

The authority raises concerns with regard to demolition and construction activities in relation to the effective use of the river as a transport mode and recommends that an appropriate condition or legal agreement require the application to investigate such use.

6.22 English Heritage Archaeology

No objection to proposal but recommend that a number of conditions be incorporated.

6.23 Civil Aviation Authority

Satisfied with outline and consider phase 1 acceptable, subject to submission and approval of further details relating to height and landscaping.

6.23 London Fire and Civil Defence Authority

No comments received.

6.24 Commission for Architecture and Built Environment

No comments received.

6.25 Lea Valley Regional Park Authority

The objection letter provides the following reasoning and concerns:

- *“In the absence of agreed proposals to provide open space in the Lower Lea, to extend the Lee Valley Regional Park to the Thames and to link the Olympic Legacy Park to the Lower Lea and the Thames, the Authority objects to the application on the grounds that the proposed development is premature;*
- *So far as the details of the proposed development are concerned, the Authority considers the sharing of pedestrian/cycling routes by motorised vehicles to be unsatisfactory and the layout should be amended so as to provide a continuous segregated pedestrian/cycleway; and*
- *The Authority requests that the applicants should be required to undertake an assessment of light pollution and to include measures within their application to avoid such pollution. Considerations/legal requirements should be imposed to ensure that light pollution prevention measures and biodiversity proposal are implemented; and the authority request that a section 106 should be used to secure improvements in the quality of the environment surrounding the site and to provide new open space in the vicinity in order to offset the density of the development”.*

6.27 British Gas PLC

No comments received.

6.28 Thames Water Utilities Ltd

No comments received.

6.29 The Inland Waterways Association

No comments received.

7. LOCAL REPRESENTATION

7.1 A total of 1719 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application was advertised in East End Life and site notices were posted. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses: 4 Objecting: 3 Supporting: 1
No of petitions received: 0

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

- Excessive housing density;
- Out of character in terms of scale and height;
- Undue impact on social infrastructure, which includes health and education;
- Impact on public transport capacity;
- Undue impact on road networks and traffic congestion due to number of car parking spaces and use of only one vehicle access way;
- Concerns regarding the access arrangements to and from the site, especially during construction period. Concerns relate also to the additional vehicle flow and associated pressure on the existing road network; and
- Unacceptable impact on environment.

7.3 The following issues were raised in representations, but they are not material to the determination of the application:

- Unaddressed need for increase in public policing

8. MATERIAL PLANNING CONSIDERATIONS

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

1. Sustainability
2. Land Use
3. Density
4. Transport
5. Accessibility and inclusive design
6. Bulk, massing and architecture
7. Affordable Housing
8. Dwelling Mix
9. Standard of residential accommodation
10. Open space
11. Air Quality
12. Energy
13. Flood Risk
14. Biodiversity
15. Environmental Impact Assessment Issues

Sustainability

8.2 The application site is located within the Lower Lea Valley Regeneration Area and is designated within the Mayor's draft Lower Lea Valley Opportunity Area Planning Framework as a high profile opportunity site. The regeneration objectives for the area are set out in the

draft Lower Lea Opportunity Area Planning Framework (LLV OAPF) and will provide a planning policy context for the sensitive management of land-use change in the LLV to provide and improve the profile of the area and the quality of life for people across the Valley. The application site is also located within the Blue Ribbon Network which further emphasizes the important context in which the site is located.

- 8.3 The Council's emerging Local Development Framework Core Strategy submission document and the relevant local area action plan (Leaside AAP) now identifies the site as a potential residential-led mixed use development site ('Orchard Place North' ref: L23) with supporting employment uses (Use Class B1), social and community uses (Use Class D1) and designated open space. The mixed use developments must retain employment opportunities without negatively impacting on residential amenity.
- 8.4 The spatial strategies and development principles set out for the application site in both regional and local policy documents focuses primarily on
- land use,
 - transport links and nodes and the improvement of their capacity and
 - amenity infrastructures
- to provide the opportunity for development and intensification.

These strategies all focus on the provision of cohesive communities. This is achieved by using the land released from industrial use for housing and mixed development purposes, which is supported by necessary community, education and health facilities plus shops and businesses, open space and other amenity uses. For the creation of sustainable communities, new developments must be well integrated with their surroundings and their scale should be appropriate to the location. Adequate and well integrated transport networks, existing or improved, must be able to sufficiently cater for the proposed scale and density of the development. The use of public transport, walking and cycling to local designations must also be encouraged.

- 8.5 The proposal in its current form is considered unacceptable by reason of its size, scale and proposed mix of uses as well as the poor integration with the surrounding area, which would undermine the objectives of sustainable development. The detailed assessment below will set out the reasons why the proposal in its current form fails to represent a sustainable form of development and create a sustainable community as required under policies 2A.1, 2A.2, 2A.3 and 2A.4 of the London Plan 2004, policies ST3, ST4, ST19, ST27, ST37, ST45, ST49, ST54 and DEV3 of the adopted UDP 1998, policies CP1, CP3, CP5, DEV1, DEV2 and DEV5 of the LDF Core Strategy submission document and policy L43 of the LAAP, which seek to ensure that major developments create sustainable patterns of growth to meet local needs and promote balanced communities in accordance with the Government's sustainable community agenda.

Land Use

- 8.6 The principle of the redevelopment of this site is supported subject to an appropriate mix of residential and non-residential uses which meet the objectives identified in the LAAP. The residential element of the scheme must be of an acceptable scale which takes account of the constraints of the site and contains a dwelling mix and type of tenure in accordance with policy. Although the proposal provides employment floor space, there is insufficient provision of Use Class B1 employment floor space proposed and excessive provision of retail floor space.

Employment:

- 8.7 The UDP designates the site for employment use. Policy EMP2 therefore applies. In addition to these criteria, the proposal is considered against regional and local spatial strategy and policies for the Lower Lea Valley Opportunity Area and Leaside Area. The

latest spatial strategies support the release of employment land in designated regeneration areas and determines that such release should be managed carefully. This is in order to meet changing industrial requirements and employment needs. The site is designated to be released for a residential-led mixed-use development and policy seeks to ensure the inclusion of new good quality B1 employment floor space for small and medium sized enterprises and increased job opportunities.

- 8.8 Whilst the proposal provides 2538m² flexible workspace floor space, it fails to meet the objective to include an adequate amount of employment use (Use Class B1) floor space as the secondary use as set out in policy L43 of the LAAP. This policy seeks to ensure the adequate provision of employment floor space within the Borough and to create and sustain a healthy economic base. Furthermore, it is considered that the amount of proposed B1 floor space on the southern portion of the application site is insufficient and that too great a proportion of the proposed floor area is skewed towards uses not designated in the LAAP.
- 8.9 The release of employment land is not fully assessed in terms of cumulative impacts of land released on other opportunity areas in the Lower Lea Valley Opportunity Area and the overall impact on the designated areas within the LAAP. The assessment also lacks detail on employment use locations and how the proposal would support and contribute to the creative industries (B1) and provision in the supply of affordable premises.
- 8.10 In light of the above, it is considered that the proposal is contrary to policies L38 and L43 of the LAAP. The proposal provides an unsustainable mixed-use development and fails to replace and provide adequate Class B1 employment floor space. The proposed development therefore fails to comply with the Council's sustainability, economy and employment policies and guidance as set out under Policies CP1, CP9 and EE2 of the LDF Core Strategy submission document and policies L38 and L43 of the LAAP.

Retail Space:

- 8.11 Notwithstanding the conflicting information in the supporting information and Retail Assessment, it is considered that the proposed 7930m² of retail space is proportionately higher than the intended level set out for retail uses in policy L40 and L43 of the emerging LAAP. These policies make it clear that "retail uses are only supported where they are of a scale and kind intended to serve the needs of the Leamouth sub-area". In addition, the proposal does not fully consider the relationship between the proposed provision for retail uses and the neighbouring town centre of Canning Town. In light of such an omission, a detailed assessment of the impact on the vitality and viability of this designated centre cannot be fully undertaken and there remains a real risk of a significant adverse impact on Canning Town centre.

Density

- 8.12 The application site measures 4.63ha. The proposed 2460 units provide a total of 5588 habitable rooms and an approximate future site population of around 4000 residents. The public transport accessibility level is currently 2 with the potential of 4 towards the southern part and 6 towards to the northern part, if an appropriate connection with Canning Town Station is provided. For the purpose of housing density, the character of the site, in light of its setting, is considered 'urban'.
- 8.13 Policy 4B.3 of the London Plan requires borough's to maximise the potential of sites and Policy 3A.2 encourages boroughs to identify new sources of supply to reach borough housing targets. Policy CP19 of the LDF Core Strategy submission document requires the Council seek the highest reasonable delivery of housing provision for the borough within sustainable development constraints and with consideration of the character of the local area. Core Strategy CP20 of the LDF Core Strategy submission document requires the Council to seek to maximize residential densities on individual sites. The objectives are

reflected in policies HSG1 of the DPD and policy L39 of the LAAP.

- 8.14 Policy HSG9 of the UDP 1998 states that new housing developments should not exceed approximately 247 habitable rooms per hectare. Higher densities may be achieved where accessibility to public transport is high. The figure is somewhat outdated and is not in line with more recent policy contained in the London Plan and the emerging LDF documents. Policy HSG1 of the LDF Core Strategy submission document states that the Council will take into account the following factors when determining the appropriate residential density for a site:
- The density range appropriate for the setting of the site, in accordance with Planning Standard 4: Tower Hamlets Density Matrix;
 - the local context and character;
 - the need to protect and enhance amenity;
 - the provision of the required housing mix (including dwelling size and type, and affordable housing);
 - access to a town centre;
 - the provision of adequate open space, including private and communal amenity space and public open space;
 - the impact on the provision of services and infrastructure, including the cumulative impact; and
 - the provision of other non-residential uses on site.
- 8.15 The site benefits from a unique waterside location and any large-scale redevelopment would require a substantial improvement of the connectivity of the site. The current scheme raises concerns with regard to the quality of such proposed improvements, the housing mix and the lack of adequate open space provision (see relevant sections below). Furthermore, amenity issues have been identified. All these points are considered to be symptoms of overdevelopment. In light of the above and taking into account the site's expected PTAL rating and relationship with the town centre, the proposed density of 531 u/ha and 1,207 hr/ha, would unacceptably exceed the maximum density levels set out in Table 4B.1 of the London Plan, Table 2.1 of the LLV OAPF and Table PS8 of the LDF Core Strategy submission document.
- 8.16 Given the significant cross-cutting implications on the amenity of future residents and on the objectives of sustainable development, it is considered that the housing density is excessive and the proposed development constitutes gross overdevelopment of the site and therefore fails to comply with the Council's density standards as set out under policies CP1, CP5, CP19, CP20, CP41 and HSG1 of the LDF Core Strategy submission document, policy L39 of the LAAP and policies 3C.2, 4B.1, 4B.3 and 4B.9 of the London Plan 2004.

Transport

Transport improvements and connectivity:

- 8.17 The Council supports high density development in areas of good public transport accessibility and aims to realise opportunities to encourage the use of sustainable transport modes and curb car use (for example by only allowing car-free developments in areas with good public transport accessibility and by requesting improvements to public transport and links to interchanges).
- 8.18 The site is very isolated and constrained by the River Lea. In order to overcome its relative isolation, the proposed development provides for a pedestrian bridge link to the existing transport interchange at Canning Town. No other improvements are proposed to vehicle, pedestrian or cycle infrastructure.
- 8.19 The proposed pedestrian bridge spans the River Lea from the northern tip of the application site. It lands on the river's northern bank just west of Canning Town station. It is proposed

to use the existing rotunda, which accommodates a circular stairwell and one lift, and the existing tunnel to gain access to the station. From the station, the town centre can be accessed. No direct link to the wider Canning Town area is proposed.

- 8.20 There is a question over the capacity of the single existing rotunda and tunnel to cater adequately for the pedestrian travel generated by this large development. Moreover, the rotunda and tunnel, linking directly to the station, could not be used at times when the station is closed. Therefore, 24 hour access is not possible via the bridge. This would effectively leave the site closed off during these periods. Furthermore, cycle access would be very inconvenient and the use of the lift and/or stairwell by cyclists would unduly inconvenience pedestrians.
- 8.21 Overall, it is considered that the proposed bridge link does not allow sustainable, convenient, safe access and would not have sufficient capacity to cater for pedestrian and cycle travel generated by the proposed development. Furthermore, it fails to connect effectively to its surroundings.
- 8.22 The applicant's Transport Assessment is deficient with respect to baseline conditions and trip generation. As such, it is not possible to fully assess the proposal's impact on public transport. Necessary mitigation measures, such as financial contributions towards improved or new services, cannot be predicted accurately.

Road Network:

- 8.23 Due to the deficient TA, a full assessment cannot be carried out. Notwithstanding the information provided, the size and mix of uses of the proposed development as well as the generous provision of car parking and the likely demand for vehicle usage will create a significant increase in vehicle traffic. This is especially the case when viewed cumulatively with other developments in the Lower Lea Valley and the Leamouth/Canning Town area. The proposal could unacceptably contribute to congestion and add strain on the capacity of the surrounding Transport for London Road Network (TLRN) and the Strategic Road Network (SRN), to the detriment of the free flow of traffic and safety of both pedestrians and cyclists.
- 8.24 A single vehicle access is proposed to service the site. In line with national guidance (Design Bulletin 32), a development of more than 300 residential units should be served by more than one access road. The proposed arrangement may unduly restrict or even prevent access for emergency vehicles. Furthermore, in case of an accident that blocks the road, there is the potential for tailbacks onto the Lower Lea crossing and at the Leamouth Road roundabout, to the detriment of highway safety and the free flow of traffic.
- 8.25 It must be noted that other future developments on the peninsula would further increase the risks as outlined above.
- 8.26 The proposed vehicle access arrangement is inadequate and substandard for the type and size of development being proposed. Furthermore, the proposal is not in line with local and regional ambitions to restrict car use, tackle congestion and ensure the free flow of traffic as set out in policies 3C.1, 3C.2, 3C.16 of London Plan, policies ST28, T16 and T17 of the UDP and policies CP40, CP41, DEV17 and DEV19 of the LDF Core Strategy submission document.

Car Parking:

- 8.25 In light of the site's location and expected high Public Transport Accessibility Level, the proposal should accord with Policies 3C.1, 3C.16 and 3C.22 of the London Plan 2004, policies ST31, T13, T16 and T17 of the UPD and policies CP40, DEV17, DEV18 and DEV19

of the LDF Core Strategy submission document, which seek to reduce the amount of car parking and limit private use by adopting maximum car parking standards in areas with good transport accessibility. This should encourage the use of more sustainable non-car modes of transport.

The proposed car parking provision of 1,280 spaces (50% of the total number of residential units) is excessive in terms of regional and local parking standards set out in Annex 4 of the London Plan 2004 and Table PS7 of the LDF Core Strategy submission document. As such it would also undermine the sustainable 'car free development' strategy set for developments in areas with good public transport.

Cycle Provision:

- 8.26 The proposal provides no details on the provision of cycle routes. The cycle parking does not accord with standards set out in Table PS7 of the LDF Core Strategy submission document. As such, the proposal is contrary to policies 3C.21 and 3C.22, policies T17, T22 and T24 of the UDP and policies CP40, CP43, DEV16, DEV18 and DEV19 of the LDF Core Strategy submission document and policy L41 of the emerging LAAP, which seek to ensure an adequate provision of bicycle parking and the integration of new developments with the existing cycle route network in Tower Hamlets.

Vehicular access/ Access for emergency vehicles:

- 8.27 It would not be practical and safe to rely on the existing single access. National guidance sets out that for developments in excess of 300 residential units more than one vehicular access must be provided for reasons of public safety (Design Bulletin 32). The proposed development would considerably exceed this threshold. IN particular in light of existing uses and other proposed developments (eg Hercules, Union and Castle Wharves), the vehicular access arrangement is considered to be substandard. Access for emergency vehicles would be seriously impeded or even prevented in cases of vehicle breakdown, road maintenance works or emergency closures brought about by accidents, fires or crime, which is unacceptable. As such, the proposal is contrary to policy T16 of the UDP and policy DEV17 of the LDF Core Strategy submission document.

Accessibility and inclusive design

- 8.29 Policies CP46 and DEV3 of the LDF Core Strategy submission document requires that all new development incorporate inclusive design principles to ensure that it is safe, comfortable and easily accessible and enables use by all people, including disabled persons.
- 8.30 Appendix H 'Open Space Schedule' of the planning statement provides a detailed breakdown of the type of open spaces for the proposed development. The interior public space, pedestrian promenade, shared promenade and natural landscape are all considered part of the general public realm which forms a comprehensive network of open spaces with different characters, site levels and uses. The 'Leaside Plaza' to the south is connected via the central 'The Garden' area to the 'Peninsula Place' to the north and this forms the central north-south route towards the new proposed pedestrian bridge. Parts of the connecting spaces are through a double height passage, which narrows down to approximately 4 metres. These interlinked areas are subject to level changes and are generally narrow and angled. They may therefore be difficult to use for some people and the objective to create inclusive environments which provide convenient and safe access for people of all abilities is therefore not met.
- 8.31 The proposal provides no justification for the current design approach which has no regard to the possible conflicts between pedestrian and cycle users on the main routes through the site or proposed pedestrian bridge. It is considered that the proposed pedestrian and cycle networks, by reason of an open footbridge, strong reliance on a lift with questionable

capacity and restricted opening times of the lift and access route to Canning Town, would have a detrimental impact on the safe and convenient movement and means of access/egress of all users to and within the site. The proposal is therefore considered contrary to policies 3C.3, 4B.1, 4B.9 of the London Plan 2004, policies ST30, T20, T22, T23 and T24 and DEV1 of the UDP 1998, policies CP1, CP4, CP40, CP42, CP47, DEV2, DEV3, DEV4, DEV5 and DEV16 of the LDF Core Strategy submission document and Policy L41 of the LAAP, which seek inclusive design within new development to ensure that developments implement walking and cycle parking strategies and develop a mixed and well-connected community by means of an accessible, usable and inclusive environment.

- 8.32 In addition, Policies 3C.20, 3C.21, 4B.4 and 4B.5 of the London Plan and policies CP47 and DEV3 of the LDF Core Strategy submission document to seek the improvement of connectivity between the site and surrounding area to transport and other infrastructure. The development should therefore promote pedestrian and cycle movement by providing linkages through the site that integrate into the surrounding street network. This has cross-cutting implications on adequate and convenient provision of access routes which are well separated in terms of pedestrians, cycles and vehicles. As mentioned above, the proposal does not provide such integrated linkages and fails to comply with the above mentioned policies and policies DEV18 and OSN3 of the LDF Core Strategy submission document, which seek a comprehensive approach to inclusive design and access opportunities.

Urban design

- 8.33 Policy 2A.1 of the London Plan, which sets out sustainability criteria, states that a design-led approach should be used to optimise the potential of sites. Chapter 4B of the plan focuses on all aspects of design and provides detailed guidance. Policy 4.B1, which summarises the design principles to be applied, requires that developments
- Maximise the potential of sites;
 - create or enhance the public realm;
 - provide or enhance a mix of uses;
 - are accessible, usable and permeable for all users;
 - are sustainable, durable and adaptable;
 - are safe for occupants and passers-by;
 - respect local context, character and communities;
 - are practical and legible;
 - are attractive to look at and, where appropriate, inspire, excite and delight;
 - respect the natural environment;
 - respect London's built heritage.

Policy 4B.9 focuses on the design and impact of large-scale buildings, referring to the appearance of the development close up and from the distance, the public realm and the impact of tall buildings on residential amenity and the microclimate of the surrounding environment, including public and private open spaces. The approach set out in the London Plan is reflected in the LBTH LDF Core Strategy submission documents. Policies CP1, CP4, DEV2 and DEV27 focus in detail on the design requirements for new developments.

- 8.34 Layout of buildings – legibility and permeability of site

The layout of the buildings creates one main north-south route through the development. This route connects the southern entrance to the development with the plaza, 'Peninsula Place', and the bridge to Canning Town interchange at the northern tip of the peninsula. Designed as a stepped terrain rising some 13 metres from south to north, the ground floor constantly shifts in levels. These constant level changes over a great distance would represent a significant challenge for some people, especially for wheelchair users or people whose mobility is otherwise impaired, and for the visually impaired.

- 8.35 The riverside promenade around the outside of the development lies at a lower level than the

podium level. It is cut off from the main pedestrian activity through the development. Steps, ramps and lifts connect the podium with the riverside walkway in a number of locations. The need to negotiate level changes, which are quite considerable at the northern end of the site, would make circulation through the site quite difficult for some people.

- 8.36 The main pedestrian route 'meanders' through the site in between buildings which have somewhat unusual shaped footprints and which are sited at angles. Dead views result from this arrangement and no visual link with the main destination of the plaza is maintained. Whilst an element of 'surprise' at arriving at a focal point may be appropriate in some instances, it is not considered to be the appropriate treatment for this lengthy, main pedestrian link through this large development. Part visibility of the main focal point, maintained throughout the walking experience, would make the development more legible and permeable for the wider public.
- 8.37 The elements of 'surprise' and level changes, the staggered linkages resembling "hill town character", could be more suitably applied to the shorter east-west links through the site.
- 8.38 In conclusion, the proposed development is not easily legible and permeable. As such, the proposal is contrary to policies 2A.1 and 4B.1 of the London Plan and policies CP1, CP4 and DEV2 of the LDF Core Strategy submission document, which seek to ensure that new developments are legible and permeable, allowing easy access and circulation for all people, including the disabled.

Height, massing, silhouette - development viewed from the distance

- 8.39 The uniqueness of this site and the high visibility of any high-rise development on this island from major transport corridors and the wider area warrants the requirement for a high quality, striking development.
- 8.40 However, it is considered that the proposed development does not achieve the desired outcome. By reason of the relatively large footprints of the tall buildings (footprint:height ratio) and the connecting medium rise buildings, the development would appear bulky and squat when viewed from the distance. The buildings form an anonymous 'whole' by reason of the massing (resulting from large footprints) and the lack of separation between buildings, which results in the lack of clearly noticeable, distinctive features in the skyline.
- 8.41 The proposal fails to create a striking development with an interesting silhouette.
- 8.42 As such, the proposed development is contrary to Policy DEV27 of the LDF Core Strategy submission document and policies 4B.1 and 4B.9 of the London Plan, which seek to ensure that new developments, where appropriate, inspire, excite and delight, create an interesting silhouette and contribute to an interesting skyline.

