

Meeting of the

# STRATEGIC DEVELOPMENT COMMITTEE

---

Thursday, 10 July 2008 at 7.30 p.m.

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## A G E N D A

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### VENUE

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

| <b>Members:</b>  | <b>Deputies (if any):</b>  |
|--|--|
| <b>Chair: Councillor Shafiqul Haque</b><br><b>Vice-Chair: Councillor Ahmed Adam Omer</b>   |  |
| <b>Councillor Shahed Ali</b><br><b>Councillor M. Shahid Ali</b><br><b>Councillor Lutfa Begum</b><br><b>Councillor Alibor Choudhury</b><br><b>Councillor Stephanie Eaton</b><br><b>Councillor Joshua Peck</b><br><b>Vacancy</b> | Councillor Marc Francis, (Designated Deputy representing Councillor Shafiqul Haque, Md. Shahid Ali, Alibor Choudhury, Ahmed Omer and Joshua Peck)<br>Councillor Fazlul Haque, (Designated Deputy representing Councillor Shafiqul Haque, Md. Shahid Ali, Alibor Choudhury, Ahmed Omer and Joshua Peck)<br>Councillor Azizur Rahman Khan, (Designated Deputy representing Councillor Stephanie Eaton)<br>Councillor Rania Khan, (Designated Deputy representing Councillor Lutfa Begum)<br>Councillor Abdul Matin, (Designated Deputy representing Councillor Stephanie Eaton)<br>Councillor Abjol Miah, (Designated Deputy |

representing Councillor Shahed Ali)  
Councillor Harun Miah, (Designated  
Deputy representing Councillor Shahed  
Ali)  
Councillor Abdul Munim, (Designated  
Deputy representing Councillor Shahed  
Ali)  
Councillor Tim O'Flaherty, (Designated  
Deputy representing Councillor Stephanie  
Eaton)  
Councillor Oliur Rahman, (Designated  
Deputy representing Councillor Lutfu  
Begum)

**[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](mailto:louise.fleming@towerhamlets.gov.uk)

**LONDON BOROUGH OF TOWER HAMLETS**  
**STRATEGIC DEVELOPMENT COMMITTEE**

**Thursday, 10 July 2008**

**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. See attached note from the Chief Executive.

|  | <b>PAGE<br/>NUMBER</b> | <b>WARD(S)<br/>AFFECTED</b>                     |
|--|------------------------|---|
| <b>3. UNRESTRICTED MINUTES</b>   |                        |   |
| To confirm as a correct record of the proceedings the unrestricted minutes of the ordinary meeting of the Strategic Development Committee held on 29 <sup>th</sup> May 2008.   | <b>3 - 16</b>          |   |
| <b>4. RECOMMENDATIONS</b>  |                        |   |
| To RESOLVE that, in the event of amendments to recommendations being made by the Committee, the task of formalising the wording of any amendments be delegated to the Corporate Director Development and Renewal along the broad lines indicated at the meeting. |                        |   |
| <b>5. PROCEDURE FOR HEARING OBJECTIONS</b>   |                        |   |
| To NOTE the procedure for hearing objections at meetings of the Strategic Development Committee.   | <b>17 - 18</b>         |   |
| <b>6. DEFERRED ITEMS</b>   | <b>19 - 20</b>         |   |
| <b>6 .1 Car Park at South East Junction of Prestons Road and Yabsley Street, Prestons Road, E14</b>  | <b>21 - 62</b>         | <b>Blackwall &amp;<br/>Cubitt Town</b>          |
| <b>6 .2 St Georges Estate, Cable Street, London</b>  | <b>63 - 110</b>        | <b>St Dunstan's<br/>&amp; Stepney<br/>Green</b> |
| <b>7. PLANNING APPLICATIONS FOR DECISION</b>   | <b>111 - 112</b>       |   |

|             |  |                  |  |
|-------------|--|------------------|--|
| <b>7 .1</b> | <b>Site at Bishop Challoner School, Christian Street, E1<br/>1SE</b> | <b>113 - 140</b> | <b>Whitechapel</b>                     |
| <b>7 .2</b> | <b>Roman Place, London</b>   | <b>141 - 180</b> | <b>Bow East</b>                        |
| <b>7 .3</b> | <b>London Arena (Phase II), Limeharbour, London E14<br/>9TH</b>      | <b>181 - 220</b> | <b>Blackwall &amp;<br/>Cubitt Town</b> |
| <b>7 .4</b> | <b>25 Churchill Place, London E14</b>                                | <b>221 - 240</b> | <b>Blackwall &amp;<br/>Cubitt Town</b> |

# Agenda Item 2

## DECLARATIONS OF INTERESTS - NOTE FROM THE CHIEF EXECUTIVE

This note is guidance only. Members should consult the Council's Code of Conduct for further details. Note: Only Members can decide if they have an interest therefore they must make their own decision. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending at a meeting.

### Declaration of interests for Members

Where Members have a personal interest in any business of the authority as described in paragraph 4 of the Council's Code of Conduct (contained in part 5 of the Council's Constitution) then s/he must disclose this personal interest as in accordance with paragraph 5 of the Code. Members must disclose the existence and nature of the interest at the start of the meeting and certainly no later than the commencement of the item or where the interest becomes apparent.

You have a **personal interest** in any business of your authority where it relates to or is likely to affect:

- (a) An interest that you must **register**
- (b) An interest that is not on the register, but where the well-being or financial position of you, members of your family, or people with whom you have a close association, is likely to be affected by the business of your authority more than it would affect the majority of inhabitants of the ward affected by the decision.

Where a personal interest is declared a Member may stay and take part in the debate and decision on that item.

**What constitutes a prejudicial interest?** - Please refer to paragraph 6 of the adopted Code of Conduct.

**Your personal interest will also be a prejudicial interest in a matter if (a), (b) and either (c) or (d) below apply:