Detailed design - appearance of buildings from within the development – Phase 1

- 8.43 The elevations lack depth and would appear flat with the exception of 'clip on' balconies. There is little variation in surface textures and, without deep recesses, the proposal results in uniform bland buildings similar in appearance to office blocks. Many of the buildings are connected and result in long building frontages. With little variation in building design and façade treatment, the environment would be uninspiring. It is considered that for the above reasons, the development fails to create visual interest and fails to create an attractive, interesting environment at ground level, contrary to Policies DEV2 of the LDF Core Strategy submission document and policies 4B.1 and 4B.9 of the London Plan.

Affordable Housing

- 8.44

No details have been provided with respect to the provision of affordable housing or any justification for a departure from the requirements set out in the adopted policies.

8.45

Government Guidance highlights the need to meet all housing needs, this includes affordable housing. Policy HSG3 of the adopted UDP 1998 requires that 25% affordable housing be provided on all housing developments with a capacity for 15 dwellings or more. However, this policy has been superseded by the adopted London Plan and emerging LDF. Policy CP22 of the LDF Core Strategy submission document requires affordable housing to be provided on all housing developments with a capacity of 10 units or more at a minimum rate of 35%, calculated on a habitable rooms basis. The London Plan sets out a strategic target of 50% of housing to be affordable.

8.46

Policy HSG3 of the LDF Core Strategy submission document requires the Council to seek maximum reasonable amount of affordable housing and have regard to the economic viability of the proposal, availability of public subsidy, other site requirements and the overall need to ensure that all new housing developments contribute to creating sustainable communities.

8.47

The provision of affordable housing as a proportion of new housing is important in the development of mixed and balanced communities, especially in this residential-led mixed-use development. The borough has some of the greatest needs for affordable housing in London. This is reflected in the LBTH Housing Study (2004), which further emphasizes the key priority within the Community Plan to increase the provision of affordable housing, so that families can continue to live together. It is considered in light of the scale and proposed number of units that the proposal should, in accordance with both regional and local policy, seek to exploit the maximum capacity of adequate affordable housing with a good and full spectrum of housing in terms of need, choice, and tenure.

8.48

It should also be noted that off-site affordable housing provision is unlikely to be appropriate by reason of the development's scale, the objectives to create a mixed and balanced community and limited scope for an appropriate alternative site.

8.49

The lack of an acceptable element of affordable housing is considered unacceptable. It does not accord with the Council's objective to ensure the sufficient and continued delivery of affordable housing in the Borough. The proposal is thus contrary to policies CP22, HSG3 and HSG10 of the LDF Core Strategy submission documents which seek to ensure that a minimum of 35% of the habitable rooms of the development is provided as affordable housing on site. It should also be noted that the proposal is contrary to the objectives of the London Plan.

8.50

Details of the location, mix and tenure split of the required affordable housing units have not been provided and in the absence of detailed assessments, an informed judgement of the acceptability and impacts cannot be made. In these circumstances, the Council consider that the proposed development contrary to Policy 3.A.4 of the London Plan and policies CP22 and HSG4 of the LDF Core Strategy submission document, which seek to ensure that new residential development provide an appropriate mix of affordable dwelling types and sizes to meet local needs and promote mixed use and balanced communities.

Dwelling Mix

8.51 The proposed development limits the type of accommodation to flats and is made up of a restricted mix of dwellings. The following table provides a summary of the proposed mix of units of the phase 1 (in full) and phases 2 and 3 (in outline) and the total.

Unit Size	Phase1		Phase '2 and 3'		Total	
	No of units	Percentage of 874	No of units	Percentage of 1586	No of units	Percentage of 2460
Studio	194	22	256	16	450	18
Small 1	164	19	362	23	526	21
1	323	37	434	27	757	31
2	165	19	171	11	336	14
3	28	3	363	23	391	16
4	0	0	0	0	0	0
5	0	0	0	0	0	0
Total	874	100	1586	100	2460	100

Table 1

- 8.52 It is the Council's objective to increase the provision of family size residential units (comprising 3 bedrooms or more). Studies indicate that there is a significant shortage of family size units. A balanced mix of different sized residential units and a variety of unit types is sought within new developments in order to offer good housing choice within the borough. Furthermore, it would enable and contribute to the creation of well-balanced, varied and sustainable communities.
- 8.53 New housing developments are expected to provide a mix of housing types and sizes, including a proportion of family size units, in line with local and regional policy, which seek to ensure that new residential developments cater for a wide variety of households and thus promote balanced communities in accordance with the Government's sustainable community objectives. The Mayor's SPG on Housing sets out the following requirement for new housing developments (the figures include social, intermediate and market housing):
- 1 bedroom 32%
 - 2/3 bedrooms 38%
 - 4 bedrooms or larger 30%
- Council policy sets out that 25% of the units within the market and intermediate housing provision should be family size units (3 bedroom or more), and 45% of the social rented units should be family size units.
- 8.54 The outline part of the proposal results in a provision of 84% non-family accommodation units of which 70% are either studios, 'small one-bedroom flats' or one-bedroom flats. The family housing comprises only of three bedroom units and accumulates only 16% of the total number of units.
- 8.55 Phase 1 results in a provision of 97% non-family accommodation units of which 78% are either studio's, 'small one-bedroom flats' or one-bedroom flats. The family housing comprises only of three bedroom units and accumulates only 3% of the total number of units.
- 8.56 The proposed dwelling mix, by reason of the overprovision of small units and the limited number of family accommodation, does not accord with local and London-wide policy. The proposed mix is unacceptable and is therefore contrary to Policies 3A.4 of the London Plan 2004 and relevant GLA SPG on Housing, policy HSG7 of the UDP, policies CP21 and HSG2 of the LDF Core Strategy submission document and policy C3 of the LLV OAPF.
- 8.57 Furthermore, no details demonstrate that the proposed residential accommodation would be built to lifetime homes standards and that 10% of the proposed units will be fully wheelchair accessible, which is clearly contrary to policy HSG9 of the LDF Core Strategy submission document and policy 3A.4 of the London Plan to provide a wide range of housing including housing which caters for people with different needs. The provision of

wheelchair accessible housing and compliance with lifetime homes standards could be secured through a legal agreement or conditions if the proposal was otherwise acceptable, and therefore no reason for refusal is included on these grounds.

Standard of residential accommodation

- 8.58 Policies HSG13 and DEV2 of the UDP and policies CP4, CP20 and HSG7 of the DPD seek to ensure an adequate standard of accommodation to ensure satisfactory levels of residential amenity and quality of life for future occupiers.
- 8.59 The Council's Supplementary Planning Guidance Note 'Residential Space' sets out the minimum flat and room sizes required. The floor plans for phase1 provide limited details in terms of the layout of each flat and the physical capability of each room. Notwithstanding the lack of detailed information, it is assessed from the development schedules (Appendix B of the Planning Statement) that the total number of studios (18% of total) and 'small one-bedroom flats' (21% of total) would provide accommodation below 30m² and 36m² respectively. It is considered that these units do not comply with the Council's minimum standards and would result in cramped conditions, insufficient storage space and poor circulation space.
- 8.60 The objective to provide a high standard of accommodation is encouraged by the Mayor's London Plan which states that *'New building projects should ensure the highest possible space standards for users, in both public and private spaces inside and outside the building, creating spacious and usable private as well as public spaces. In particular, buildings should provide good storage and secondary space and maximise floor-ceiling heights where this is compatible with other urban design objectives'*.
- 8.61 The size and type of units are continued throughout the development with minimal layout variation. The 'small one-bedroom flats' appear to have a bedroom or 'bedroom area' to the back of the unit without a window. The layout and orientation of the buildings provides for little separating distance between the buildings, which gives rise to not only overlooking and associated limited privacy but also restricted daylight and sunlight to some units, especially the ones on the lower levels. Daylight and sunlight would also be restricted to those units whose windows are located below a balcony, which blocks out light.
- 8.62 The applicant's noise assessment is incomplete and there is concern that low levels of noise within the units cannot be guaranteed. Therefore, future residents may be unduly disturbed by high noise levels from the train station or plant on top of buildings, to the detriment of their residential amenity.
- 8.63 All balconies on the higher rise blocks are shown as projecting 'external' elements of the building which raises significant concern over the usability of these private amenity open spaces due to their exposure and associated microclimate. Furthermore, these areas do not comply with the minimum areas set out for each unit type. In addition, several of the units would not even benefit from balconies. Some communal amenity space is proposed (see section on 'Open Space' below). However, this provision is limited and considered to be inadequate. In this respect, the proposal is in direct conflict with the objectives set out in HSG7 of the LDF Core Strategy submission document, which seeks an adequate provision of amenity space.
- 8.64 In conclusion, the close proximity of some of the buildings to each other would result in
- poor outlook from some of the units and an undue sense of enclosure to the residents thereof,
 - overlooking and associated limited privacy, and
 - poor sunlight and daylight conditions.

A number of units are unacceptably small and the layout of several units does not allow natural daylight and ventilation to the bedrooms. Furthermore, there is concern over noise

levels and disturbance to residents. Overall, the proposal would create poor quality and cramped living environments. As such, the proposal is contrary to policy 4B.9 of the London Plan 2004, policies DEV1, HSG13 and HSG16 of the UDP, policies DEV1, DEV2, HSG1, HSG2, HSG7 and HSG9 of the DPD, which seek to ensure the creation of high quality living environments to ensure adequate amenity.

Open space

- 8.65 Policies ST38, HSG16 and OS9 of the UDP and policies CP25 and HSG7 of the LDF Core Strategy submission document require that all new housing developments include an adequate provision of amenity space and that overall, sufficient public open space is provided within the borough. Table DC2 of the LDF Core Strategy submission document provides a detailed table with specific minimum areas for each unit type as well as minimum standards for communal amenity space and play space.
- 8.66 In addition, the Council's Open Space Strategy 2006 provides a numerical requirement of 1.2ha of public open space per 1000 population. Such requirements are in line with policies 3D.11 and 4B.2 of the London Plan which requires the creation of spacious and useable private as well as public spaces within new developments, to ensure that new developments do not increase undue pressure on existing open spaces and playgrounds.
- 8.67 The emerging LAAP highlights the need for public green space which links into the green chain along the River Lea. It aims to provide for a diverse set of recreational activities including active spaces for children and adults, as there is an under provision in this sub-area.
- 8.68 The application site lies within an area deficient in open space, as identified within the Open Space Strategy. Currently, the provision lies at only 0.4ha per 1000 population. This significant deficiency further emphasises the importance of this new development to cater adequately for its future residents and employees and visitors.
- 8.69 In addition to the quantity requirement, careful consideration of the location and design of the open spaces in new complex developments is required. The provision of innovative and secure areas with a good microclimate, which would also be accessible, safe and functional for all users, is sought.
- 8.70 The proposal includes private amenity space in form of balconies and some patios/terraces. However, not all units would benefit from private amenity space: the plans provided for Phase 1 indicate that only about 50% of the units would have balconies. Furthermore, the usability of the balconies of the units on the upper levels of the tall buildings, which are external 'clip on' elements, is limited due to their microclimate. The provision of private amenity space is therefore considered to be inadequate.
- 8.71 In such circumstances where insufficient private amenity space is provided, the provision of additional communal amenity space for the use of the residents of a development may be an adequate substitute. Two connected courtyards ('Lawn Court' and 'Fog Court') have been set aside for such purpose between two groups of buildings of 5, 6, 9, 11, 15 and 25 storeys in height. The areas are predominantly hard surfaced, have some level changes and would receive little direct sunlight by reason of their location between the buildings. Their attractiveness, usability and amenity value is therefore limited. Furthermore, whilst some roof terraces are proposed, insufficient information has been provided with respect to the allocation and usable areas of the terraces, and the number of people expected to use them.
- 8.72 In conclusion, there remains concern that insufficient amenity space, whether it be private or communal, of adequate quality will be provided.

- 8.73 In the absence of adequate private or communal amenity space for residents, an increase in the provision of quality public open space could be an acceptable alternative. In addition to the above mentioned courtyards, which are open to everyone and not only the residents, the following public open spaces are proposed:
- a promenade (directly along the river only on the northern half, which is partly covered by reason of the overhanging projecting buildings);
 - two soft landscaped areas by the river ('Natural River Landscape');
 - a soft landscape area at the southern entrance to the site ('Leaside Plaza');
 - a part soft, part hard landscaped area approximately in the centre of the site ('The Garden'), part of which being part of the main through-route; and
 - 'Peninsula Place', the hard surfaced plaza at the northern end of the site, where the bridge lands.
- 8.74 The main pedestrian through-route, as identified in the description and marked as 'transitional spaces' in the applicant's design guide, should be excluded for the purposes of this assessment as its main function is as a through-route. Furthermore, its many level changes mean that it has minimal recreational value, despite some proposed planting along the route. Part of it would also be overshadowed for disproportionate amounts of time. Equally, the 'shared promenade' is shared by pedestrians and vehicles. Given the large amount of parking proposed and likely servicing required, the vehicular movements on the shared surface would act as a deterrent and reduce its amenity value considerably.
- 8.75 According to the applicant's design statement, 21,630 square metres of public open space would be provided. Whilst this figure excludes the 'shared promenade', it includes the substantial area of the transitional spaces, the main through-route mentioned above, as well as the many stairs and ramps which are needed to connect the podium with the riverside promenade. If these areas are deducted, only around 8500m² remain.
- 8.76 Approximately 3,000sqm is soft landscaped. In addition, part of this soft landscape space surrounds a 12 storey building on three sides, making some of the area closest to the building less attractive for active recreational use. The area immediately around the building may be regarded as private space. Whilst a considerable amount of 'open space' would be provided, the spaces are fragmented, several are of questionable quality and usability and the concern remains that insufficient provision is made to cater fully for the needs of the future population.
- 8.77 A 'fitness trail' would be incorporated on the promenade with equipment at a number of 'fitness stations'. Separate play areas for children have been identified throughout the development.
- 8.78 Whilst these spaces are spread throughout the development and therefore shorten travelling distances for residents, the benefit of this fragmentation is questioned with respect to providing for adults. No single soft landscaped area resembling a small park or 'common', large enough for active recreation, is proposed. The proposed provision of a leisure and community centre in the later phase of the development does not make up for this lack of usable recreational public open space.
- 8.79 With respect to children's play space, it must be noted that whilst the proposal may adequately cater for the number of children predicted to live on the development as currently proposed, an increase in family size units would result in the rise of the number of children predicted to live on the site, thus resulting in an increased need for play space.
- 8.80 In conclusion, the variety of open spaces provided does not outweigh the importance of providing an adequate quantity of private and public open space of good quality and usability, which meets the needs of future residents, particularly on this isolated site located in an area already deficient in open space. The proposal fails to provide sufficient and adequate public open space to the detriment of the amenity of future residents and the

amenity of the area in general. The proposal does not accord with the policies set out as above (paragraphs 8.65-8.67)

Air Quality

- 8.81 Policy 4A.6 of the London Plan 2004 and policies CP3 and DEV11 of the LDF Core Strategy submission document set out specific air quality strategies and objectives. They seek to ensure that air quality assessments are undertaken at the planning application stage. The Council's Air Quality Action Plan provides key actions to ensure that proposed mitigation measures are acceptable to reduce impacts to acceptable levels. The application site is located within an Air Quality Management Area. The scoping opinion (see History section, para. 4.16) requires full details regarding possible traffic generated by the scheme and its impacts on air quality, including details on the capacity of the transport infrastructure.
- 8.82 The submitted air quality statement was reviewed and principal objections were raised with regard to the lack of transparency and periodic assumptions on impacts, which are not fully supported by analysis or relevant information. Furthermore, concerns were raised with regard to the absence of mitigation measures and plans for reducing the road traffic impacts of the scheme.
- 8.83 The statement makes no reference to the emissions arising from car use in relation to the proposed development. This omission, in conjunction with other omissions in the traffic impact assessment and travel plan, is unacceptable. In the absence of detailed assessments, an informed judgement of the impacts cannot be made.
- 8.84 The potential for emissions arising from the car park and associated traffic is high due to the proposed number of parking spaces (1230). Notwithstanding the lack of information, it is considered that the anticipated vehicle emissions, by reason of the high number of parking spaces and associated transport activities, is unacceptable and would result in an undue increase in air pollution. Overall, whilst the statement indicates an insignificant increase in key pollution concentrations in the context of the LGA guidance, the proposal is considered unacceptable due to the lack of detailed information and firm plans to reduce road transport emissions. The proposal is therefore contrary to policy 4A.6 of the London Plan 2004 and Core Strategy CP3 and Policy DEV11 of the LDF Core Strategy submission document, which require adequate mitigation measures to limit impacts to acceptable levels.

Energy

- 8.85 Policy 4A.7 of the London Plan sets out that the Mayor will and the boroughs should support the Mayor's Energy Strategy and its objectives of reducing carbon dioxide emissions, improving energy efficiency and increasing the proportion of energy used generated from renewable sources.
- 8.86 Policy 4A.8 sets out the requirement for an assessment of the future energy demand of proposed major developments, which should demonstrate the steps taken to apply the Mayor's energy hierarchy. It includes the following order of preference for heating and cooling systems:
1. passive design;
 2. solar water heating;
 3. combined heat and power for heating and cooling, preferably fuelled by renewables;
 4. community heating;
 5. heat pumps;
 6. gas condensing boilers;
 7. gas central heating.

- 8.87 4A.9 requires that new developments generate a proportion of the site's electricity or heat needs from renewables, where feasible.
- 8.88 The issue of conserving energy is also reflected in Policy 4B.6 of the plan on 'Sustainable design and construction', where highest standards of sustainable design and construction are required.
- 8.89 The above London-wide policies are reflected in policies CP3, DEV5 and DEV6 of the LDF Core Strategy submission document. In particular, policy DEV6 requires that:
- all planning applications include an assessment which demonstrates how the development minimises energy demand and carbon dioxide emissions;
 - major developments incorporate renewable energy production to provide at least 10% of the predicted energy requirements on site.
- It also refers to the Mayor's order of preference.
- 8.90 The energy statement submitted in support of the application sets out that the proposed development would have
- an energy efficiency 5-10% above 2002 Building Regulations;
 - electric heating for residential units (without associated renewable energy technologies);
 - district heating and cooling for non-residential areas linked to aquifer thermal storage to provide 8% from renewable energy sources; and
 - photovoltaics to power external lighting columns.
- 8.91 The proposed heating system for the residential units is not compliant with the Mayor's order of preference: electric heating is not included in the list. Electric heating, compared to other systems, would result in a substantial additional carbon dioxide load.
- 8.92 The use of some renewable energy generated on site is proposed in connection with the non-residential elements of the scheme. However, the minimum requirement of 10% is not met. Moreover, possibilities to minimise energy demand through other means have not been fully explored. For example, the use of building materials which incorporate photovoltaics generate energy, eliminate the need for mounted solar panels and their cost is reduced as they are not purchased in addition to traditional materials but instead of. Overall, the assessment of the various renewable energy technologies is not acceptable, and opportunities also remain to incorporate wind, biomass and CHP.
- 8.93 An improved energy-efficiency of the buildings is proposed through better quality buildings. However, in conclusion, the proposed electric heating to the residential units represents a substantial additional CO2 load in comparison to other energy sources to the extent that it would outweigh the benefits of the proposed efficiency and use of renewable energy in the non-residential elements. The proposed development proposal does not comply with policies 4A.7, 4A.8, 4A.9 and 4B.6 of the London Plan and policies CP3, DEV5 and DEV6 of the LDF Core Strategy submission document.

Biodiversity

- 8.94 Policies ST8, DEV57 and DEV62 of the UDP and policies CP31 and CP33 of the LDF Core Strategy submission document set out requirements in line with international, national and regional policy. These seek to ensure the protection, conservation, enhancement and effective management of the borough's biodiversity. In accordance with Policy 3D.12 of the London Plan 2004, the Council produced a Local Biodiversity Action Plan (LBAP) which sets out priorities for biodiversity protection and enhancement. It aims to support wildlife and habitats and to provide the opportunity for people to see, learn about and enjoy nature. The Species Action Plan for black redstart is also of significant importance.

- 8.95 The application site is surrounded by various types of nature conservation sites, which benefit from different statutory importance. In particular, the site is surrounded by Bow Creek Ecology Park and the tidal section of the River Lea is a Site of Metropolitan Importance for Nature Conservation.
- 8.96 The proposal involves the demolition of the existing industrial buildings and the creation of a tall, dense, residential-led mixed use development. The potential impacts of the proposal on the ecology and biodiversity of the site itself and surrounding area would result from increased shading, human activity, disturbance, increased mass and use of materials.
- 8.97 The Environmental Statement addresses shading in considerable detail. It seems unlikely that this will have a significant impact on the surrounding area. However, it is considered that disturbance and other impacts are understated as potentially adverse impacts, not only to the protected species but also to other sensitive species. These factors are not fully investigated and further analysis of the possible impact on species and habitats should be carried out in terms of increased human activity, noise, lighting, mass and building materials. In particular, little consideration is given to impacts on roosting, breeding, feeding and sightlines of bird species, especially wetland and terrestrial bird species. Also, no consideration is given to impact upon fish and the extent of the impacts caused by piling and other in-channel work.
- 8.98 The submitted assessment fails to fully assess the development's impacts on the environment. Furthermore, the proposed enhancement and mitigation initiatives are limited and opportunities for the enhancement of the biodiversity of the site have not been fully explored. In addition to this, several of the proposals for enhancement are not viable or sustainable for the species and habitats proposed for.
- 8.99 With respect to the measures that are proposed, concerns are raised with regard to:-
- the extent of roof habitats,
 - the hydrology of the freshwater grasslands,
 - the extent of river wall habitat,
 - the practicality of the different nesting boxes and
 - the overall lack of greater variety of biodiversity enhancement initiatives.
- 8.100 Furthermore, it is considered that the development is too close to the river, by reason of overhanging buildings and too many hard surfaces into the buffer zone area of the watercourse. Natural landscaping is only proposed in two places by the river and does not extend along the full length of the watercourse. It is considered that the proximity of the development to the watercourse and the lack of natural landscape along it will unduly impact on the quality and enjoyment of the waterside environment.
- 8.101 Notwithstanding the lack of depth in the submitted assessment, it is considered that the proposal lacks adequate and sustainable enhancement and mitigation initiatives, contrary to Policy 3D.12 of the London Plan and policies ST8, DEV57 and DEV62 of the UDP, policies CP31, CP33, OSN3 of the LDF Core Strategy submission document, which seek to ensure the protection, conservation, enhancement and effective management of the borough's biodiversity and Sites of Importance for Nature Conservation.

Flood Risk

- 8.102 The application site is identified as being in an area at risk of flooding. Policies 4C.6 and 4C.7 of the London Plan, policies U2 and U3 of the UDP and policies CP37 and DEV21 of the LDF Core Strategy submission document set out that the risk of flooding must be minimised. Policy 4C.7 also requires that development should be set back from the defences 'to allow for the replacement/repair of the defences and any future raising to be done in a sustainable and cost effective way'.

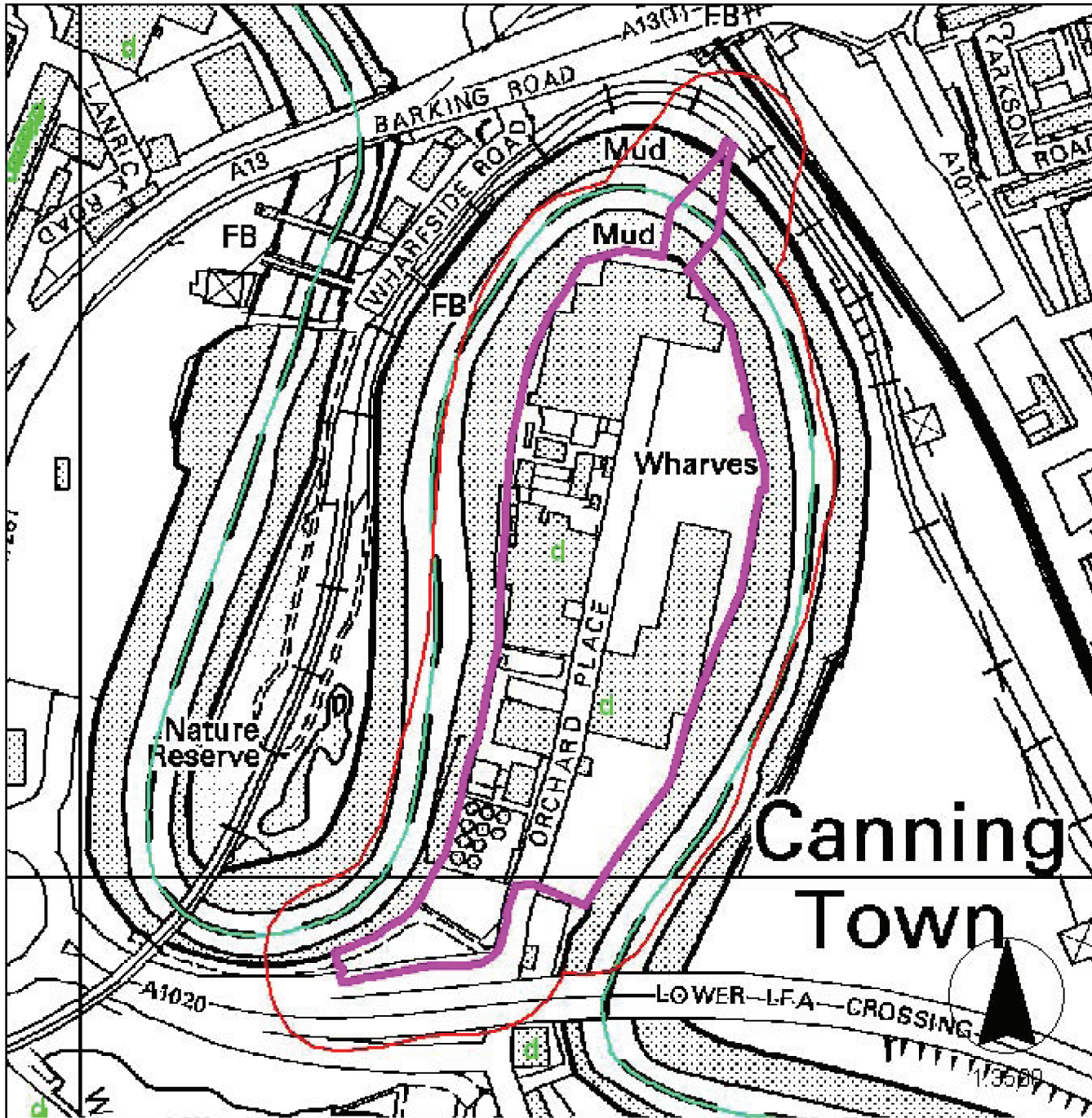
- 8.103 A flood risk assessment was submitted in support of this application to address this issue. The flood risk assessment relies to an extent on inference and assumptions with respect to the expected life of the river walls. A number of matters remain uncertain, including the stability, strength and forecast life of the walls.
- 8.104 Furthermore, the proposed buffer zone is insufficient with respect to the set-back of the development from the watercourse and the headroom provided. A sufficient buffer zone is required to allow maintenance, repair and renewal works to be carried out in a safe, cost effective and environmentally sensitive way.
- 8.105 In conclusion, in the absence of adequate information with respect to the quality of the walls, including a strategy for remedial works if necessary, and without an adequate buffer zone which allows maintenance, repair and renewal works to be carried out in a safe, cost effective and environmentally sensitive way, the proposal is contrary to the policies outlined above (paragraph 8.102).

9 Environmental Impact Assessment

- 9.1 In accordance with The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 and guidance set out in Circular 02/99: Environmental impact assessment, the Environmental Statement (ES), together with any other information, comments and representations made on it, must be taken into account in deciding whether or not to give consent for a proposed development.
- 9.2 The ES forms the main communication tool for the findings of the Environmental Impact Assessment (EIA). The EIA Regulations 1999 set out minimum requirements for content of an ES and it is the duty of the Council to consider whether the ES provides sufficient detail for a proper assessment.
- 9.3 The Council commissioned an external consultant to review the ES. The review was undertaken against the requirements of the above Regulations and a detailed report describes the findings of the review. In summary, it is considered that the ES is fundamentally flawed in two ways.
- 9.4 Firstly, the way in which cumulative impacts are reported in the ES is not appropriate for the nature and scale of the proposed development. It has not adequately assessed the impacts of the proposal together with those of the proposals on the Leamouth Peninsula South and the wider area.
- 9.5 Secondly, the hybrid nature of the application is not adequately explained and it is not clearly reported which elements of the proposal are in outline and which are in detail. This lack of clarity runs through the entire ES and prevents the reader from accurately determining whether the findings are appropriate.
- 9.6 In addition to these fundamental flaws, a number of omissions have been identified with respect to the requirements of the EIA Regulations. These omissions relate to:
- Planning Framework and land use;
 - Visual and Landscape;
 - Archaeology and cultural heritage;
 - Transport;
 - Air Quality;
 - Noise;
 - Ecology and Nature Conservation;
 - Microclimate;
 - Radio and Television Reception; and
 - Socio Economic effects and regeneration.

- 9.7 Circular 02/99 states that “*Local planning authorities should satisfy themselves in every case that submitted statements contain the information specified in Part II of Schedule 4 to the Regulations and the relevant information set out in Part I of that Schedule that the developer can reasonably be required to compile*”. In light of such advice and the review results, the Council is not satisfied that the submitted ES complies with the requirements. It therefore does not constitute an acceptable ES as set out in the above Regulations.
- 9.8 The deficiency of the ES results in insufficient details and information about the proposal and the cumulative impacts. This directly affects the ability of the Council to make a decision, to such an extent that the Local Planning Authority is unable to satisfy itself that the development will not have an adverse effect on the local and wider environment.
- 9.9 If the application had been considered valid, a request for further information under Regulation 19 would have been made. In line with regulations and advice, in the case of an application with an inadequate ES, the application can only be refused.
- 10 **Conclusions**
- 10.1 Had the Council been empowered to make a decision on the application, it would have refused planning permission 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.

Site Map



Legend

-  Planning Application Site Boundary
-  Consultation Area
-  Land Parcel Address

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Agenda Item 8.8

Committee: Strategic Development	Date: 18 th January 2007	Classification: Unrestricted	Agenda Item No: 8.8
Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: S. Stolz		Ref No's: PA/05/01597, PA/05/01598 and PA/05/01600	
		Ward(s): Blackwall and Cubbit Town	

1. APPLICATIONS DETAILS

Application: PA/05/01597
Location: Hercules Wharf, Orchard Place, London E14
Existing Use: Industrial
Proposal: Outline planning application for a mixed use development comprising 477 residential units and 400sqm of non-residential floorspace including offices (Use class B1), retail (A1/A2), food and drink (A3/A4) and the provision of public open space.

Application: PA/05/01598
Location: Union Wharf and Castle Wharf, Orchard Place, London E14
Existing Use: Castle Wharf: industrial; Union Wharf: industrial (derelict).
Proposal: Combined outline and full planning application (hybrid application) for a mixed use development comprising 925 residential units and 1600sqm of non-residential floorspace including offices (Use class B1), retail (A1/A2), food and drink (A3/A4) and the provision of public open space.

Application: PA/05/01600
Location: Union Wharf, Orchard Place, London E14
Existing Use: Industrial (derelict)
Proposal: Partial demolition and alteration of the listed dock structure and retention of the existing caisson in relation to mixed use development at Union Wharf. (Listed Building application)

Drawing Nos:

- Drawing numbers: DPA-001 to -006, DPA-101 to -130, DPA-201 to -210, DPA-301U to -330U, DPA-401U to 410U, DPA-501 and -502;
- Transport Assessment (Leamouth Peninsula South);
- Construction Traffic Assessment;
- Social-Economic Assessment;
- Economic and Employment Study;
- Retail and Leisure Assessment;
- Design Statement;
- Design Guidelines;
- Sustainability Statement;
- Energy Assessment;
- Access Statement;
- Creative / Cultural Industries Strategy
- Statement of Community Involvement

LOCAL GOVERNMENT ACT 2000 (Section 97) LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THIS REPORT

Brief Description of background papers:	Tick if copy supplied for register	Name and telephone no. of holder:
Application, plans, adopted UDP. draft LDF and London Plan		Silke Stolz 020 7364 6002

The applications include the submission of an Environmental Statement under the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999.

Applicant: Clearstorm Properties
Owner: See schedule of owners/occupiers.
Historic Building: Grade II Listed dry dock
Conservation Area: N/A

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1 The local planning authority has assessed the development proposals against the Council's planning policies contained within the adopted Unitary Development Plan (1998), the Local Development Framework LBTH Development Plan Document Core Strategy Submission Document (November 2006), Local Development Framework LBTH Development Plan Document Leaside Area Action Plan Submission Document (November 2006) and associated supplementary planning guidance, and against the London Plan (2004) and Government Planning Policy Guidance and has found that they:

- a) do not satisfy the overall spatial, economic, social, urban and sustainability strategies / environmental criteria adopted by the Council and;
- b) would result in material harm to the amenity and character of the local area, environment of the adjacent area and amenities of future occupiers.

2.2 Had the Council been empowered to determine application PA/05/01597 (Hercules Wharf), it would have been refused on the following grounds:

- 1. Development and transport
- 2. Vehicular access
- 3. Land use: employment floor space
- 4. Land use: residential and safeguarded wharf
- 5. Provisions for bicycle use
- 6. Overdevelopment
- 7. Dwelling mix
- 8. Affordable housing
- 9. Standard of accommodation
- 10. Sunlight/daylight and noise
- 11. Inclusive environments
- 12. Amenity space and public open space
- 13. Energy
- 14. Biodiversity
- 15. Flood risk
- 16. Sustainability

2.3 Had the Council been empowered to determine application PA/05/01598 (Union Wharf and Castle Wharf), it would have been refused on the following grounds:

- 1. Development and transport
- 2. Vehicular access
- 3. Land use: employment floor space
- 4. Land use: residential and safeguarded wharf
- 5. Provisions for bicycle use
- 6. Overdevelopment
- 7. Dwelling mix
- 8. Affordable housing
- 9. Standard of accommodation
- 10. Sunlight/ daylight and noise

11. Inclusive environments
12. Amenity space and public open space
13. Urban design and the historic environment
14. Energy
15. Biodiversity
16. Flood risk
17. Sustainability

2.4 Had the Council been empowered to determine application PA/05/01600 (Listed Building application at Union Wharf), it would have been refused on the following grounds:

- Treatment of the listed structure

3. RECOMMENDATION

3.1 The planning applications were received on 16th September 2005. The applications were considered to be invalid due to the lack of sufficient details with respect to affordable housing and the works to the listed structure.

3.2 The applications are now the subjects of appeals (appeal references APP/E5900/A/06/2013328/NWF, APP/E5900/A/06/2013334/NWF and APP/E5900/A/06/2013329/NWF) against non-determination. A start date for the public inquiry has not yet been set.

3.3 The Director of Development and Renewal is instructed to inform the Planning Inspectorate that had the Council considered the planning applications PA/05/01597 and PA/05/01598 to be valid, requests would have been made under Regulation 19 for further information as the submitted Environmental Statement fails to meet the requirements of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.

3.4 The Director of Development and Renewal is instructed to inform the Planning Inspectorate that had the Council been empowered to make a decision on the application, it would have **REFUSED** planning permission **PA/05/01597 (Hercules Wharf)**, for the following reasons:

1 The existing links to public transport interchanges, the nearby town centre at Canning Town and the highway network would not allow convenient, accessible and safe access. Furthermore, the link with the highway network would not sufficiently cater for vehicle activity generated by the proposed development by reason of its limited infrastructure and capacity. The proposed development does not integrate well with the surrounding area and its services and facilities, to the detriment of the ease of movement of people to and from the development.

Without appropriate links, the site is not considered to be suitable for intensive, high-density redevelopment and the proposal is considered to be contrary to policies 2A.1, 3A.5, 3C.1, 3C.2, 3C.3, 3C.16, 3C.20, 3C.20, 3C.22 and 4B.1 of the London Plan (2004), policies ST25, ST30, ST32, T10, T15, T16, T19 and T23 of the LBTH adopted UDP (1998), policies CP1, CP5, CP40, CP41, CP42, DEV3, DEV16 and DEV17 of the LBTH Local Development Framework Core Strategy submission document (2006) which seek to ensure that new developments are well connected with their surrounds and that adequate infrastructure provision exists or is planned.

2 The proposed vehicular access arrangement is substandard for the size and type of development proposed. Access for the emergency services would be severely restricted in cases of road closures or accidents, to the detriment of the safety of future residents and visitors.

As such, the proposal is contrary to policy T16 of the LBTH adopted UDP, DEV17 of the LBTH Local Development Framework Core Strategy submission document and policy 2A.1 of the London Plan which seek to ensure that adequate servicing and circulation is ensured and unobstructed access for emergency vehicles is guaranteed.

- 3 The proposal results in an unacceptable loss of employment floor space. It fails to provide an adequate supply of floor space to protect and enhance diverse employment opportunities within the Leaside area and fails to strengthen the existing cultural and creative industry, to the detriment of the economic wellbeing of the Borough.

As such, the proposal is contrary to policies ST15, EMP2 and EMP11 of the LBTH adopted UDP (1998) and policies CP1, CP7, CP9, CP11, EE2 of the LBTH Local Development Framework Core Strategy submission document (2006). These policies seek to ensure the retention and provision of an adequate amount of employment generating floor space to create and safeguard employment opportunities within the Borough in order to promote and maintain a healthy economic base. With reference to the Leamouth peninsula south in particular, a mixed use development is sought with employment uses being the dominant use (Policies L38 and L43 of the LBTH Local Development Framework Leaside Area Action Plan submission document; policy D2 and figure 4.14 of the draft Lower Lea Valley Opportunity Area Planning Framework).

- 4 The introduction of residential accommodation directly opposite the site of the safeguarded wharf would compromise the opportunity for unrestricted operations at the wharf, due to the need to ensure an adequate level of residential amenity.

As such, the proposal is contrary to policies 3B.5 and 4C.15 of the London Plan, D2 of the draft Lower Lea Valley Opportunity Area Planning Framework, EMP5 of the adopted UDP, policies CP44 and EE2 of the LBTH Local Development Framework Core Strategy submission document and policy L38 of the LBTH Local Development Framework Leaside Area Action Plan submission document, which safeguard the wharf for industrial/commercial uses and which seek to ensure that wharf activity is not compromised by the introduction of noise-sensitive uses.

- 5 The proposed development provides an inadequate amount of bicycle parking for use by future residents, employees and visitors of the site. The proposal also fails to provide a segregated and safe cycle network within the development which integrates with the existing cycle networks in the local area.

The proposal is therefore contrary to policies 2A.1, 3C.1, 3C.3, 3C.16 and 3C.21 of the London Plan (2004), policies ST30, T17, T22 and T24 of the LBTH adopted UDP (1998), policies CP1, CP40, and DEV16 and DEV19 of the LBTH Local Development Framework Core Strategy submission document (2006) which seek the promotion of cycling as an alternative, sustainable transport mode through the provision of adequate cycle routes and cycle parking facilities.

- 6 The proposed development constitutes overdevelopment, which manifests itself in:-
- Poor standard of accommodation for future occupiers by reason of restricted daylight, sunlight and natural ventilation in particular to the 'small one bedroom' type units;
 - Poor outlook and unacceptable sense of enclosure for future residents;
 - Overlooking and associated limited privacy;
 - Insufficient amount of communal amenity and public open space of adequate quality; and
 - An unbalanced mix of housing units heavily weighed towards small units

As such, the proposal is contrary to policies 2A1, 4B.1 and 4B.9 of the London Plan (2004), policies ST23, DEV1 and DEV2 of the LBTH adopted UDP (1998) and policies CP1, CP4, CP20, CP25, CP30, DEV1, DEV2, HSG1 and HSG7 of the LBTH Local Development

Framework Core Strategy submission document (2006) which seek to ensure that new development respects the constraints of a site and exploits its development potential without adversely impacting on the residential amenity of existing residents and future occupiers.

- 7 The proposed dwelling mix is unacceptable on grounds of the considerable over provision of studio and one-bedroom flats and the limited percentage of family accommodation (3 bedroom+), which would not facilitate the creation and growth of a sustainable community in this area.

As such, the proposal is contrary to policy 3A.4 of the London Plan (2004) and GLA SPG on Housing, policies ST22 and HSG7 of the LBTH adopted UDP (1998) and policies CP1, CP21 and HSG2 of the LBTH Local Development Framework Core Strategy submission document (2006), which seek to ensure that housing accommodation in new residential developments include those housing types and sizes to meet local needs and promote balanced communities in accordance with the Government's sustainable community objectives.

- 8 No offer of affordable housing has been made and any affordable housing element remains unspecified. Consequently, the proposal could result in an unacceptable level of affordable housing.

As such, the proposal is contrary to policies 3A.7 and 3A.8 of the London Plan (2004) and policies CP1, CP21, CP22, HSG3, and HSG4 of the LBTH Local Development Framework Core Strategy submission document (2006) which seek to ensure the adequate provision of affordable housing in terms of quantity, tenure types and unit types and sizes to meet the needs of London's diverse population.

- 9 The proposal does not ensure an acceptable standard of accommodation throughout the development by reason of inadequate internal space provision, poor outlook, restricted sunlight and daylight, lack of privacy and inadequate private amenity space to some residential units.

As such, the proposal is contrary to policy 4B.9 of the London Plan (2004), policies ST23, DEV2, HSG13 and HSG16 of the LBTH adopted UDP (1998), policies DEV1, DEV2 and HSG7 of the LBTH Local Development Framework Core Strategy submission document (2006) which seek to ensure the creation of high quality residential accommodation in order to ensure an acceptable level of residential amenity.

- 10 Both the sunlight and daylight and the noise assessments are incomplete. There is a strong concern and likelihood that future occupiers of the development would be subject to unacceptable conditions with respect to the amount of sunlight and daylight they receive and noise they would be subjected to, to the detriment of their residential amenity,

As such, the proposal is contrary to policies 4B.9, 4A.14 and 4B.6 of the London Plan (2004), policies ST23, DEV2 and DEV50 of the LBTH adopted UDP (1998) and policy DEV1 of the LBTH Local Development Framework Core Strategy submission document (2006) which seek to ensure the creation of high quality residential accommodation in order to ensure an acceptable level of residential amenity.

- 11 The proposal fails to create a fully inclusive environment where people of all abilities, including the mobility impaired, can circulate safely and with ease, due to the proposed level changes, a number of links between levels where only steps are proposed and the shared vehicular and pedestrian surfaces.

As such, the proposal is contrary to policies 3C.20, 4B.1, 4B.4 and 4B.5 of the London Plan (2004), policies ST3 and DEV1 of the LBTH adopted UDP (1998) and policies CP1, CP4, CP40, CP46, DEV3, DEV16 and OSN3 of the LBTH Local Development Framework Core Strategy submission document (2006) which seek to ensure the creation of fully inclusive

environments where people of all abilities can move with ease and comfort, without undue separation or effort.

- 12 The proposed development does not provide a sufficient amount of private amenity space and public open space of adequate quality and variety for the reasonable needs of the future residents, in an area already experiencing a significant deficiency in public open space provision.

The proposal is therefore contrary to policy 3A.5, 3D.10 and 3D.11 of the London Plan (2004), policies HSG16 and OS9 of the LBTH adopted UDP (1998), policies CP25, CP30 and HSG7 of the LBTH Local Development Framework Core Strategy submission document (2006) and policies L5 and L43 of the LBTH Leaside Area Action Plan submission document, which seek to ensure that amenity space and public open space are fully integrated into all new major developments to provide high quality and useable amenity open space for all residents.

- 13 The proposed electric heating to the residential units represents a substantial additional CO2 load in comparison to other energy sources, to the extent that it would outweigh the proposed efficiency and renewable energy benefits in the non-residential elements.

As such, the proposal is contrary to Policy 4A.7, 4A.8, 4A.9 and 4B.6 of the London Plan (2004), Policy DEV46 and DEV62 of the LBTH adopted UDP (1998) and Policies CP3, CP38 and DEV6 of the LBTH Local Development Framework Core Strategy submission document (2006), which seek to reduce carbon dioxide emissions, improve energy efficiency and increase the proportion of energy used generated from renewable sources.

- 14 The ecology and biodiversity assessment fails to fully assess the development's impacts on the natural environment. The proposed mitigation and enhancement measures are inadequate and opportunities have not been fully explored.

Without a full assessment of the impacts of the scheme and without adequate mitigation and enhancement measures, the proposal is contrary to policies 3D.12 and 4C.3 of the London Plan (2004), policies ST8, DEV57 and DEV62 of the LBTH adopted UDP (1998) and policies CP31, CP33 and OSN3 of the LBTH Local Development Framework Core Strategy submission document (2006), which seek to ensure the protection, conservation, enhancement, and effective management of the borough's biodiversity.

- 15 Insufficient information is provided regarding flood risk with respect to the quality and forecast longevity of the existing flood defence walls. Furthermore, an inadequate buffer zone has been designed which may prejudice flood defence interests and which may restrict necessary access to the flood defences for maintenance and improvement works.

Without adequate information regarding the walls, including a strategy for remedial works if necessary, and without an adequate buffer zone which allows maintenance, repair and renewal works to be carried out in a sustainable and cost effective way, the proposal is contrary to policy 4C.7 of the London Plan, policies U2 and U3 of the LBTH adopted UDP (1998) and policy CP37 of the LDF Core Strategy submission document, which seek to minimise the risk of flooding.

- 16 The proposed scheme does not represent a sustainable form of development as:-

- It fails to facilitate the creation of a well balanced mixed community: it does not provide for a wide variety of household sizes and an appropriate split in tenures;
- It fails to connect and integrate well with its surroundings: it
 - (a) relies on a vehicular access arrangement that is inadequate and substandard for the development proposed
 - (b) does not propose necessary new pedestrian links to the surrounding area with its

- public transport interchanges and shops, facilities and services;
- It fails to meet environmental objectives by failing to commit to an adequate level of use of renewable energy and by failing to explore opportunities fully with respect to reducing the development's impact on the environment;
- It fails to create an inclusive environment due to level changes and associated problems of segregated access to places within the development;
- It fails to create a liveable environment due to its excessive density which manifests itself in
 - (a) unacceptable restricted daylight and sunlight to some of the residential units
 - (b) unacceptable overlooking and limited privacy
 - (c) poor, little or no private residential amenity space to some units
 - (d) little usable recreational public open space which would not adequately provide for the needs of the development, in an area already deficient in public open space.

As such, the proposed development is contrary to policies 2A.1, 2A.2 and 2A.4 of the London Plan (2004), policies ST3, ST19, ST27, ST37, ST49 and ST54 of the adopted UDP 1998, policies CP1, CP2, CP3, CP4 and CP5 of the LBTH Local Development Framework Core Strategy Submission Document (November 2006) as well as the provisions of Government Guidance PPS1 '*Delivering Sustainable Developments*', which seek to promote sustainable patterns of development by ensuring the creation of high quality, well integrated and adaptable developments which provide for the diverse needs of the population today and in the future, with minimum adverse impacts on the environment.

3.5 The Director of Development and Renewal is instructed to inform the Planning Inspectorate that had the Council been empowered to make a decision on the application, it would have **REFUSED** planning permission **PA/05/01598 (Union Wharf and Castle Wharf)** for the following reasons:

1 The existing links to public transport interchanges, the nearby town centre at Canning Town and the highway network would not allow convenient, accessible and safe access. Furthermore, the link with the highway network would not sufficiently cater for vehicle activity generated by the proposed development by reason of its limited infrastructure and capacity. The proposed development does not integrate well with the surrounding area and its services and facilities, to the detriment of the ease of movement of people to and from the development.

Without appropriate links, the site is not considered to be suitable for intensive, high-density redevelopment and the proposal is considered to be contrary to policies 2A.1, 3A.5, 3C.1, 3C.2, 3C.3, 3C.16, 3C.20, 3C.20, 3C.22 and 4B.1 of the London Plan (2004), policies ST25, ST30, ST32, T10, T15, T16, T19 and T23 of the LBTH adopted UDP (1998), policies CP1, CP5, CP40, CP41, CP42, DEV3, DEV16 and DEV17 of the LBTH Local Development Framework Core Strategy submission document (2006) which seek to ensure that new developments are well connected with their surrounds and that adequate infrastructure provision exists or is planned.

2 The proposed vehicular access arrangement is substandard for the size and type of development proposed. Access for the emergency services would be severely restricted in cases of road closures or accidents, to the detriment of the safety of future residents and visitors.

As such, the proposal is contrary to policy T16 of the LBTH adopted UDP, DEV17 of the LBTH Local Development Framework Core Strategy submission document and policies 2A.1 which seek to ensure that adequate servicing and circulation is ensured and unobstructed access for emergency vehicles is guaranteed.

3 The proposal results in an unacceptable loss of employment floor space. It fails to provide an adequate supply of floor space to protect and enhance diverse employment opportunities

within the Leaside area and fails to strengthen the existing cultural and creative industry, to the detriment of the economic wellbeing of the Borough.

As such, the proposal is contrary to policies ST15, EMP2 and EMP11 of the LBTH adopted UDP (1998) and policies CP1, CP7, CP9, CP11, EE2 of the LBTH Local Development Framework Core Strategy submission document (2006). These policies seek to ensure the retention and provision of an adequate amount of employment generating floor space to create and safeguard employment opportunities within the Borough in order to promote and maintain a healthy economic base. With reference to the Leamouth peninsula south in particular, a mixed use development is sought with employment uses being the dominant use (Policies L38 and L43 of the LBTH Local Development Framework Leaside Area Action Plan submission document; policy D2 and figure 4.14 of the draft Lower Lea Valley Opportunity Area Planning Framework).

- 4 The introduction of residential accommodation directly adjacent the site of the safeguarded wharf would compromise the opportunity for unrestricted operations at the wharf, due to the need to ensure an adequate level of residential amenity.

As such, the proposal is contrary to policies 3B.5 and 4C.15 of the London Plan, D2 of the draft Lower Lea Valley Opportunity Area Planning Framework, EMP5 of the adopted UDP, policies CP44 and EE2 of the LBTH Local Development Framework Core Strategy submission document and policy L38 of the LBTH Local Development Framework Leaside Area Action Plan submission document, which safeguard the wharf for industrial/commercial uses and which seek to ensure that wharf activity is not compromised by the introduction of noise-sensitive uses.

- 5 The proposed development provides an inadequate amount of bicycle parking for use by future residents, employees and visitors of the site. The proposal also fails to provide a segregated, direct and safe cycle network within the development which integrates with the surrounding Strategic Cycle Networks in the local area.

The proposal is therefore contrary to policies 2A.1, 3C.1, 3C.3, 3C.16 and 3C.21 of the London Plan (2004), policies ST30, T17, T22 and T24 of the LBTH adopted UDP (1998), policies CP1, CP40, and DEV16 and DEV19 of the LBTH Local Development Framework Core Strategy submission document (2006) which seek the promotion of cycling as an alternative, sustainable transport mode through the provision of adequate routes and parking facilities.

- 6 The proposed development constitutes overdevelopment, which manifests itself in:-
- Poor standard of accommodation for future occupiers by reason of small flat sizes, poor internal layout, restricted daylight, sunlight and natural ventilation in particular to the 'small one bedroom' units;
 - Poor outlook and unacceptable sense of enclosure for future residents;
 - Overlooking and associated limited privacy;
 - Insufficient amount of private amenity and public open space of adequate quality; and
 - An unbalanced mix of housing units heavily weighed towards small units.

As such, the proposal is contrary to policies 2A1, 4B.1 and 4B.9 of the London Plan (2004), policies ST23, DEV1 and DEV2 of the LBTH adopted UDP (1998) and policies CP1, CP4, CP20, CP25, CP30, DEV1, DEV2, HSG1 and HSG7 of the LBTH Local Development Framework Core Strategy submission document (2006) which seek to ensure that new development respects the constraints of a site and exploits its development potential without adversely impacting on the residential amenity of existing residents and future occupiers.

- 7 The proposed dwelling mix is unacceptable on grounds of the considerable over provision of studio and one-bedroom flats and the limited percentage of family accommodation (3 bedroom+), which would not facilitate the creation and growth of a sustainable community in

this area.

As such, the proposal is contrary to policy 3A.4 of the London Plan (2004) and GLA SPG on Housing, policies ST22 and HSG7 of the LBTH adopted UDP (1998) and policies CP1, CP21 and HSG2 of the LBTH Local Development Framework Core Strategy submission document (2006), which seek to ensure that housing accommodation in new residential developments include those housing types and sizes to meet local needs and promote balanced communities in accordance with the Government's sustainable community objectives.

- 8 No offer of affordable housing has been made and any affordable housing element remains unspecified. Consequently, the proposal could result in an unacceptable level of affordable housing.

As such, the proposal is contrary to policies 3A.7 and 3A.8 of the London Plan (2004) and policies CP1, CP21, CP22, HSG3, and HSG4 of the LBTH Local Development Framework Core Strategy submission document (2006) which seek to ensure the adequate provision of affordable housing in terms of quantity, tenure types and unit types and sizes to meet the needs of London's diverse population.

- 9 The proposal does not ensure an acceptable standard of accommodation throughout the development by reason of inadequate internal space provision, poor outlook, restricted sunlight and daylight, lack of privacy and inadequate private amenity space to some residential units.

As such, the proposal is contrary to policy 4B.9 of the London Plan (2004), policies ST23, DEV2, HSG13 and HSG16 of the LBTH adopted UDP (1998), policies DEV1, DEV2 and HSG7 of the LBTH Local Development Framework Core Strategy submission document (2006) which seek to ensure the creation of high quality residential accommodation in order to ensure an acceptable level of residential amenity.

- 10 Both the sunlight and daylight assessment and the noise assessment are incomplete. There is a strong concern and likelihood that future occupiers of the development would be subject to unacceptable conditions with respect to the amount of sunlight and daylight they receive and noise they would be subjected to, to the detriment of their residential amenity,

As such, the proposal is contrary to policies 4B.9, 4A.14 and 4B.6 of the London Plan (2004), policies ST23, DEV2 and DEV50 of the LBTH adopted UDP (1998) and policy DEV1 of the LBTH Local Development Framework Core Strategy submission document (2006) which seek to ensure the creation of high quality residential accommodation in order to ensure an acceptable level of residential amenity.

- 11 The development proposal fails to create a fully inclusive environment where people of all abilities, including the mobility impaired, can circulate safely and with ease, due to the proposed level changes, a number of links between levels where only steps are proposed and the shared vehicular and pedestrian surfaces.

As such, the proposal is contrary to policies 3C.20, 4B.1, 4B.4 and 4B.5 of the London Plan (2004), policies ST3 and DEV1 of the LBTH adopted UDP (1998) and policies CP1, CP4, CP40, CP46, DEV3, DEV16 and OSN3 of the LBTH Local Development Framework Core Strategy submission document (2006) which seek to ensure the creation of fully inclusive environments where people of all abilities can move with ease and comfort, without undue separation of effort.

- 12 The proposed development does not provide a sufficient amount of private or communal amenity space and usable recreational public open space of adequate quality and variety for the reasonable needs of the future residents in an area already experiencing a significant deficiency in public open space provision.

The proposal is therefore contrary to policy 3A.5, 3D.10 and 3D.11 of the London Plan (2004), policies HSG16 and OS9 of the LBTH adopted UDP (1998), policies CP25, CP30 and HSG7 of the LBTH Local Development Framework Core Strategy submission document (2006) and policies L5 and L43 of the LBTH Leaside Area Action Plan submission document, which seek to ensure that amenity space and public open space are fully integrated into all new major developments to provide high quality and useable amenity open space for all residents.

- 13 The proposed large scale buildings do not respect the character of the area by reason of their height and bulk. They would dwarf the listed lighthouse and affect the setting of the listed dock structure, to the detriment of the historic character of the area. The design of the tall building at Union Wharf is inappropriate for this prominent site as it lacks visual interest and an innovative detail design, the glass shields being attached to a simple monolithic tower block. The ground level treatment at Union Wharf is inappropriate and results in an unfriendly public realm. Furthermore, the proposal fails to create clear and strong circulation routes with appropriate destination points.

As such, the proposal is contrary to policies 4B.1, 4B.9, 4B.10, 4B.11 and 4B.12 of the London plan (2004), DEV1, DEV3, DEV6, DEV39 and DEV47 of the LBTH adopted UDP (1998) and policies CP1, CP4, CP49, DEV2, DEV27 and CON1 of the LBTH Local Development Framework Core Strategy submission document, which seek to ensure that new development is of high quality design, respects the character of the area and the setting of listed buildings and creates welcoming environments.

- 14 The proposed electric heating to the residential units represents a substantial additional CO2 load in comparison to other energy sources, to the extent that it would outweigh the proposed efficiency and renewable energy benefits in the non-residential elements.

As such, the proposal is contrary to Policy 4A.7, 4A.8, 4A.9 and 4B.6 of the London Plan (2004), Policy DEV46 and DEV62 of the LBTH adopted UDP (1998) and Policies CP3, CP38 and DEV6 of the LBTH Local Development Framework Core Strategy submission document (2006), which seek to reduce carbon dioxide emissions, improve energy efficiency and increase the proportion of energy used generated from renewable sources.

- 15 Insufficient information is provided regarding flood risk with respect to the possible breaching of tidal flood defences and with respect to the quality and forecast longevity of the existing flood defence walls. Furthermore, an inadequate buffer zone has been designed which may prejudice flood defence interests and which may restrict necessary access to the flood defences for maintenance and improvement works.

Without adequate information regarding the walls, including a strategy for remedial works if necessary, and without an adequate buffer zone which allows maintenance, repair and renewal works to be carried out in a sustainable and cost effective way, the proposal is contrary to policy 4C.7 of the London Plan, policies U2 and U3 of the LBTH adopted UDP (1998) and policy CP37 of the LDF Core Strategy submission document, which seek to minimise the risk of flooding.

- 16 The ecology and biodiversity assessment fails to fully assess the development's impacts on the natural environment. The proposed mitigation and enhancement measures are inadequate and opportunities have not been fully explored.

Without a full assessment of the impacts of the scheme and without adequate mitigation and enhancement measures, the proposal is contrary to policies 3D.12 and 4C.3 of the London Plan (2004), policies ST8, DEV57 and DEV62 of the LBTH adopted UDP (1998) and policies CP31, CP33 and OSN3 of the LBTH Local Development Framework Core Strategy submission document (2006), which seek to ensure the protection, conservation,

enhancement, and effective management of the borough's biodiversity.

17 The proposed scheme does not represent a sustainable form of development as:-

- It fails to facilitate the creation of a well balanced mixed community: it does not provide for a wide variety of household sizes and an appropriate split in tenures;
- It fails to connect and integrate well with its surroundings: it
 - (a) relies on a vehicular access arrangement that is inadequate and substandard for the development proposed
 - (b) does not propose necessary new pedestrian links to the surrounding area with its public transport interchanges and shops, facilities and services;
- It fails to meet environmental objectives by failing to commit to an adequate level of use of renewable energy and by failing to explore opportunities fully with respect to reducing the development's impact on the environment;
- It fails to create an inclusive environment due to many level changes and associated problems of segregated access to places within the development;
- It fails to create a liveable environment due to its excessive density which manifests itself in
 - (a) unacceptable restricted daylight and sunlight to some of the residential units
 - (b) overlooking and limited privacy
 - (c) poor, little or no private residential amenity space to some units
 - (d) little usable recreational public open space which would not adequately provide for the needs of the development, in an area already deficient in public open space.

As such, the proposed development is contrary to policies 2A.1, 2A.2 and 2A.4 of the London Plan (2004), policies ST3, ST19, ST27, ST37, ST49 and ST54 of the adopted UDP 1998, policies CP1, CP2, CP3, CP4 and CP5 of the LBTH Local Development Framework Core Strategy and Development Control Submission Document (November 2006) as well as the provisions of Government Guidance PPS1 'Delivering Sustainable Developments', which seek to promote sustainable patterns of development by ensuring the creation of high quality, well integrated and adaptable developments which provide for the diverse needs of the population today and in the future, with minimum adverse impacts on the environment.

3.6 The Director of Development and Renewal is instructed to inform the Planning Inspectorate that had the Council been empowered to make a decision on the application, it would have **REFUSED** listed building consent **PA/05/01600** (Union Wharf) for the following reasons:

1 The submission does not include all relevant details which are required for a full assessment. It is considered that the proposed removal of the listed dock is unjustified and unacceptable.

As such, the proposal is contrary to policies 4B.11 of the London Plan, policies DEV36 and DEV37 of LBTH adopted UDP and policies CP49 and CON1 of the LBTH Local Development Framework Core Strategy submission document and which seek to ensure that the historic fabric and character of listed buildings are retained.

4. BACKGROUND

The sites and surroundings

The application sites

4.1 The application sites (Hercules Wharf and Union Wharf and Castle Wharf), which lie on the Leamouth Peninsula South, form a T-shape and have a combined area of 2.28 hectares. The access road Orchard Place runs east-west through the centre of the peninsula, separating Union Wharf on the south from Hercules Wharf and Castle Wharf on the north. Part of the road has been included in the redevelopment proposal for Union Wharf and

Castle Wharf.

- 4.2 Union Wharf is bounded by the River Thames to the south, Orchard Wharf (a safeguarded wharf) to the west and Trinity Buoy Wharf to the east. To the north, across the access road, lie Hercules Wharf and Union Wharf. Union Wharf is not in use. It contains the remains of an old dry dock structure (which is statutorily listed) and 2 derelict industrial buildings.
- 4.3 Hercules Wharf lies west of Castle Wharf. The sites are bounded to the north by the River Lea and by the access road to the south. The western part of Hercules Wharf lies opposite Orchard Wharf. The eastern part of Castle Wharf lies opposite Trinity Buoy Wharf. Trinity Buoy Wharf extends northwards and one of its buildings lies adjacent the eastern boundary of Castle Wharf. Both Hercules Wharf and Castle Wharf accommodate industrial buildings. The buildings are in use.
- 4.4 North-west of the peninsula south lies Leamouth Peninsula North, which is surrounded by water and inter-tidal mud flats of the River Lea. The Leamouth Peninsula (North and South) is accessed via a slip road off the Lower Lea Crossing.

Wider area

- 4.5 Across the River Thames lie the Millennium Dome and Greenwich Peninsula. West of the land mass that forms Leamouth South lies East India Dock Basin, now a nature reserve. To the west of Leamouth Peninsula North lies an ecological park on a very narrow peninsula, which also supports the bridge carrying the DLR. The vacant 'Limmo' site lies across the River Lea to the north of Hercules Wharf and Castle Wharf. Further north lies Canning Town centre and Canning Town public transport interchange.

The development proposals

- 4.6 The two planning applications together are for the redevelopment of Hercules Wharf, Union Wharf and Castle Wharf and propose the provision of:-
- 1402 residential units in 11 buildings of varying heights between 4 and 27 storeys, some of which are physically attached to each other (buildings A+B and D+E)
 - parking,
 - riverside walkway,
 - open space and
 - 2,000 square metres of non-residential floor space including A1 (shops), A2 (financial and professional services), A3 (restaurants and cafes), A4 (drinking establishments), and B1 (business).
- 4.7 The applicant indicates the areas within the proposed buildings which are to be set aside for non-residential uses and quantifies the overall area as 2,000 sq metres. The applicant does not confirm the precise provision of each non-residential use in terms of floor space and location within the development. Flexibility is sought in relation to the precise amount and location of the non-residential uses within the scheme to enable the development to respond to market demand.
- 4.8 **Planning Application PA/05/01597 (Hercules Wharf):** This is an outline planning application for the redevelopment of Hercules Wharf, which comprises 0.72 hectares. Three buildings are proposed (buildings F, G and H). The eastern element of building G is the tallest element with 24 storeys. The western element of the building is 10 storeys high. The tallest parts of buildings F and H are 7 and 6 storeys high. The ground level is raised to accommodate parking within a podium.
- 4.9 A landscaped pathway cuts diagonally across the site. It provides a link between the proposed riverside walkway along the River Lea and the proposed new plaza at the heart of the redevelopment scheme (which is part of PA/05/01598 – see below). Provision is made

for the landing of a bridge which benefits from planning consent (marked on plans as 'pedestrian bridge shown as proposed by others'). A local equipped area for play (LEAP) is proposed at the north-western part of the site.

- 4.10 The buildings would accommodate 477 residential units and 400sq metres of commercial floor space.
- 4.11 **Planning Application PA/05/01598 (Union Wharf and Castle Wharf):** This is a combined outline and full planning application (a 'hybrid application') for the redevelopment of Union Wharf and Castle Wharf. The site area is 1.56 hectares and includes part of the existing access road. Full details have been submitted for Union Wharf and outline details for Castle Wharf and the works proposed with respect to the access road. The ground level is raised to accommodate parking within a podium.
- 4.12 Five buildings are proposed at Union Wharf (buildings A, B, C, D and E). Buildings A and B are physically attached to each other as well as buildings D and E. The buildings are laid out in a U-shape, opening out onto the River Thames. Buildings A and B, which are sited parallel to the western boundary of Union Wharf at a distance of 5 metres, are 27 and 10 storeys high. Buildings D and E, which are sited parallel to the eastern boundary, are 7 storeys high. Building C, located at the northern end of Union Wharf between the two pairs of buildings, is 5 storeys in height.
- 4.13 The courtyard of Union Wharf includes an area of communal open space with a water feature. The courtyard is at podium level, and steps connect the courtyard with the lower-lying riverside walkway. Paths are proposed directly along the eastern and western boundaries of Union Wharf, connecting the access road with the riverside.
- 4.14 At Castle Wharf, the proposed buildings (buildings J, K and L) are shaped and laid out to form two courtyards. The tallest element at Castle Wharf is the north-eastern element of building J, at 21 storeys in height. The remaining elements of building J are 7, 6 and 5 storeys in height. Building L, located along the access road, is 3 and 4 storeys high. Building K, an L-shape building in the north-eastern corner of the proposed development, incorporates elements of 5, 7 and 8 storeys in height.
- 4.15 The courtyards include soft landscaping. A riverside walkway along the River Lea is proposed.
- 4.16 The part of the access road which is included in the redevelopment proposals would be raised. It would form part of the new central open space, being the shared surface between vehicles and pedestrians at the northern end of the open space.
- 4.17 The buildings at Union Wharf and Castle Wharf would accommodate 925 residential units and 1,600sq metres of commercial floor space.
- 4.18 **Listed Building application PA/05/01600 (Union Wharf):** The listed building application proposes the removal of the remains of the dry dock structure, which is filled up with rubble and capped with concrete. It is proposed to retain the existing caisson of the dry dock.

Planning History

- 4.19 PA/04/01831 Request for Scoping Opinion as to the information to be provided in an Environmental Impact Assessment to be submitted in support of planning applications for redevelopment to provide 4,000 residential units, offices, retail, restaurants, leisure facilities and a bridge spanning the River Lea. **Issued 10/01/2005. EIA required.**
- 4.20 PA/03/01814 Opening pedestrian and cycle bridge across the river lea, linking the

Leamouth Peninsula to Canning Town and the lower lea crossing.
Withdrawn on 22/03/2004.

4.21 PA/04/01081 Opening pedestrian and cycle bridge across the River Lea, linking the Leamouth Peninsula to Canning Town Station and the Lower Lea Crossing including upgrading of Flood defences on Hercules Wharf. **Approved 18/05/2005.**

4.22 The following application has been submitted by the same applicant for Leamouth Peninsula North site, which is subject of a Public Inquiry appeal (ref APP/E5900/A/06/2013333/NWF).

4.23 PA/05/01409 Combined Outline and Full Planning Application (Hybrid application) for a mixed use redevelopment comprising a total of 2,460 residential units (Use Class C3) in addition to 21 459m² of non residential development including arts and cultural centre (Use Class D1/D2), leisure (Use Class D2), management offices (Use Class B1), of retail (Use Class A1/A2), food and drink (Use Class A3/A4), healthcare facility (Use Class D1) and the provision of public open space, including a bridge linking to Canning Town.

The application includes the submission of an Environmental Statement under the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999.

4.24 In 2006, the same applicant has submitted the following applications, which are for determination by the newly established London Thames Gateway Development Corporation:

Leamouth Peninsula South:

4.25 PA/06/01341 In outline, demolition of all existing buildings and structures and and /01342 redevelopment to provide 41,530 sq.m. floorspace comprising residential (duplicates) (Class C3), business use (Class B1), retail, financial and professional services, food and drink (Classes A1, A2, A3, A4 and A5), energy centre, storage and car and cycle parking. The development includes formation of a new vehicular access from Orchard Place and means of access and circulation within the site, new private and public open space and landscaping including a riverside walkway. This application is accompanied by an Environmental Statement as required by the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. **Applications relate to Hercules Wharf and are still under consideration.** (Associated application PA/05/01597)

4.26 PA/06/01343 Combined Outline and Full Planning Application (hybrid application) for and /01344 demolition of all existing buildings and redevelopment to provide 80.070 sq.m. floorspace comprising residential (Class C3), business uses (Class B1), retail, financial and professional services, food and drink (Classes A1, A2, A3, A4, A5), energy centre, storage and car and cycle parking. The development includes formation of a new vehicular access from Orchard Place and means of access and circulation within the site, new private and public open space and landscaping including a riverside walkway. This application is accompanied by an Environmental Statement as required by the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. **Applications relate to Union Wharf and Castle Wharf and are still under consideration.** (Associated application: PA/05/01598).

4.27 PA/06/01345 Partial demolition and alteration of the listed dock structure and retention of the existing caisson in relation to mixed use development at Union Wharf. **Application relates to Union Wharf and is still under consideration.**

(Associated application: PA/05/01600).

Leamouth Peninsula North:

- 4.28 PA/06/00748 Combined outline and full planning application (hybrid application): Demolition and /00749 of all existing buildings and structures; Comprehensive phased mixed-use (duplicates) development comprising 224,740sqm GEA of new floorspace for the following uses: residential (C3), business including creative industries, flexible workspace and offices (B1), retail, financial and professional services, food and drink (A1, A2, A3, A4, A5), leisure (D1 & D2), arts and cultural uses (D1), primary school (D1), community (D1), energy centre, storage and car and cycle parking. The development includes formation of a new pedestrian access across the River Lea connecting to land adjacent to Canning Town Station, formation of a new vehicular access and means of access and circulation within the site, new private and public open space and landscaping including a riverside walkway. This application is accompanied by an Environmental Statement as required by the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations). **The applications are still under consideration.**

5. POLICY FRAMEWORK

- 5.1 The relevant policy and guidance against which to consider the planning applications is contained within the following documents:-
- London Plan (2004) and Supplementary Planning Guidance
 - London Borough of Tower Hamlets Unitary Development Plan (1998) (UDP) and Supplementary Planning Guidance
 - LBTH Local Development Framework Core Strategy and Development Control Submission Document (November 2006)
 - LBTH Local Development Framework Leaside Area Action Plan Submission Document (November 2006) (LAAP)
 - LBTH Community Plan
- 5.2 In the preparation of the above documents, Government guidance had to be taken into account. National policy guidance documents (PPGs and PPSs) are listed below.
- 5.3 Decisions must be taken in accordance with Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004. Furthermore, s54A of the 1990 Act requires decisions to be made in accordance with the plan unless material considerations indicate otherwise.
- 5.4 Whilst the adopted UDP is the statutory development plan for the borough, it will be replaced by a more up to date set of plan documents that make up the Local Development Framework (LDF).
- 5.5 On 13th September 2006, Council resolved to approve the LDF documents for submission to the Secretary of State for Independent Examination. The approved LDF documents represent an up-to-date statement of Tower Hamlets planning policy priorities. On 3 October 2006, the Strategic Development Committee endorsed that the policies within the LDF documents, approved on 13th September 2006, should be given significant weight as a material consideration in determining planning applications prior to its adoption.
- 5.6 Furthermore, where the London Plan and the adopted UDP contain contradicting guidance, the more recent policy must be followed, which is in this case the London Plan.

- 5.7 This report takes account of the policies and guidance contained within the documents set out above in paragraph 5.1. Members are invited to agree the recommendations set out in section 3 which have been made on the basis of the analysis of the scheme set out in this report. The proposed development schemes have been analysed and assessed against the policies set out below and other material considerations set out in the report.
- 5.8 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:

Unitary Development Plan 1998:

- 5.9 Proposals:
- Areas of archaeological importance or potential
 - Industrial Protection Areas
 - Flood Protection Areas
 - Site of Nature Conservation Importance
 - Aviation use and bird attracting
 - Wind Turbine development by City Airport
 - Urban Development Corporation
 - Potential Contamination
 - Green Chains
- 5.10 Strategic Policies
- | | |
|-----------|--|
| ST3 - ST5 | Good Design and Community Safety |
| ST6 | Management of development and processes |
| ST7 | Energy Efficiency, Renewable Energy and Sustainable Design |
| ST8 | Open Space Protection |
| ST9 | Promote and preserve character of river Thames |
| ST19 | Employment |
| ST25 | Sustainable infrastructure for housing |
| ST27 | Transport |
| ST28 | Restrain us of private cars |
| ST30 | Safety of road users |
| ST31 | Minimize road works for increased car commuting |
| ST32 | Effective integration of into existing transport |
| ST37 | Open Space |
| ST45 | Education and Training |
| ST49 | Social and Community Facilities |
| ST54 | Public Utilities and Flood Defences |
- 5.11 Policies:
- | | |
|-------|---|
| DEV1 | Design Requirements |
| DEV2 | Environmental Requirements |
| DEV3 | Mixed Use Developments |
| DEV4 | Planning Obligations |
| DEV6 | High buildings outside the Central Area & Business Core |
| DEV8 | Protection of local views |
| DEV11 | Communal TV Systems |
| DEV12 | Provision of landscaping in development |
| DEV13 | Design of landscaping Schemes |
| DEV17 | Siting and design of Street Furniture |
| DEV18 | Art and development proposals |
| DEV36 | Demolition of Historic buildings and structures |
| DEV37 | Alterations to Historic buildings and structures |
| DEV39 | Development affecting the setting of Listed buildings |
| DEV44 | Preservation of Archaeological Remains |
| DEV45 | Development in Areas of Archaeological Interest |
| DEV46 | Protection of Waterway Corridors |
| DEV47 | Development affecting Water Areas |
| DEV48 | Strategic riverside walkways and new development |

DEV50	Noise
DEV51	Contamination
DEV55	Development and Waste Disposal
DEV56	Waste recycling
DEV66	Creation of new walkways
EMP1	Encouraging new employment uses
EMP2	Retaining existing employment uses
EMP7	Work environment
EMP8	Small business
EMP10	Business use outside the Central Area Zone
EMP11	Industrial employment areas
EMP12	Business Uses in Industrial Employment Areas
EMP13	Residential Use in Industrial Employment Areas
HSG1	Quantity of Housing
HSG2	Location of New Housing
HSG3	Affordable Housing
HSG7	Dwelling Mix and Type
HSG8	Wheelchair accessible housing
HSG9	Density in Family Housing
HSG13	Standard of Dwellings
HSG15	Development affecting residential amenity
HSG16	Housing Amenity Space
T3	Bus Services
T5	Interchanges between public transport facilities
T10	Proprieties for strategic management
T15	New development on existing transport system
T16	New development and associated operation requirements
T17	Planning Standards (Parking)
T18 – T20	Pedestrians
T22 – T24	Cyclists
S6	New Retail Development
S7	Special Uses
S10	New shopfronts
OS2	Open space and access for disabled
OS9	Children’s Playspace
OS10	Indoor and outdoor sports facilities
OS12	Dual use of suitable open space and recreational facilities
ART1	Promotion of arts and entertainment uses
ART4	Restriction of art and entertainment facilities
EDU3 and 9	New training facilities
SCF1	Provision for Community and Social Facilities.
SCF4	Location of primary health care facilities.
SCF5	Provision of Community Care
SCF6	Location of Community Support Facilities.
SCF11	Meeting Places
U2	Development in Areas at risk from flooding
U3	Flood Protection Measures
U9	Sewerage network
U10	

Local Development Framework: London Borough of Tower Hamlets Development Plan Document Core Strategy and Development Control Submission Document (November 2006):

- 5.12 Proposals: Areas of Archaeological Importance or Potential
Industrial Employment Areas
Flood Protection Areas

		Within 200 metres of East West Crossrail
		Aviation use and bird attracting
		Wind Turbine development by City Airport
		Urban Development Corporation
		Potential Contamination
5.13 Core Policies:	IMP1	Planning Obligations
	CP1	Creating Sustainable Communities
	CP2	Character and Design
	CP3	Sustainable Environment
	CP4	Good Design
	CP5	Supporting Infrastructure
	CP7	Job creation and growth
	CP9	Employment Space for Small Businesses
	CP10	Strategic Industrial Locations and Local Industrial Locations
	CP11	Sites in employment uses
	CP14	Combining Employment and Residential Use
	CP15	Provision of a range of shops and services
	CP19	New Housing Provision
	CP20	Sustainable Residential Density
	CP21	Dwelling Mix and Type
	CP22	Affordable Housing
	CP25	Housing Amenity Space
	CP27	High Quality Social and Community Facilities to Support Growth
	CP29	Improving Education and Skills
	CP30	Improving the Quality and Quantity of Open Space
	CP31	Biodiversity
	CP37	Flood Alleviation
	CP38	Energy Efficiency and Production of Renewable Energy
	CP39	Sustainable Waste Management
	CP40	Sustainable Transport Network
	CP41	Integrating Development with Transport
	CP42	Streets for People
	CP43	Better Public Transport
	CP46	Accessible and Inclusive Environments
	CP47	Community Safety
	CP48	Tall Buildings
	CP49	Historic Environment
5.14 Policies:	DEV1	Amenity
	DEV2	Character and Design
	DEV3	Accessibility and inclusive design
	DEV4	Safety and Security
	DEV5	Sustainable Design
	DEV6	Energy Efficiency and Renewable Energy
	DEV7	Water Quality and Conservation
	DEV8	Sustainable Drainage
	DEV9	Sustainable Construction Materials
	DEV10	Disturbance from Noise Pollution
	DEV11	Air Pollution and Air Quality
	DEV13	Landscaping and Tree Preservation
	DEV15	Waste and Recyclable Storage
	DEV16	Walking and Cycling Routes and Facilities
	DEV17	Transport Assessments
	DEV18	Travel Plans
	DEV19	Parking for Motor Vehicles
	DEV20	Capacity of Utility Infrastructure
	DEV21	Flood Risk Management

DEV22	Contamination Land
DEV23	Hazardous Development and Storage of Hazardous Substances
DEV24	Accessible Amenities and Services
DEV25	Social Impact Assessment
DEV27	Tall Buildings Assessment
EE2	Redevelopment /Change of Use of Employment Sites
RT4	Retail Development and the Sequential Approach
RT5	Evening and Night-time Economy
HSG1	Determining Residential Density
HSG2	Housing Mix
HSG3	Affordable Housing Provisions in Individual private Residential and Mixed-use Schemes
HSG4	Varying the Ratio of Social Rented to Intermediate Housing
HSG5	Estate Regeneration Schemes
HSG7	Housing Amenity Space
HSG9	Accessible and Adaptable Homes
HSG10	Calculating Provision of Affordable Housing
SCF1	Social and Community Facilities
SCF2	School Recreation Space
CON1	Listed Buildings
CON4	Archaeological and Ancient Monuments
CON5	Protection and Management of Important Views
OSN2	Open Space
OSN3	Blue Ribbon Network and the Thames Policy Area

Local Development Framework: London Borough of Tower Hamlets Development Plan Document Leaside Area Action Plan Submission Document (November 2006) (LAAP):

5.15 Proposals:	LS24	Orchard Place South
5.16 Policies:	L1	Leaside Spatial Strategy
	L2	Transport
	L3	Connectivity
	L4	Water space
	L5	Open Space
	L6	Flooding
	L7	Education Provision
	L8	Health Provision
	L9	Infrastructure and Services
	L10	Waste
	L38	Employment Uses in Leamouth sub-area
	L39	Residential Uses in Leamouth sub-area
	L40	Retail and Leisure uses in Leamouth sub-area
	L41	Local connectivity in Leamouth sub-area
	L42	Design and built form in Leamouth sub-area
	L43	Site allocation in Leamouth sub-area

5.17 London Borough of Tower Hamlets Supplementary Planning Guidance/Documents

Designing out Crime (Parts 1 and 2)
Residential Space Standards – Adopted 1998
Archaeology and Development – Adopted 1998
Residential Space – Adopted 1998
Riverside walkways – Adopted 1998
Landscape Requirements – Adopted 1998
Canalside Development - Adopted 1998

5.18 Spatial Development Strategy for Greater London (London Plan)

2A.1	Sustainability Criteria
2A.2	Opportunity Areas
2A.3	Areas of Intensification
2A.4	Areas for Regeneration
2A.7	Strategic Employment Locations
3A.1	Increasing London's Supply of Housing
3A.2	Borough housing targets
3A.4	Housing choice
3A.5	Large residential developments
3A.7	Affordable housing targets
3A.8	Negotiating affordable housing in mixed-use schemes
3A.15	Social infrastructure and community facilities
3A.22	Community strategies
3B.1	Developing London's economy
3B.4	Mixed Use Development
3B.5	Strategic Employment Locations
3B.12	Improving skills and employment opportunities for Londoners
3C.1	Integrating transport and development
3C.2	Matching development to transport capacity
3C.3	Sustainable transport in London
3C.16	Tackling congestion and reducing traffic
3C.19	Improving conditions for buses
3C.20	Improving conditions for walking
3C.21	Improving conditions for cycling
3C.22	Parking Strategy
3D.10	Open space provision in UDPs
3D.12	Biodiversity and nature Conservation
4A.1	Waste strategic policy and targets
4A.6	Improving air quality
4A.7	Energy efficiency and renewable energy
4A.14	Reducing noise
4A.16	Bringing contaminated land into beneficial use
4B.1	Design principles for a compact city
4B.2	Promoting world-class architecture and design
4B.3	Maximising the potential of sites
4B.4	Enhancing the quality of the public realm
4B.5	Creating an inclusive environment
4B.7	Respect local context and communities
4B.8	Tall buildings
4B.9	Large-scale buildings – design and impact
4B.10	London's built heritage
4B.11	Heritage conservation
4B.12	Historic conservation-led regeneration
4B.14	Archaeology
4C.1	The strategic importance of the Blue Ribbon Network
5A.1	Sub-Regional Development Frameworks
5C.1	Strategic priorities for East London
5C.2	Opportunity Areas in East London

5.19 Government Planning Policy Guidance/Statements

PPS3	Housing
PPG4	Industrial and Commercial Development and Small Firms
PPS6	Planning for Town Centres
PPG9	Biodiversity Strategy
PPG13	Transport Strategy

PPG15	Historic Environment
PPG16	Archaeology and Planning
PPG17	Sport and Recreation
PPG23	Air Quality Strategy
PPG24	Planning and Noise
PPS1	Delivering Sustainable Development
PPS9	Biodiversity and Geological Conservation
PPS10	Waste Management
PPS22	Energy Strategy

5.20 Other relevant planning documents:

Sub Regional Development Framework: East London (May 2006) (SRDF-EL)
 Lower Lea Valley Opportunity Area Planning Framework (Consultation Draft – May 2006) (LLV OAPF)
 London Plan SPG: Industrial Capacity (Draft 2003)
 London Plan SPG: Housing (Nov 2005)
 London Plan SPG: Accessible London (April 2004)
 London Plan SPG: Provision of children’s play and informal recreation (Draft, Oct 2006)
 London Plan SPG: Housing Space Standards (August 2006)
 London Plan SPG: Biodiversity Strategy (2001)
 London Biodiversity Action Plan – Species of Conservation Concern and Priority Species for Action

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

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

6. CONSULTATION RESPONSE

6.1 The following statutory consultees were informed of the appeals and were invited to comment to the Secretary of State. Please note that the consultations include all EIA statutory consultations. Views of officers within the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

English Heritage – Greater London archaeology Advisory Service

6.2 Recommendation for condition to secure programme of archaeological work and a condition the secure Building Recording and analysis.

Port of London Authority

6.4 Objections relate to the following points:

- Close proximity of buildings A, B, F and H to the safeguarded wharf at Orchard Place and the limited consideration of effects of the proposed development and wharf on each other. Recommends a condition/legal agreement secure appropriate location of sensitive uses;
- Inability for the existing adjoining and proposed uses to complement each other, which would result in significant amenity issues to housing (noise, dust, traffic) and also undue effects on the safeguarded wharf;
- Concerns raised with regard to the level of traffic generation by the proposed development and its associated impacts on the re-activation of Orchard Wharf by

- reason of insufficient capacity of the proposed road network;
- Concerns raised with regard to limited and no firm plans to use the river as means of transport for both construction and domestic waste. Recommends that a condition or legal agreement secure such arrangement; and
- Recommends condition to secure the provision of riparian life saving equipment.

Metropolitan Police Authority

- 6.5 Request that the proposed development provides 200m² of on-site floor space for neighbourhood and community Team Base.

TfL Road Management

- 6.6 The following issues were raised by Road Management Services (A13), (contractors for TfL) that is material to the determination of the application, and they are addressed in the next section of this report:

Concerns regarding the access arrangements to and from the site, especially during construction period. Concerns relate also to the additional vehicle flow and associated pressure on the existing road network.

- 6.7 The **Greater London Authority** has not yet considered the applications. The GLA intends to issue an official view on the proposals shortly, in order that they may become party to the appeals. The GLA's views would include full TfL comments.
- 6.8 The following are comments received from statutory consultees on PA/06/01341 (and duplicate 1342), 1343 (and duplicate 1344) and 1345, which are considered relevant to the proposals under consideration here:

English Heritage – Historic Buildings

- 6.9 (PA/06/01341 and 1342, 1343 and 1344) Comments state that *“this is an area with a very particular character - a backwater with an urban form that reflects the historic importance of the river”*. Objection based on:
- *“Proposed scheme that does not work well within the historic context of the Leamouth Peninsula;*
 - *The proposal features tall buildings which are located remote from other tall structures and a plan which does not relate to the historic pattern of development...the introduction of the podium to facilitate car parking is a radical and unnecessary change which will effectively isolate the eastern end of the peninsula;*
 - *The towers themselves appear particularly bulky in plan. This bulk will mean that they impose themselves on wide ranging river views; and*
 - *the scheme is unsatisfactory with regard to the listed Orchard Dry Dock (see separate letter) and that Trinity Buoy Wharf will be isolated by the development”*.
- 6.10 (PA/06/01345) Comments are:
- The proposal would effectively seeks the demolition of the listed Orchard Dry Dock and the retention of only the river front caisson;
 - Lack of consideration for the option of retaining a more significant part of the existing structure and that the current scheme appears largely cosmetic;
 - Drawings and supporting information are lacking detailed information and are consider insufficient.
- 6.11 Recommendations and conclusion:
- *“Thorough below ground investigations (by a suitable archaeological organization) should be undertaken at this stage (before permission is granted) to establish the full nature and extent of the remains of the dry dock with a view to ascertain further*

information with regard to the subterranean remains of the dock structure. This study should then fully inform the design of any redevelopment scheme on the site”, and

- “We are unable to direct as to the granting of listed building consent at this stage”.

7. LOCAL REPRESENTATION

- 7.1 A total of 1792 neighbouring properties within the area shown on the map appended to this report were notified about the appeals and invited to comment to the Secretary of State. The appeals have also been publicised in East End Life and on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses: 0

8. MATERIAL PLANNING CONSIDERATIONS

- 8.1 The main planning issues raised by the three applications that the committee must consider are:-

1. Sustainability
2. Development and transport
3. Land use
4. Density/ overdevelopment
5. Open space
6. Dwelling mix
7. Affordable Housing
8. Standard of accommodation
9. Inclusive environments
10. Listed Building works
11. Urban design and the historic environment
12. EIA issues
13. Energy
14. Flood Risk
15. Biodiversity

8.2 **Issue 1: Sustainability**

- 8.2.1 The Government has defined sustainable communities as *‘places where people want to live and work, now and in the future. They meet the diverse needs of existing and future residents, are sensitive to their environment, and contribute to high quality of life. They are safe and inclusive, well planned, built and run, and offer equal opportunity and good services for all.’* [PPS 1 (2005): Delivering Sustainable Development]
- 8.2.2 The London Plan promotes sustainable development. Policy 2.A1 sets out sustainability criteria, which include the requirement that development occurs in locations that are or are planned to be accessible by public transport, walking and cycling. Policy 3A.5 encourages large residential developments in areas of high public transport accessibility.
- 8.2.3 Policy CP1 of the LDF Core Strategy submission document requires that all new development contributes to creating and maintaining sustainable communities. Issues referred to in this policy include:-
- Choice in housing and jobs that is supportive of the diverse needs of communities;
 - Contribution to the local and regional economy;

- Growth in locations that reduce the need to travel and are supported by adequate infrastructure and services (sustainable patterns of development);
- Creation of places that are active, well connected, safe and accessible (inclusive environments);
- Creation of places with the highest level of amenity and improvement of liveability in the Borough;
- Prudent use of natural resources;
- Minimisation of the short and long term impacts on the natural environment (locally and globally).

8.2.4 The Council wants to promote sustainable communities by creating places where people want to live, work, study and visit, and which will enable people to meet their aspirations and potential. Consequently, the concept of sustainable communities runs throughout the LDF and the issues referred to in policy CP1 are reflected in other policies of the LDF Core Strategy submission document and the area action plan submission documents.

8.2.5 High quality, well integrated and adaptable developments, which have minimal adverse impacts on the environment and which provide for the diverse needs of the population today and in the future are considered to be sustainable developments. The proposed developments, in isolation and combination, do not represent sustainable development and fail to contribute to the creation of sustainable communities due to a number of shortcomings as set out below.

The developments fails to connect and integrate well with their surroundings

8.2.6 The proposed developments rely on a vehicular access arrangement which is inadequate and substandard for the type and scale of development proposed. Access for the emergency services would be severely restricted in cases of road closures or accidents, to the detriment of the safety of existing and future residents, workers and visitors.

8.2.7 The sites are isolated and cut off from Canning Town and surrounding area by the River Lea. Existing public transport facilities (East India DLR and 277 bus route) lie a 15 minute walk away. The existing town centre at Canning Town and its facilities and services are further. No new pedestrian and cycle links are proposed which would improve the connectivity of the sites, to the detriment of the ease of movement of people to and from the sites. This would also encourage car ownership and car use, contrary to local, regional and national ambitions to curb car use.

The developments fail to meet environmental objectives

8.2.8 The submitted ecology and biodiversity assessment contains insufficient information. Opportunities to enhance the biodiversity of the sites have not been fully explored. The submitted energy assessment does not fully explore opportunities to reduce energy use. The proposed electric heating to residential units would unacceptably add to the developments' carbon footprint and is contrary to the Mayor's energy strategy.

The developments fail to create an inclusive environment

8.2.9 The development proposals fail to create a fully inclusive environment where people of all abilities, including the mobility impaired, can circulate safely and with ease. This is due to the proposed changes in ground level and a number of links between levels where only steps are proposed. The proposed shared vehicular and pedestrian surfaces also present a problem.

The developments fail to facilitate the creation of a well balanced community

8.2.10 The proposed mix of units at both application sites is heavily weighed towards small

units. Only a limited amount of family-size units is proposed, which falls short of regional and local policy requirements. No affordable housing offer was made. The proposed developments, in isolation and combination, do not provide for a wide variety of household sizes and a mix of tenures, and would thus fail to facilitate the creation of a well balanced, mixed and sustainable community.

The developments fail to create a liveable environment

- 8.2.11 Some of the proposed residential units fail to meet the Council's minimum space standards and limited private amenity space is proposed, to the detriment of the residential amenity and quality of life of future residents. Insufficient information has been submitted to ascertain that all residential units will receive sufficient daylight and sunlight. Bedrooms of the proposed 'small one bedroom units' do not have windows and would thus not benefit from good daylight or natural ventilation. Habitable rooms are close to each other and in some instances, there would be overlooking and limited privacy. Furthermore, an insufficient amount of good quality, usable recreational open space is proposed.
- 8.2.12 The sustainability argument is an 'umbrella' argument, looking at a proposed development in its entirety. Each of the issues identified here is analysed further in the following sections.

8.3 Issue 2: Development and Transport

- 8.3.1 The Council supports high density development only in areas of good public transport accessibility and with adequate vehicular access. The connectivity of a development site with the surrounding area (and its services) is also an important consideration. Furthermore, the Council seeks opportunities to encourage the use of sustainable transport modes and curb car use, for example by strictly limiting car parking provisions and by requesting improvements to public transport and to pedestrian and cycle links to public transport facilities and the surrounding area. These objectives are reflected in policies ST27, ST28, ST30, ST32, T15, T16, T19 and T24 of the UDP and policies CP1, CP5, CP20, CP40, CP41, CP46, DEV3, DEV16, DEV17, DEV19 and HSG1 of the LDF Core Strategy submission document. The London Plan supports this approach (refer to policies 2A.1, 3A.5, 3C.1, 3C.16, 3C.20, 3C.21, 3C.22, 4.B1, 4B.9).

Highway Network

- 8.3.2 A single grade separated slip road off the Lower Lea Crossing, just 200 metres east of the Leamouth Road roundabout, provides access to the Leamouth peninsula. Traffic exiting the peninsula joins the westwards flowing traffic on the Lower Lea Crossing via another slip road.
- 8.3.3 National guidance clearly sets out that for development in excess of 300 residential units more than one vehicular access must be provided for reasons of public safety (Design Bulletin 32). The proposed developments in isolation and combination would considerably exceed this threshold. In particular in light of existing uses and other proposed developments (eg Leamouth North), the vehicular access arrangement is considered to be substandard. Access for emergency vehicles would be seriously impeded or even prevented in cases of vehicle breakdown, road maintenance works or emergency closures brought about by accidents, fires or crime. Clearly, this is unacceptable.
- 8.3.4 The applicant's Transport Assessment is deficient with respect to baseline conditions and trip generation and the developments' impact on the road network cannot be fully assessed. Other developments in the area (eg Leamouth North) have also not been

taken into account in the assessment.

Connectivity and public transport

- 8.3.5 Leamouth Peninsula South currently has a low Public Transport Accessibility Level rating (PTAL of 1). The peninsula is linked to the existing local pedestrian network through footpaths alongside the slip roads in and out of the peninsula. East India DLR station is the nearest station and can be reached within a 15 minute walk from the application sites. People whose mobility is restricted, for example the disabled or parents with prams, could take longer. One bus route connects with East India DLR station. The existing local shopping area at Poplar High Street and Canning Town centre are further away.
- 8.3.6 The application documents refer to the provision of a pedestrian bridge across the River Lea at Hercules Wharf (marked 'Hercules Bridge') and indicate a riverside walkway along the river leading to Canning Town. However, whilst planning permission was granted for this bridge (refer Planning History section above), central government funding is not available for this anymore and there are no plans to erect this bridge.
- 8.3.7 Furthermore, the applicant refers to the proposed bridge at the northern tip at Leamouth Peninsula North for pedestrian connection to Canning Town interchange. The planning application which includes this bridge would have been refused had the applicant not appealed (refer to PA/05/01409), due to the poor connection the bridge would create with Canning Town.
- 8.3.8 The proposals do not include the provision of separated cycle routes and no consideration has been given to the integration of the proposed developments with existing cycle routes.
- 8.3.9 For the avoidance of doubt, the applicant does not propose the creation of new pedestrian and cycle links to public transport interchanges and the surrounding area (Canning Town) or the improvement of existing links as part of the planning applications considered here. Furthermore, no firm plans are in place to introduce bus services into the development. The PTAL rating would remain at a low level of 1 and the proposed high density developments, in isolation and in combination, would be contrary to policy as outlined in paragraph 8.3.1 above and cannot be supported.

Parking

- 8.3.10 It is regrettable that the figures provided by the applicant for motorcycle and bicycle parking are not consistent. The planning statement sets out that 96 cycle spaces and 14 motorcycle spaces would be provided, and the Transport Assessment (TA) sets out that 282 bicycle parking spaces and 45 motorcycle spaces are to be provided.

Car and motorcycle parking

- 8.3.11 The Council welcomes the provision of motorcycle parking as a substitute for car parking. Provision for 14 (TA: 45) motorcycles and 684 car parking spaces (incl. provision for disabled parking) are proposed.
- 8.3.12 Given the low PTAL rating of the sites, car/ motorcycle parking for use by residents as proposed is considered to be acceptable, subject to a proposal detailing how a low level of car usage would be encouraged and achieved. It is considered that, overall, the proposed parking provision is acceptable at Hercules Wharf and Union and Castle Wharf, in isolation and combination.
- 8.3.13 It should be noted that it is unclear whether charging facilities for electric vehicles have been incorporated in the development proposal.

Disabled parking

- 8.3.14 67 designated disabled parking spaces are proposed in connection with the residential use and 1 in connection with the commercial uses. The minimum standard as set out in table PS6 of the LDF Core Strategy submission document requires 10% of the total parking to be accessible with a minimum provision of 2. The proposed disabled parking could be considered to be acceptable subject to an agreement to re-allocate a number of the residential parking spaces to disabled parking and drop-off spaces for visitors and employees.

Bicycle parking

- 8.3.15 The increasing emphasis in national and regional guidance on sustainable transport modes such as public transport, walking and cycling and the recognised need to deter car use has led the Council to incorporate in the LDF submission documents the requirement for a minimum provision of 1 bicycle parking space per residential unit and 1 additional space for each 10 units for visitors (table PS7 of the LDF Core Strategy submission document).
- 8.3.16 Furthermore, a requirement for bicycle parking in connection with commercial uses has been set at: 1 space per 125sqm floor area for shops (A1) and financial and professional services (A2); 1 space per 250sqm floor area for offices and light industrial uses (B1/B1c); and 1 space per 100sqm floor area for drinking establishments (A4). 1 space/20 staff at restaurants should be made available as well as 1 for each 20 seats.
- 8.3.17 The standards set out in the adopted UDP are considered to be outdated given the shift in thinking over the last few years.
- 8.3.18 96 bicycle parking spaces are proposed in connection with the residential use (TA:280). In line with table PS7, at least 1800 bicycle parking spaces should be provided for the use of residents and visitors.
- 8.3.19 2 spaces (as per TA) are proposed in connection with the commercial uses. The applicant seeks flexibility with respect to the precise amount of floor area for each of the non-residential uses proposed in order to be able to respond to market demands. Therefore, it is difficult to assess exactly how many bicycle parking spaces should be provided. However, applying the standard of 1space/125sqm (A1 and A2) would result in the requirement for 16 spaces.
- 8.3.20 The bicycle parking provision proposed for the two development proposals, in isolation and in combination, is low and falls short of TfL guidelines and the requirements set out in table PS7 of the LDF Core Strategy submission document.

8.4 **Issue 3: Land Use**

Redevelopment of employment sites

- 8.4.1 The Council promotes the retention and new provision of different types of employment floor space which supports a range of different jobs, in order to ensure the economic wellbeing of the Borough. The London Plan highlights the importance of the provision of commercial floor space for the economic wellbeing of London in policies 3B.1 and 3B.2.
- 8.4.2 The application sites are designated for employment use in the adopted UDP. In the draft Lower Lea Valley Opportunity Area Planning Framework and the Leaside Area Action Plan (LAAP) submission document, the sites are designated for employment-led

redevelopment.

- 8.4.3 Policy EMP2 of the UDP and Policy CP11 of the LDF Core Strategy submission document seeks to protect employment generating floor space. Policy CP1 of the LDF Core Strategy submission document sets out that the Council will require all new development to contribute to creating and maintaining sustainable communities by facilitating growth that contributes positively to the local and regional economy and which provides jobs.
- 8.4.4 Policy CP7 of the LDF Core Strategy submission document sets out that the Council will seek to safeguard and enhance the number and range of jobs available to local residents and to retain and promote a wide range of spaces for different types of employment uses. Policy CP9 focuses on employment space for small businesses, setting out that the Council will promote various types of new workspace suitable for small businesses and that it will support the creation of affordable workspaces for start-up and move-on businesses.
- 8.4.5 Policy CP12 (Creative and Cultural Industries and Tourism) refers to the Leamouth Peninsular. It states that the Council will support new and seek to retain and protect existing creative and cultural industries, entertainment and tourism related uses, facilities and services for arts and culture and facilities that support these uses. In policy 3B.9 of the London Plan, boroughs are encouraged to identify and support the development of clusters of creative industries and related activities and environments.
- 8.4.6 The LDF LAAP submission document identifies Leamouth Peninsula south for mixed use redevelopment, bar the safeguarded wharf. Trinity Buoy Wharf, at the eastern end, is identified as a creative and cultural industry focus. Policy L38 of this document requires that employment uses should be the dominant use on the southern part of the peninsula, where the application sites are located, and should include B1 uses for small and medium sized enterprises and workshops. Policy L39 sets out that residential uses will be promoted throughout Leamouth as part of mixed use development, but that the extent of the residential uses should have regard to the type and extent of employment uses which should be provided in line with policy L38.
- 8.4.7 Whilst the redevelopment of the application sites and the introduction of an element of residential use is considered to be acceptable *in principle*, the proposed schemes fail to meet the objective to protect and enhance employment opportunities as required by policy (as outlined in the paragraphs above).
- 8.4.8 The existing floor areas at the two application sites are as follows:-
- 3,673sqm at Hercules Wharf;
 - 8,582 sqm at Union Wharf and Castle Wharf.
- The total is 12,225sqm.
- 8.4.9 400sqm of non-residential floor space are proposed at Hercules Wharf, and 1,600sqm at Union Wharf and Castle Wharf. The applicant proposes a range of non-residential uses but does not qualify how much floor space will be designated for each of the uses. For clarity, the following non-residential uses are included within the proposed 2,000sqm provision:
- Offices (B1)
 - Retail and Professional Services (A1 and A2)
 - Food and drink (A3 and A4)
- 8.4.10 In line with the glossary provided in the LDF Core Strategy submission document, the Council only considers Use Class B uses and closely related sui-generis uses to be employment uses. A significant loss of employment floor space of 10,225sqm or more of

would result from the redevelopment of the sites as proposed. Whilst the redevelopment of the sites is promoted, the importance of retaining and enhancing employment opportunities is clearly set out in the policies outlined in paragraph 8.4.3 above. The proposals, in isolation and combination, fail to sufficiently retain and enhance opportunities and are therefore considered to be unacceptable.

- 8.4.11 The residential component amounts to 24,650sqm at Hercules Wharf and 49,579sqm at Union Wharf and Castle Wharf and the non-residential uses 400sqm and 1,600sqm respectively. It is clear from these figures that the proposed developments, in isolation and combination, do not represent a mixed use redevelopment with predominantly employment uses, as required by policy L38 of the LDF LAAP submission document.
- 8.4.12 By reason of the flexibility sought by the applicant with respect to the different non-residential uses, the provision of any one of the non-residential uses cannot be guaranteed. The proposal does not include any firm plans to dedicate a sufficient amount of floor space for workshops which would compliment and strengthen the existing cultural and creative use at Trinity Buoy Wharf, as required by policy CP12 of the LDF Core Strategy submission document and policy L38 of the LDF LAAP submission document.
- 8.4.13 In conclusion, the development proposals, in isolation and combination, would result in an unacceptable loss of employment floor space and would fail to create diverse employment opportunities in this area, to the detriment of the economic wellbeing of the Borough. The proposals are contrary to policy EMP2 of the UDP, policies CP1, CP7 and CP11 of the LDF Core Strategy submission document, policies L38 and L39 of the LAAP submission document and policies 3B.1 and 3B.2 of the London Plan.

Redevelopment in the vicinity of a safeguarded wharf

- 8.4.14 Orchard Wharf, located at the south-western corner of the peninsula, is a safeguarded Wharf. Policy 4C.15 of the London Plan sets out that safeguarded wharves should be protected for cargo-handling uses and that development next to or opposite safeguarded wharves should be designed to minimise potential for conflicts of use and disturbance.
- 8.4.15 Policy L38 of the document sets out that Orchard Wharf will be protected for aggregates transfer and that development that prejudices the operation of the wharf for these purposes will not be supported.
- 8.4.16 The proposed developments include the provision of residential accommodation directly adjacent the safeguarded wharf (at Union Wharf) and opposite the wharf (at Hercules Wharf). Balconies and windows to habitable rooms would directly face the wharf.
- 8.4.17 Future use of the wharf would entail noisy operations at unrestricted hours, HGV movements and to some extent, particles and dust escaping from the site. The operations at the wharf would be likely to have an adverse impact on the residential amenity of neighbouring residents. Furthermore, the presence of residential accommodation in close proximity to the wharf is likely to act as a deterrent to potential operators of the wharf, who may consider that the residential use would result in restrictions to their operations due to the need to protect residential amenity.
- 8.4.18 In conclusion, the proposed residential accommodation at Hercules Wharf and Union Wharf is at conflict with the use at the safeguarded wharf. The introduction of the residential use proposed would prejudice the operation of the wharf for unrestricted cargo-handling, contrary to the policies outlined in paragraphs 8.4.14 and 8.4.15 above.

8.5 Issue 4: Density/ overdevelopment

- 8.5.1 Policies 3A.2 and 4B.3 of the London Plan and policy CP19 of the LDF Core Strategy

submission document seek to ensure the highest reasonable delivery of housing provision within sustainable development constraints and with consideration of the character of the local area. Policy CP20 of the LDF Core Strategy submission document seeks high residential densities on individual sites, subject to considerations set out in policy HSG1 of the document.

- 8.5.2 Policy HSG1 of the LDF Core Strategy submission document states that the Council will take into account the following factors when determining the appropriate residential density for a site:
- The density range appropriate for the setting of the site, in accordance with Planning Standard 4: Tower Hamlets Density Matrix;
 - the local context and character;
 - the need to protect and enhance amenity;
 - the provision of the required housing mix (including dwelling size and type, and affordable housing);
 - access to a town centre;
 - the provision of adequate open space, including private and communal amenity space and public open space;
 - the impact on the provision of services and infrastructure, including the cumulative impact; and
 - the provision of other non-residential uses on site.
- 8.5.3 Policy HSG9 of the UDP 1998 states that new housing developments should not exceed approximately 247 habitable rooms per hectare. Higher densities may be achieved where accessibility to public transport is high. This figure is outdated and is not in line with more recent policy contained in the London Plan and the emerging LDF documents.
- 8.5.4 Similar to the Peninsula North site, the site benefits from a unique waterside location, which, in conjunction with its accessibility, creates several challenging demands for any large-scale redevelopment. Currently, the public transport accessibility level is very low at 1. It is considered that sites with a low PTAL rating are not suitable for high-density development.
- 8.5.5 Substantial improvements to the connectivity of the sites are critical to create a better PTAL rating and allow for any high density development. The applicant refers to two proposed bridges at Leamouth Peninsula North and Hercules Wharf which would improve the connectivity of the sites.
- 8.5.6 The proposed bridge across the River Lea at Leamouth Peninsula North would connect with Canning Town Station and through the station with the local area. However, the planning application which includes this bridge (refer to PA/05/01409) is unacceptable and would have been refused if the applicant had not appealed.
- 8.5.7 The proposed bridge across the river at Hercules Wharf benefits from planning consent. However, there is neither funding for it nor are there any firm plans for the erection it.
- 8.5.8 In light of the dependency on an unacceptable scheme which includes a bridge and on a bridge for which there are no plans in place for its erection, the Council gives limited weight to those proposed bridges and considers that the PTAL rating of the application sites would remain low.
- 8.5.9 In light of its distance from the nearest centre and its facilities and services, Leamouth Peninsula South is considered to have an 'urban setting'. With the low PTAL rating of 1, a density of 200-450 habitable rooms per hectare (hr/ha) would be considered to be acceptable in line with Table PS8 of the LDF Core Strategy submission document, which is informed by the London Plan.

- 8.5.10 The combined schemes have a density of 1402 hr/ha. The sites' residential densities, in isolation and combination, significantly exceed the preferred density of 200-450 hr/ha.
- 8.5.11 The density tables are a guide and must be read in conjunction with relevant policies to determine the appropriate level of development. Policy HSG1, as summarised above in paragraph 8.5.2, is the most relevant policy in the LDF documents to undertake this assessment.
- 8.5.12 The proposed developments, in isolation and combination, constitute overdevelopment and represent an unsustainable form of development. This is for the following reasons, which are identified in line with policy HSG1 and which are assessed in detail in other sections of this report:-
- the proposed provision of private and communal as well as public open space is insufficient;
 - the proposed residential accommodation fails to meet the Council's minimum space standards, which are in place to prevent the creation of cramped living environments;
 - the layout of the buildings would result in overlooking and limited privacy, to the detriment of the residential amenity of future occupiers;
 - the bedrooms of the proposed 'small one bedroom units' do not have windows and therefore do not benefit from natural light and ventilation, to the detriment of the health and residential amenity of future occupiers;
 - insufficient levels of daylight and sunlight to some residential units cannot be ruled out (information submitted is incomplete), to the detriment of the residential amenity of future occupiers;
 - the sites lie at quite a distance from the nearest town centre and public transport facilities, to the detriment of the ease of movement of people to and from the site, which may in turn lead to an increase in non-essential car journeys.
- 8.5.13 In conclusion, the proposed developments at Leamouth Peninsula South, in isolation and combination, result in dense developments in a location with low accessibility to public transport, shops and other services. The proposed developments also exhibit typical symptoms of overdevelopment. As such, it is considered that the proposals, in isolation and combination, would have significant adverse impacts on the amenities of future residents and fail to meet the objectives of sustainable development. It is therefore considered that the proposal is contrary to policies CP1, CP5, CP19, CP20, CP41 and HSG1 of the DPD and policy L39 of the LAAP and policies 3C.2, 4B.1, 4B.3 and 4B.9 of the London Plan 2004.

8.6 **Issue 5: Open Space**

- 8.6.1 Open space at Hercules Wharf, Union Wharf and Castle Wharf would be provided in form of:-
- housing amenity space including terraces, gardens and courtyards;
 - public open space in form of a plaza ('Orchard place') and riverside walkways with adjacent soft landscaping and
 - children's play space: one local equipped area for play (LEAP) as well as two local areas for play (LAP).
- 8.6.2 Policies CP25 and HSG7 of the LDF Core Strategy submission document require the provision of an adequate amount of amenity space of good quality in form of private and communal space, including play space. Policies HSG16 and OS9 of the UDP stress the importance of an adequate provision of amenity space and play space within new developments.

Children's play space

- 8.6.3 The LEAP provides 430sqm of play space and two LAPs of 100sqm each are proposed. A barge is indicated on the plans for play space but permission is not sought for this. Therefore, this will not be counted.
- 8.6.4 The applicant has not provided an affordable housing offer. It is therefore difficult to calculate the play area required in line with table DC2 of Policy HSG7 of the LDF Core Strategy submission document as the child yield figures which are applied to predict the number of children on the development are higher for affordable housing units than they are for market housing.
- 8.6.5 In the absence of a clearly formulated affordable housing offer, it is not possible to calculate the play space required for the development.
- 8.6.6 In isolation, the provision of play space proposed at Hercules Wharf (LEAP of 430 sqm) would adequately cater for the number of children expected to live at Hercules Wharf, using the 'worst case scenario' calculations (PA/05/01597).
- 8.6.7 In isolation, the proposed provision of play space at Union Wharf and Castle Wharf (2 LAPs of 100sqm each) would fail the policy requirements, using the 'worst case scenario' calculations (PA/05/01598).

Private amenity space

- 8.6.8 Private gardens would be created at podium level ('Level 1') at Hercules Wharf, Castle Wharf and Union Wharf.
- 8.6.9 At Union Wharf, it appears that up to 6 units could benefit from private gardens. The remaining units at Level 1 would not have any private amenity space. From level 2 upwards, most of the proposed units would have external 'clip on' balconies. Many of the balconies are not of the minimum size required for the size of unit they serve. Furthermore, the usability and thus the amenity value of these types of balconies at higher levels is low due their exposure to wind. The proposed 3 bedroom units, many of which are located on upper levels, would have only relatively small balconies.
- 8.6.10 The provision of private amenity space at Union Wharf is considered to be unsatisfactory by reason of the limited space provided for the family size units and the limited usability and amenity value of the balconies at upper levels.
- 8.6.11 As the proposals for Hercules Wharf and Castle Wharf are in outline format, it is not clear how many of the units would benefit from private garden space and whether balconies would be provided. This could however be addressed at the detail design stage and an adequate provision could be secured.

Communal amenity space

- 8.6.12 The plans do not show the provision of roof terraces for private and/or communal use.
- 8.6.13 At Castle Wharf and Union Wharf, the spaces between the buildings constitute the communal open space in form of courtyards. The spaces are publicly accessible but the layout of the buildings and the landscaping would act to deter the public from entering the courtyards. The courtyards have a formal layout and treatment with much hard landscaping. Soft landscaping is provided within raised beds and planters. A water feature is proposed within the courtyard of Union Wharf in reference to the former drydock (refer to heritage section).

- 8.6.14 The applicant has not set out the proposed area (sqm) of communal space and calculations to check compliance with table DC2 of Policy HSG7 cannot be carried out easily. However, in addition to the risk that a substandard amount is proposed, the spaces are formal in nature and would not provide for a variety of activities. It is therefore considered that the provision of communal amenity space is unsatisfactory (PA/05/01598).
- 8.6.15 The development proposal at Hercules Wharf on its own (PA/05/01597) could be considered to be inadequate with respect to the provision of communal amenity space. This is because of the quality and nature of the courtyard area and the space west of building F. The 'courtyard' is designed as a largely hard surfaced, main pedestrian route which has limited recreational value for residents. The area west of building F would be little more than a pedestrian route connecting the riverside walkway with the vehicular access road.
- 8.6.16 Policy HSG7.4 sets out that the provision of high quality, usable and publicly accessible open space could justify a provision of communal amenity space which falls below the requirements in terms of areas as set out in table DC2 of the same policy. This provision is assessed below.

Public open space

- 8.6.17 Policy 3D.10 of the London Plan requires that policies within local plans seek to redress open space deficiencies and ensure that future open space needs are considered. Policy 3D.11 requires the boroughs to produce open space strategies to protect, create and enhance all types of open space in their area. Policy 3A.5 refers to the need for open space in large developments.
- 8.6.18 The findings of the Council's Open Space Strategy, which refers to the National Playing Fields Association's (NPFA) guidelines, are reflected in the new LDF submission documents. Policy CP30 of the LDF Core Strategy submission documents sets out the aim to protect, increase and improve open space and the aim to maintain and improve upon an open space standard of 1.2ha per 1,000 population.
- 8.6.19 Leaside is deficient in open space and the provision of new public open spaces is sought. In particular in the south of Leaside, where the application sites are located, access to open space is poor and overall provision is low at 0.4ha per 1,000 population. Policies L5 and L43 of the Leaside LAAP submission document requires the provision of public open space.
- 8.6.20 Appendix 1 of the Leaside LAAP sets out the requirement of 1.2ha of open space on Leamouth Peninsula South, which has an overall site area of 5.62ha. The application sites only cover part of the peninsula. It could be argued that this requirement of 1.2ha must be reduced as the application sites do not cover the entire area of the peninsula which is earmarked for redevelopment. However, this numerical requirement of 1.2ha is based on the assumption that development would occur at a lower density (refer to capacity studies which informed the LAAP). Therefore, it is considered that the provision of public open spaces at Leamouth South should be closer to the requirement of 1.2ha per 1,000 population in order to ensure that the needs of the future residents are adequately catered for.
- 8.6.21 Unfortunately, the applicant failed to provide an overall figure and a detailed breakdown of the areas of the open spaces proposed.
- 8.6.22 In light of the substandard provision of private and communal amenity space, a decent amount of usable public open space of good recreational value must be provided. This need is not met by the provision of fragmented or linear spaces. The provision would

have to include an area large enough and of a quality that, for example, allows informal ball games.

- 8.6.23 The centrally located plaza 'Orchard Place' is a large, predominantly hard surfaced area. To the south, it is bounded by the buildings at Union Wharf, which accommodate commercial uses at ground floor level. The applicant seeks flexibility and proposes that those units could accommodate shops, restaurants, cafes, offices or leisure uses. The presence of commercial uses within these units would ensure some activity at this level and the space could become an urban 'plaza'. The space would have amenity value and cater for some needs of residents and visitors. However, it must be noted that it appears larger than it actually is. The applicant proposes to hardsurface the entire space in natural stone to make it appear as 'one', however, the northern half is used for two-way vehicular traffic. The northern part of the space is the direct continuation of the access road into the peninsula south and has therefore no amenity value.
- 8.6.24 The approx. 5m wide path along the western boundary of Union Wharf (from access road to river), whilst tree-lined on one side, is a shared surface for pedestrians and vehicles for around $\frac{3}{4}$ of the way. Moreover, the wall of the westernmost building appears to have a solid wall at that level for a considerable length, only broken up by an entrance to the residential core of the building and the entrance to the parking provided within the podium. This path is not very attractive due to this and little amenity value can be attached to it consequently.
- 8.6.25 The applicant refers to the area in the centre of the proposed buildings at Hercules Wharf as 'Hercules Garden'. The green areas indicated are private gardens physically separated by walls from the wide path which diagonally cuts through the area. The path connects the riverside walkway with the central plaza, Orchard Place. The applicant's design statement clearly sets out that "*Hercules Garden provides one of the key pedestrian links in the development*" (para 5.4). Whilst the private gardens would add visual attractiveness to the path, it could not be considered to be a public open space of amenity value as sought by the Council. It constitutes a 'transitional space' just like the main through-route at Leamouth Peninsula North. Its main function is the provision a route through the development and a connection between places. It is therefore considered that Hercules Garden makes a very limited contribution to the provision of public open space that fulfils a recreational function for residents or visitors. Equally, as described above in paragraph 8.6.15, the area west of building F would be little more than a connection between places.
- 8.6.26 In conclusion, the proposals, in isolation and in combination, do not include public open space of a size and nature which would adequately cater for the diverse recreational needs of the future residents of the sites.

8.7 **Issue 6: Dwelling mix**

- 8.7.1 A balanced mix of different size residential units, including an adequate proportion of family-size units, is sought in new developments. A balanced mix will offer good housing choice which provides for a wide variety of people and households, which in turn will facilitate and support the creation and growth of sustainable communities in the Borough.
- 8.7.2 Policy 3A.4 of the London Plan and policy C3 of the draft LLV OAPF require that development proposals must provide a suitable range of residential accommodation with a mix of dwelling types. Policy HSG7 of the UDP requires the provision of a mix of units sizes including a substantial proportion of family size accommodation of between 3 and 6 bedroom units. Latest research and guidance has led the Council to set out its objective with respect to the provision of housing as outlined in paragraph 8.7.1 above, which is set out in policies CP1, CP19, CP21 and HSG2 of the LDF Core Strategy submission

document.

- 8.7.3 In particular policies CP19 and HSG2 emphasise the requirement for the provision of larger, family size units. Policy HSG2 sets out that a minimum of 25% of the intermediate and market housing proposed in new developments must be family accommodation, comprising 3, 4 and 5+ bedrooms, and 45% of the social rented.
- 8.7.4 477 residential units are proposed at Hercules Wharf (PA/05/01597) in form of:-
- 191 studios and 'small one bed' units
 - 143 one-bedroom units
 - 67 two-bedroom units
 - 76 three bedroom units
- 8.7.5 925 residential units are proposed at Castle Wharf and Union Wharf (PA/05/01598) in form of:-
- 370 studios and 'small one bed' units
 - 278 one-bedroom units
 - 129 two-bedroom units
 - 148 three-bedroom units
- 8.7.6 16% of the units at Hercules Wharf would be 3-bedroom units and 70% would be one-bedroom units or smaller. The same percentages apply to the provision at Union Warf and Castle Wharf.
- 8.7.7 Furthermore, no four and five bedroom units are proposed, which would be required as part of the market, intermediate and affordable housing provision on the sites.
- 8.7.8 Clearly, in isolation and combination, the proposed developments make a gross overprovision of small units and an under-provision of family size units, contrary to the objective to facilitate the creation and growth of balanced and sustainable communities as set out in local and regional policy.

Wheelchair accessible housing and 'Lifetime Homes'

- 8.7.9 The applicant's access statement of intent sets out the commitment to achieve high 'lifetime homes' standard and to provide 10% wheelchair accessible housing. Nowhere else are details provided which demonstrate that 10% of the proposed residential units would be fully wheelchair accessible. If the applications were recommended for approval, the applicant's commitment to this provision would have to be secured through a condition or s106 agreement. The provision of wheelchair accessible housing is required by policy HSG9 of the LDF Core Strategy submission document, HSG8 of the UDP and policy 3A.4 of the London Plan.

Issue 7: Affordable Housing

- 8.8.1 No details have been provided with respect to the provision of affordable housing or any justification for a departure from the requirements set out in the adopted policies. The applicant's documents indicate that the provision of affordable housing 'would be negotiated with the local authority'.
- 8.8.2 Government Guidance highlights the need to meet all housing needs, this includes affordable housing. Policy HSG3 of the adopted UDP 1998 requires that 25% affordable housing be provided on all housing developments with a capacity for 15 dwellings or more, however, this policy has in effect been superseded by the adopted London Plan and emerging LDF. Policy CP22 of the LDF Core Strategy submission document requires affordable housing to be provided on all housing developments with a capacity of

10 units or more at a minimum rate of 35%, calculated on a habitable rooms basis. The London Plan sets out a strategic target of 50% of housing to be affordable.

- 8.8.3 Policy HSG3 of the LDF Core Strategy submission document requires the Council to seek maximum reasonable amount of affordable housing and have regard to the economic viability of the proposal, availability of public subsidy, other site requirements and the overall need to ensure that all new housing developments contribute to creating sustainable communities.
- 8.8.4 The provision of affordable housing as a proportion of new housing is important in the development of mixed and balanced communities, especially in this residential-led mixed-use development. The borough has some of the greatest needs for affordable housing in London. This is reflected in the LBTH Housing Study (2004), which further emphasizes the key priority within the Community Plan to increase the provision of affordable housing, so that families can continue to live together. It is considered in light of the scale and proposed number of units that the proposals should, in accordance with both regional and local policy, seek to exploit the maximum capacity of adequate affordable housing with a good and full spectrum of housing in terms of need, choice, and tenure.
- 8.8.5 It should also be noted that off-site affordable housing provision is unlikely to receive favourable degree by reason it the development's scale, the objectives to create a mixed and balanced community and limited scope for an appropriate alternative site.
- 8.8.6 The lack of an acceptable element of affordable housing is considered unacceptable. It does not accord with the Council's objective to ensure the sufficient and continued delivery of affordable housing in the Borough. The proposals, in isolation and combination, are thus contrary to policies CP22, HSG3 and HSG10 of the LDF Core Strategy submission documents which seek to ensure that a minimum of 35% of the habitable rooms of the development is provided as affordable housing on site. It should also be noted that the proposal is contrary to the objectives of the London Plan.
- 8.8.7 Details of the location, mix and tenure split of the required affordable housing units have not been provided and in the absence of detailed assessments, an informed judgement of the acceptability and impacts cannot be made. In these circumstances, it is considered that the proposed developments, in isolation and in combination, are contrary to policy 3.A.4 of the London Plan and policies CP1, CP22, HSG3 and HSG4 of the LDF Core Strategy submission document, which seek to ensure that new residential development provide an appropriate mix of affordable dwelling types and sizes to meet local needs and promote mixed, balanced and sustainable communities.

8.9 **Issue 8: Standard of accommodation**

- 8.9.1 Policy 4B.9 of the London Plan states that large scale buildings should be of the highest quality design and pay particular attention to privacy, amenity and overshadowing in residential environments. Policies ST23, DEV2 and HSG13 of the UDP require a high quality standard of new housing, the protection of residential amenity and adequate internal space. The Council's Supplementary Planning Guidance (SPG) 'Residential Space' sets out the minimum space requirements for the different types and sizes of residential units.
- 8.9.2 The requirement that new developments provide high quality homes and residential environments is reflected in a number of policies in the LDF Core Strategy submission document:-
- Policy CP1 requires designs which achieve the highest level of amenity and improves liveability in the Borough;
 - Policy CP4 requires developments to protect amenity, including privacy and

- access to daylight and sunlight;
 - Policies CP20 and HSG1 seek to guide the density of proposed developments by taking the creation of high quality, well designed homes and amenity spaces into consideration (amongst other things);
 - Policies CP25 and HSG7 require the provision of an adequate amount of high quality, usable amenity space, including private and communal amenity space for all residents;
 - Policy DEV1 requires development to protect the amenity of existing and future residents and refers in particular to: overlooking of habitable rooms and privacy; overlooking of private amenity spaces; noise, vibration, artificial light, odour, fume or dust pollution; sunlight, daylight and sense of enclosure; visual amenity; microclimate;
 - Policy DEV2 requires the provision of adequately sized rooms.
- 8.9.3 Buildings A and B at Union Wharf are sited parallel to the boundary to the safeguarded Wharf, at a distance of 5 metres. The buildings are predominantly residential with some commercial floor space proposed on the ground floor of Building B. Approximately half of the units proposed within the 27 storey high Building A and of the 10 storey high Building B directly face the safeguarded wharf. Building F of Hercules Wharf is a residential block of 7 storeys in height and lies opposite the safeguarded wharf, across the access road. The wharf is safeguarded. It is currently not used but any future operations at the wharf, which would be unrestricted, could lead to considerable disturbance to residence by way of dust, fumes and odours (from machinery/ vehicles, noise and vibration. The information submitted is incomplete and does not show that no nuisance would result. Future occupiers may therefore be subjected to undue disturbance and pollution.
- 8.9.4 The details submitted for Castle Wharf are in outline format. The provision of private amenity space would therefore be a matter to be agreed at a later stage, if permission was granted.
- 8.9.5 Full details are provided for Union Wharf. Private amenity space there is proposed in form of terraces/ patios and external, 'clip-on' balconies. Many of the 'clip on' balconies are not of the minimum size required for the size of unit they serve. Furthermore, the balconies to the units on the upper floors of the tall building are likely to be exposed to wind and thus, their amenity value is low. Some units on the lower levels do not benefit from private amenity space at all. This is particularly unacceptable with respect to the family size units. In conclusion, the proposed private amenity space is inadequate and an adequate level of residential amenity in this respect is not guaranteed (PA/05/01598). This is not mitigated against through the provision of communal amenity space (refer to paragraphs 8.6.8-8.6.14 above).
- 8.9.6 The proposal at Hercules Wharf is in outline format. The provision of private amenity space in form of balconies and ground floor and roof terraces could be agreed at a later stage and therefore, there is no objection on these grounds to PA/05/01597.
- 8.9.7 Issues of internal space provision at Hercules Wharf could also be agreed at a later date (PA/05/01597).
- 8.9.8 The floor plans submitted for Union Wharf are not annotated with flat and room sizes and no area schedule was submitted. However, spot-checks confirm that a number of units fail to meet the Council's minimum space standards as set out in the SPG 'Residential Space', to the detriment of the residential amenity of future occupiers. PA/05/01598 is therefore not acceptable on these grounds.
- 8.9.9 The detailed floor plans submitted for Union Wharf show that the 'small' type of one-bedroom units are designed with the bedroom located away from the façade, without a window. These bedrooms would receive no sunlight or natural ventilation and only very

little if any natural daylight. The design does not ensure an adequate level of amenity in this respect for future occupants.

- 8.9.10 Furthermore, the proximity of the buildings to each other in conjunction with their height and bulk would also reduce sunlight and daylight to some units at all three wharves. The severity of the impact cannot be established at Hercules Wharf and Castle Wharf due to their outline nature and the incomplete assessment submitted.
- 8.9.11 At Union Wharf, the arrangement of the buildings is likely to result in limited daylight and sunlight to the inward facing units on the lower floors of Buildings B, C and D. The submitted information is incomplete and does not prove that an adequate level of sunlight and daylight to those units is guaranteed.
- 8.9.12 Furthermore, the proposed glass 'shields' on Building A at Union Wharf, which are in front of balconies and windows, are a cause for concern. They would reduce the light to the units considerably. The submitted information does not prove that an adequate level of sunlight and daylight to those units is guaranteed.
- 8.9.12 Overlooking could be a problem at all three wharves due to arrangements of buildings. As only outline details are provided for Hercules Wharf and Castle Wharf, the location of windows and balconies is unknown. However, great lengths of wall face each other at short distances and it is likely that windows and/or balconies would be provided which directly face each other. An innovative design may overcome this issue.
- 8.9.13 At Union Wharf, due to the limited distance between buildings B, C and D at the northern end of the site, overlooking of habitable rooms and private amenity spaces would be enabled. This would have a materially adverse impact on the residential amenity of future occupiers in terms of privacy, and is thus unacceptable.
- 8.9.14 In conclusion, the designs of the developments do not ensure the creation of high quality residential environments, contrary to the policies outlined in paragraphs 8.9.1 and 8.9.2 above.

8.10 **Issue 9: Inclusive environments**

- 8.10.1 Policies 4B.1, 4B.4, 4B.5 of the London Plan seek to ensure that developments are accessible, usable and permeable for all users and that developments can be used easily by as many people as possible without undue effort, separation or special treatment. Policy 3C.20 refers to the importance that connections from new developments to public transport facilities and the surrounding area (and its services) are accessible to all. Best practice guidance has been issued by the GLA (SPG Accessible London: achieving an inclusive environment, 2004).
- 8.10.2 Policies ST3 and DEV1 of the UDP require that development contributes to a safe, welcoming and attractive environment which is accessible to all groups of people. A growing awareness of the importance to create environments that are accessible for all people has led the Council to emphasise the importance of 'inclusive design'. This is reflected in policies CP1, CP4, CP40, CP46 and DEV3 of the LDF Core Strategy submission document, which all seek to ensure that inclusive environments are created which can be safely, comfortably and easily accessed and used by as many people as possible without undue effort, separation or special treatment.
- 8.10.3 In the absence of the two bridges and no firm plans to introduce bus services to the peninsula, the nearest public transport facilities (DLR East India, bus route 277) lie a 10-15 minute walk away. The shops at Canning Town are further (refer to 'Development and

Transport' section above). The route incorporates level changes and slopes, for example at the slip road in and out of the peninsula. The walk may take longer for mobility impaired people. Indeed, for some people, the trip to East India interchange or Canning Town, due to the distance and the nature of the routes, may be very difficult and may take a lot of effort. The trip may even be impossible to complete for some. The development proposals, in isolation and combination, do not provide for an acceptable connection to public transport services which make those easily accessible by all people.

- 8.10.4 At three points at Castle Wharf, only stepped access is provided from the road to the courtyards and thus any building entrances off the courtyards. Wheelchair users would have to go around the outside of the buildings at Castle Wharf or alternatively through Hercules Garden and then along the river, to reach the courtyards. Steps-only access may also take undue effort for people who find it difficult to climb stairs.
- 8.10.5 The applicant's access statement shows steps-only access to be provided at one point at Hercules Wharf. Reference is made to 'lifts to be provided by others' but evidently, this cannot be relied upon. The application drawings do not correspond in this respect and show a large ramp.
- 8.10.6 At Union Wharf, the raised courtyard is connected to the riverside walkway through steps only. A wheelchair user finding him/herself at either of the two levels would have to go back to the road, around the building and back down towards the riverside to reach the other level, which would clearly take a lot of undue effort. This arrangement is considered to be entirely unacceptable.
- 8.10.7 The access statement sets out that all slopes would have 'gentle' gradients. However, even a gentle gradient, over a considerable length, would take undue effort and create problems for some people. The access statement does not indicate the length and gradient of each slope within the development.
- 8.10.8 It is considered that the proposed developments, in isolation and combination, do not connect well with their immediate surroundings and do not allow safe and easy access through the development.
- 8.10.9 The northern part of the proposed plaza 'Orchard Place' and around $\frac{3}{4}$ of the length of the access route along the western boundary of Union Wharf are shared surfaces. Shared areas have safety implications. The visually impaired may not see vehicles but hear them, but bicycles may be harder to detect. Furthermore, in the absence of a clear separation through a kerb and/or tactile paving, it could be difficult for the visually impaired to gain orientation and decide where it will be safe to stand and let vehicles pass. The hearing impaired may not be aware of vehicles approaching from behind, whilst the drivers may expect them to hear and step aside. This problem is particularly acute at the northern part of the plaza, as the shared area there is the continuation of the access road into the peninsula, which needs to be used by traffic in connection with the activities at Trinity Buoy Wharf and the commercial uses proposed as part of the development proposals (servicing), and the residents at Castle Wharf to gain access to the their parking area.
- 8.10.10 In particular in view of the fact that the separations and the problems for some users as outlined above would be created by the development itself, through the creation of podium levels to accommodate parking and the incorporation of shared surfaces, the development is considered to be unacceptable as it does not accord with the policies outlined above and best practice guidance, which seek to ensure the creation of inclusive environments.

8.11 **Issue 10: Listed Building works**

- 8.11.1 Policy DEV37 of the UDP states that proposals to alter listed buildings will be expected to preserve the special architectural or historic interest of the building. Where appropriate, alterations should endeavour to:
- retain the original plan form;
 - retain and repair original external and internal architectural features and where possible replace any missing items;
 - be carried out using traditional materials and with appropriate specialist advice under careful supervision;
 - allow for the recording of architectural and archaeological details.
- 8.11.2 Policy CON1 of the LDF Core Strategy submission document sets out that permission for the alteration of a listed building will be granted only where it will not have an adverse impact on the character, fabric or identity of the building. It furthermore sets out that demolition will be resisted but where exceptional circumstances require demolition to be considered, applications will be assessed on a number of points, including the importance of the building and its condition. Policy DEV36 of the UDP sets out similar parameters for the assessment of proposals for demolition of listed buildings.
- 8.11.3 London Plan policies 4B.10, .11 and .12 also seek to protect London's listed buildings and heritage.
- 8.11.4 The dry dock at Union Wharf is Grade II listed. It is filled in with rubble and capped with concrete. Application PA/05/01600 seeks consent for the removal of the remains of the dry dock structure bar the iron caisson. The removal of the remains is necessary to build the proposed podium (proposed under planning application PA/05/1589), within which parking would be accommodated.
- 8.11.5 The remains of the original brick boundary walls around the dry dock (at the northern end and eastern side) are considered to be curtilage structures as they have formed part of the land since before 1948. They are 'curtilage listed' and whilst they are not included in the list description, they enjoy protection just like listed buildings. They would have to be demolished as part of the development of Union Wharf. The applicants did not specify these demolition works in their Listed Building application.
- 8.11.6 The applicant's Conservation Assessment report sets out the historic importance of the listed dry dock:-
"[...] there were around 51 dry docks in the east of London by the later 19th Century [...]. Despite this large number, only four dry docks have been recognised on the Statutory List. The recognition of Orchard Dry Dock as one of these four clearly demonstrates its status as one of the most important survivals of the ship repair industry [...]. It is therefore a significant part of London maritime heritage." (p.20)
- 8.11.7 On page 21, it is stated that the dry dock is one of only two (of the four) listed docks with a surviving original caisson.
- 8.11.8 The Conservation Assessment includes a plan showing the 'probable' extent of the dry dock (fig. 32, p.26) but no works have been carried out to confirm this. Irrespective of this, the 'probable' extent is almost the same as the original extent, only reduced slightly at its north-eastern end. Whilst the dry dock is filled in, its sheer size can still be understood today as the area is a large open space. Only at the northern end of the site, a small area over the original dry dock is occupied by part of a building.
- 8.11.9 The applicants in their Conservation Assessment imply that the dry dock is of no value as it is not visible, even though later in the report its importance is outlined (refer back to paragraphs 8.11.5 and .6 above):
"The dry dock only survives today as a buried archaeological feature. [...]. The only

significant part of the Victorian dry dock which still survives in anything like its original form is the iron caisson.” (p.17)

- 8.11.10 The applicant’s report concludes that the proposed works to the listed dock and the redevelopment proposal are acceptable.
- 8.11.11 However, it is considered that, whilst covered, the dry dock still holds significance and its extent is still clear today through the presence of a large open space. Any works to the dry dock and any redevelopment of the site must respect the plan form of the listed structure and the maritime character of this site.
- 8.11.12 The removal of the remains of the listed dock structure is not acceptable. The importance of the dry dock is clear, it being only one of four listed dry docks out of the many that had existed. There are no exceptional circumstances which would justify its removal. The necessity for its removal is only brought about by the proposal to build a car park in conjunction with residential development on the site. This parking area could be accommodated elsewhere on the applicants’ sites through underground parking or indeed, it could be done without.
- 8.11.13 In conclusion, the proposal would result in the unjustified loss of a listed dry dock bar its iron caisson, and is therefore entirely unacceptable. The repair of the caisson and the proposed ornamental water feature, which only extends over a fraction of the original length and width of the dry dock and is oriented at a different angle, do not make up for the loss of the listed dry dock. As such, the proposal is contrary to policies DEV36 and DEV37 of the UDP, policy CON1 of the LDF Core Strategy submission document and London Plan policies 4B.10, .11 and .12, which seek to ensure the protection and enhancement of listed buildings and historic assets.

8.12 **Issue 11: Urban design and the historic environment**

- 8.12.1 Policy 2A.1 of the London Plan, which sets out sustainability criteria, states that a design-led approach should be used to optimise the potential of sites. Chapter 4B of the plan focuses on all aspects of design and provides detail guidance. Policy 4.B1, which summarises the design principles to be applied, requires that developments
- Maximise the potential of sites;
 - create or enhance the public realm;
 - provide or enhance a mix of uses;
 - are accessible, usable and permeable for all users;
 - are sustainable, durable and adaptable;
 - are safe for occupants and passers-by;
 - respect local context, character and communities;
 - are practical and legible;
 - are attractive to look at and, where appropriate, inspire, excite and delight;
 - respect the natural environment;
 - respect London’s built heritage.
- 8.12.2 Policy 4B.9 focuses on the design and impact of large-scale buildings, referring to the appearance of the development close up and from the distance, the public realm and the impact of tall buildings on residential amenity and the microclimate of the surrounding environment, including public and private open spaces. Policy 4C.20 seeks to ensure that developments are integrated successfully with the water space in terms of use, appearance and visual impact. The approach set out in the London Plan is reflected in the LDF submission documents.
- 8.12.3 Policies DEV1, DEV3, DEV6, DEV47 of the UDP and policies CP1, CP4, CP49, DEV2,

DEV3 and DEV27 of the LDF Core Strategy submission document relate to new development proposals and set out the Council's objectives with respect to the design of new developments. The policies require that development proposals create new buildings and spaces of high quality design that are accessible, attractive and well integrated with their surrounding natural and built environment.

- 8.12.4 There are three listed structures at Leamouth peninsula south:
- the Grade II listed dry dock at Union Wharf,
 - the Grade II listed chain locker and lighthouse at Trinity Buoy Wharf and
 - the Grade II listed quay wall (partly within Trinity Buoy Wharf site, partly Union Wharf site).
- The lighthouse is the only lighthouse in London and the dry dock is one of the 4 listed dry docks.
- 8.12.5 In light of the presence of these historic assets, regard has to be had to policies 4B.1 and 4B.10, 4B.11 and 4B.12 of the London Plan, policy DEV39 of the adopted UDP and policies CP49 and CON1 of the LDF Core Strategy submission document which seek to ensure that new developments respect the settings of listed buildings and do not adversely impact on them.
- 8.12.6 Leamouth Peninsula South is mainly occupied by typical industrial buildings of large footprints but modest heights, with corrugated iron roofs or cladding. At the north-western end of the peninsula, there is a three-storey brick building which accommodates combined live and work units.
- 8.12.7 The peninsula's focal point is however Trinity Buoy Wharf, which is located at the eastern end of the peninsula and which is entirely different in character. It comprises of a number of brick buildings and new container buildings, which in part feature elements of striking colour. Trinity Buoy Wharf provides spaces for cultural and creative industrial activities. One of the buildings together with its attached lighthouse is Grade II listed. The buildings are all of modest height, the new buildings taking cue from the listed building.
- 8.12.7 In assessing the proposed developments at Hercules Wharf and Castle Wharf and Union Wharf, the following three issues must be considered under this section:-
- the impact of the proposed developments on the setting of the listed dock structure, the listed building at Trinity Buoy Wharf and the associated historic character of the area, in isolation and combination;
 - the legibility and permeability of the developments, in isolation and combination;
 - the appearance of the proposed buildings.

The setting of the listed buildings and the historic character of the area

- 8.12.8 At Union Wharf, the development proposal does not respect the listed dock structure and its setting. The proposed new buildings would cover some of the area of the original dry dock, in particular at the northern end where the dry dock extends almost to the site boundary. A water feature is proposed to remind of the maritime past. However, it only extends over a fraction of the area of the original dry dock and is oriented at a different angle. Furthermore, the proposed buildings A and B (27 and 10 storeys in height) are out of scale and not in line with the historic character of the site.
- 8.12.9 The listed lighthouse, the only lighthouse in London, would now be seen against a backdrop of large buildings from the south, south-east and east. The proposed buildings would detract from the appearance of the lighthouse by reason of their height and massing, to the detriment of the visibility of the lighthouse.
- 8.12.10 In conclusion, the proposed development at Union Wharf and Castle Wharf (PA/05/1598)

fails to respect the listed buildings on the peninsula. It would detract from the appearance and setting of the listed lighthouse. It would destroy the setting of the dry dock and the dock itself, resulting in the loss of the maritime character of this site.

Layout - Legibility and permeability

- 8.12.11 The access road Orchard Place would remain the main route through the southern peninsula. A new public open space is proposed in the centre of the southern peninsula. It is intended to be the 'heart' of the development, with non-residential uses fronting onto it. Part of the access road would be incorporated as a shared surface between vehicles and pedestrians. The open space forms part of the hybrid application for Union Wharf and Castle Wharf and is in outline format.
- 8.12.12 (PA/05/01598) The buildings at Union Wharf and Castle Wharf are laid out to create courtyards. These courtyards are raised and parking is accommodated underneath within the podium. Public access would be possible, via stairs and ramps located between tightly-set buildings. However, this separation would act as a deterrent for visitors to enter the courtyards. At one of those access points at Union Wharf, where the two buildings are set at a distance of 10 metres from each other, a canopy at first floor level connects the two buildings. This canopy would act as a deterrent for visitors to enter the courtyard. In effect, semi-private courtyards would be created, where access for non-residents is not impossible, but where it is not likely to be used.
- 8.12.13 In particular at Union Wharf, the proposed layout is not acceptable as no clearly legible and attractive connection to the River Thames is created from the main access road. As described in paragraph 8.12.12 above, visitors are deterred from entering the courtyard from the proposed new public open space to reach the river. Furthermore, the two paths along the eastern and western boundaries of Union Wharf are unattractive, uninviting and hostile connections between the access road and the riverside. Access to the riverside must be promoted in line with policy but the proposed scheme fails to invite people to the riverside through the separation in levels and layout of buildings.
- 8.12.14 (PA/05/01597) The buildings at Hercules Wharf are laid out to form a relatively open courtyard. The route through it is clearly a public route. It is a wide, landscaped path connecting the proposed new public open space with the riverside walkway along the River Lea and the point where the approved bridge would land. Whilst it is laudable that provision for the landing of the approved bridge is made, this main circulation route is pointless without this bridge and opportunities to create more usable recreational amenity space are missed.
- 8.12.15 A new link through to Trinity Buoy Wharf is proposed at the eastern end of the proposed public open space. However, it appears that this approach has not been fully worked through and that Trinity Buoy Wharf have not been party to this approach. It is unclear how this arrangement would work. The main entrance to Trinity Buoy Wharf is at the very eastern end of the access road and there is no evidence of any intention to change this arrangement.
- 8.12.16 This arrangement, if implemented, is likely result in a dispersal of pedestrian activity. This in turn would have a negative impact on the level of activity along the remainder of the access road (eastwards from the public open space). There is a risk that the eastern part of the access road becomes a 'dead space', used by few.
- 8.12.17 If no workable new entrance is created, Trinity Buoy Wharf would be 'cut off' from the rest of the peninsula, which is unacceptable.
- 8.12.18 It is considered that the proposals fail to create a clear and strong main circulation route with appropriate destination points. The opportunity is missed to create an active street

frontage all along the access road, leading visitors via the new public open space to the main entrance to Trinity Buoy Wharf and the link to the riverside walkway along the River Lea.

Appearance of the proposed developments

- 8.12.19 If there was not a listed lighthouse at Trinity Buoy Wharf, there would not be an objection to the introduction of three tall buildings and a number of medium rise buildings on the application sites as proposed in townscape terms. The tall buildings are of an acceptable footprint to height ratio and would appear as separate elements in the skyline.
- 8.12.20 The tall building at Union Wharf, building A, is 27 storeys high. Its design incorporates vertical 'snaking' glass screens running up the balconies. The building is of simple design, the 'clip-on' balconies and glass screens disguising a slightly irregularly shaped but otherwise monolith tower block.
- 8.12.21 The ground level treatment of the buildings at Union Wharf is considered to be inappropriate. There are many solid brick walls, which result in an unfriendly public realm if not a hostile environment. This is particularly the case along the site boundaries, but also on the elevations facing the proposed new open space. Clearly, an opportunity has been missed to create active and interesting frontages at ground which enable good natural surveillance.
- 8.12.22 Castle Wharf and Hercules Wharf are in outline format and no comments can be made on the detail design.

8.13 Issue 12: Environmental Impact Assessment

- 8.13.1 In accordance with The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 and guidance set out in Circular 02/99: Environmental impact assessment, the Environmental Statement (ES), together with any other information, comments and representations made on it, must be taken into account in deciding whether or not to give consent for a proposed development.
- 8.13.2 The ES forms the main communication tool for the findings of the Environmental Impact Assessment (EIA). The EIA Regulations 1999 set out minimum requirements for content of an ES and it is the duty of the Council to consider whether the ES provides sufficient detail for a proper assessment.
- 8.13.3 The Council commissioned an external consultant to review the ES, which was submitted in support of both applications PA/05/01597 and PA/05/01598. The review was undertaken against the requirements of the above Regulations and a detailed report describes the findings of the review. The ES has been found to be deficient.
- 8.13.4 A number of shortcomings have been identified which would justify a request for further information. These shortcomings relate to:
- the visual and landscape/townscape assessment
 - the archaeological assessment
 - the soil and ground condition assessment.
- 8.13.5 Circular 02/99 states that "*Local planning authorities should satisfy themselves in every case that submitted statements contain the information specified in Part II of Schedule 4 to the Regulations and the relevant information set out in Part I of that Schedule that the developer can reasonably be required to compile*". In light of such advice and the review results, the Council is not satisfied that the submitted ES complies with the requirements. It therefore does not constitute an acceptable ES as set out in the above Regulations.

- 8.13.6 The deficiency of the ES results in insufficient details and information about the proposals and their impacts. This directly affects the ability of the Council to make a decision, to such an extent that the Local Planning Authority is unable to satisfy itself that the developments will not have an adverse effect on the local and wider environment.
- 8.13.7 If the applications had been considered valid, requests for further information under Regulation 19 would have been made. In line with regulations and advice, in the case of an application with an inadequate ES, the application can only be refused.
- 8.14 **Issue 13: Energy**
- 8.14.1 Policy 4A.7 of the London Plan sets out that the Mayor will and the boroughs should support the Mayor's Energy Strategy and its objectives of reducing carbon dioxide emissions, improving energy efficiency and increasing the proportion of energy used generated from renewable sources.
- 8.14.2 Policy 4A.8 sets out the requirement for an assessment of the future energy demand of proposed major developments, which should demonstrate the steps taken to apply the Mayor's energy hierarchy. It includes the following order of preference for heating and cooling systems:
1. passive design;
 2. solar water heating;
 3. combined heat and power for heating and cooling, preferably fuelled by renewables;
 4. community heating;
 5. heat pumps;
 6. gas condensing boilers;
 7. gas central heating.
- 8.14.3 4A.9 requires that new developments generate a proportion of the site's electricity or heat needs from renewables, where feasible.
- 8.14.4 The issue of conserving energy is also reflected in Policy 4B.6 of the plan on 'Sustainable design and construction', where highest standards of sustainable design and construction are required.
- 8.14.5 The above London-wide policies are reflected in policies CP3, DEV5 and DEV6 of the LDF Core Strategy submission document. In particular, policy DEV6 requires that:
- all planning applications include an assessment which demonstrates how the development minimises energy demand and carbon dioxide emissions;
 - major developments incorporate renewable energy production to provide at least 10% of the predicted energy requirements on site.
- It also refers to the Mayor's order of preference.
- 8.14.6 The energy statement, which was submitted in support of both applications plus the application on the north site (PA/05/01409), sets out that the proposed development would have
- an energy efficiency 5-10% above 2002 Building Regulations;
 - electric heating for residential units (without associated renewable energy technologies);
 - district heating and cooling for non-residential areas linked to aquifer thermal storage to provide 8% from renewable energy sources; and
 - photovoltaics to power external lighting columns.
- 8.14.7 The proposed heating system for the residential units is not compliant with the Mayor's

order of preference: electric heating is not included in the list. Electric heating, compared to other systems, would result in a substantial additional carbon dioxide load.

8.14.8 The use of some renewable energy generated on site is proposed in connection with the non-residential elements of the scheme. However, the minimum requirement of 10% is not met. Moreover, possibilities to minimise energy demand through other means have not been fully explored. For example, the use of building materials which incorporate photo-voltaics generate energy, eliminate the need for mounted solar panels and their cost is reduced as they are not purchased in addition to traditional materials but instead of. Overall, the assessment of the various renewable energy technologies is not acceptable, and opportunities also remain to incorporate wind, biomass and CHP.

8.14.9 An improved energy-efficiency of the buildings is proposed through better quality buildings. However, in conclusion, the proposed electric heating to the residential units represents a substantial additional CO2 load in comparison to other energy sources to the extent that it would outweigh the benefits of the proposed efficiency and use of renewable energy in the non-residential elements. The proposed development proposal does not comply with policies 4A.7, 4A.8, 4A.9 and 4B.6 of the London Plan and policies CP3, DEV5 and DEV6 of the LDF Core Strategy submission document.

8.15 **Issue 14: Flood risk**

8.15.1 The application sites are identified as being located in an area at risk of flooding. Policies 4C.6 and 4C.7 of the London Plan, policies U2 and U3 of the UDP and policies CP37 and DEV21 of the LDF Core Strategy submission document set out that the risk of flooding must be minimised. Policy 4C.7 also requires that development should be set back from the defences 'to allow for the replacement/repair of the defences and any future raising to be done in a sustainable and cost effective way'.

8.15.2 A flood risk assessment was submitted in support of these applications to address this issue. The flood risk assessment relies to an extent on inference and assumptions with respect to the expected life of the river walls. A number of matters remain uncertain, including the stability, strength and forecast life of the walls.

8.15.3 Furthermore, the proposed buffer zones are insufficient with respect to the set-back of the development from the watercourse and the headroom provided. A sufficient buffer zone is required to allow maintenance, repair and renewal works to be carried out in a safe, cost effective and environmentally sensitive way.

8.15.4 In conclusion, in the absence of adequate information with respect to the quality of the walls, including a strategy for remedial works if necessary, and without adequate buffer zones which allow maintenance, repair and renewal works to be carried out in a safe, cost effective and environmentally sensitive way, the proposals are contrary to the policies outlined above (paragraph 8.102).

8.16 **Issue 15: Biodiversity**

8.16.1 Policies ST8, DEV57 and DEV62 of the UDP and policies CP31 and CP33 of the LDF Core Strategy submission document set out requirements in line with international, national and regional policy. These seek to ensure the protection, conservation, enhancement and effective management of the borough's biodiversity. In accordance with Policy 3D.12 of the London Plan 2004, the Council produced a Local Biodiversity Action Plan (LBAP) which sets out priorities for biodiversity protection and enhancement. It aims to support wildlife and habitats and to provide the opportunity for people to see, learn about and enjoy nature. The Species Action Plan for black redstart is also of

significant importance.

- 8.16.2 The application site is surrounded by various types of nature conservation sites, which benefit from different statutory importance. In particular, the tidal section of the River Lea is a Site of Metropolitan Importance for Nature Conservation.
- 8.16.3 The proposal involves the demolition of the existing industrial buildings and the creation of a tall, dense, residential-led mixed use development. The potential impacts of the proposal on the ecology and biodiversity of the site itself and surrounding area would result from increased shading, human activity, disturbance, increased mass and use of materials.
- 8.16.4 It is considered that disturbance and other impacts are understated as potentially adverse impacts in the ES, not only to the protected species but also to other sensitive species. These factors are not fully investigated and further analysis of the possible impact on species and habitats should be carried out in terms of increased human activity, noise, lighting, mass and building materials. In particular, little consideration is given to impacts on roosting, breeding, feeding and sightlines of bird species. Also, no consideration is given to impact upon fish and the extent of the impacts caused by piling and other in-channel work.
- 8.16.5 With respect to the mitigation and enhancement measures that are proposed, concerns are raised with regard to:-
- the extent of roof habitats,
 - the hydrology of the freshwater grasslands,
 - the extent of river wall habitat,
 - the practicality of the different nesting boxes and
 - the overall lack of greater variety of biodiversity enhancement initiatives.
- 8.16.6 The submitted assessment fails to fully assess the development's impacts on the environment. Furthermore, the proposed enhancement and mitigation initiatives are limited and opportunities for the enhancement of the biodiversity of the site have not been fully explored. In addition to this, several of the proposals for enhancement are not viable or sustainable for the species and habitats proposed for.
- 8.16.7 Furthermore, it is considered that the developments are too close to the River Lea and River Thames, by reason of overhanging buildings and too many hard surfaces into the buffer zone area of the watercourses. Natural landscaping is only proposed along the River Lea. It is considered that the proximity of the developments to the watercourses and the lack of natural landscape along the River Thames will unduly impact on the quality and enjoyment of the waterside environments.
- 8.16.8 Notwithstanding the lack of depth in the submitted assessment, it is considered that the proposal lacks adequate and sustainable enhancement and mitigation initiatives, contrary to Policy 3D.12 of the London Plan and policies ST8, DEV57 and DEV62 of the UDP, policies CP31, CP33, OSN3 of the LDF Core Strategy submission document, which seek to ensure the protection, conservation, enhancement and effective management of the borough's biodiversity and Sites of Importance for Nature Conservation.
- 8.17 **Conclusions**
- 8.17.1 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.

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Site Map

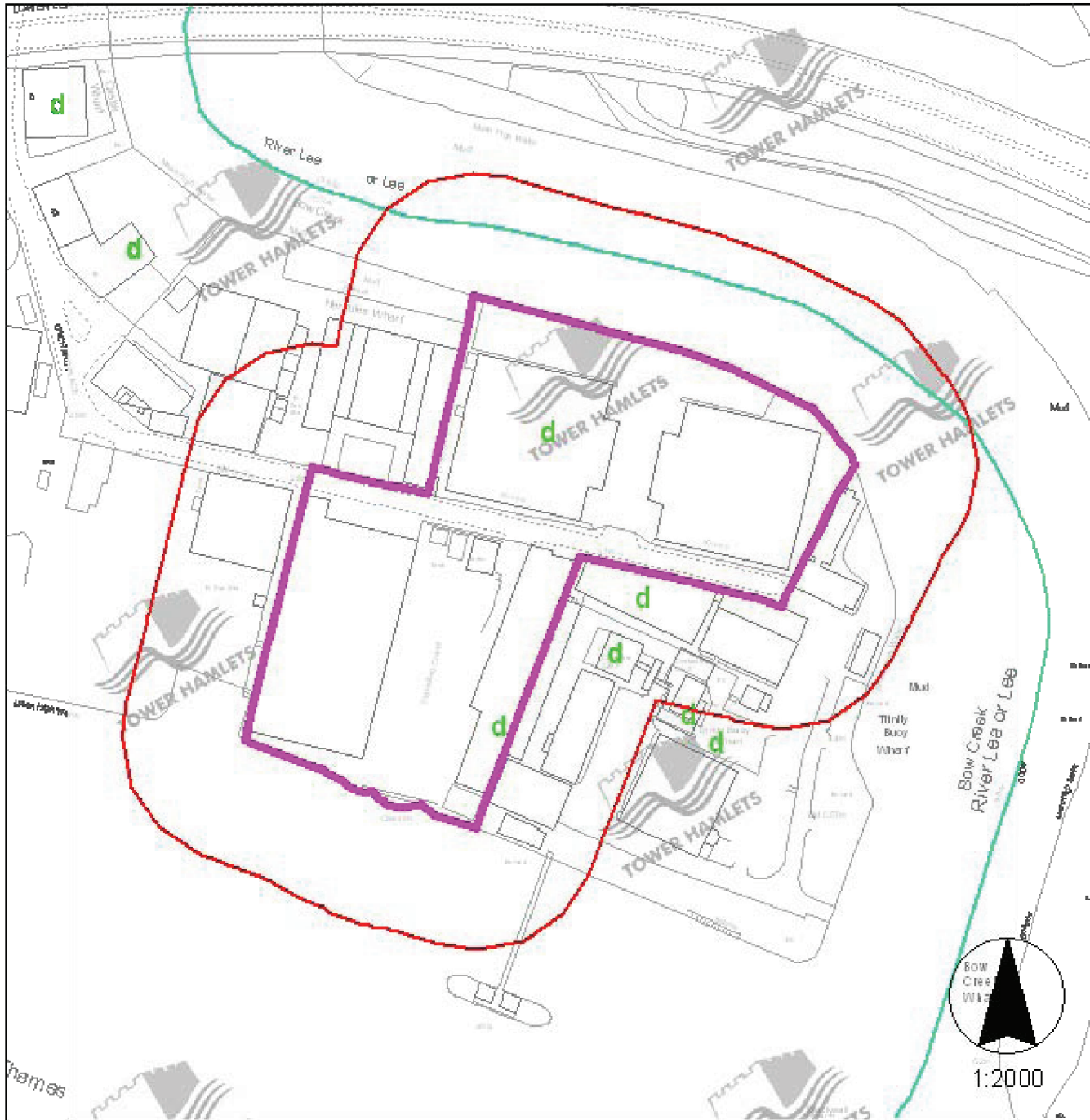


Legend

-  Planning Application Site Boundary
-  Consultation Area
-  Land Parcel Address

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Site Map



Legend

- Planning Application Site Boundary
- Consultation Area
- Land Parcel Address

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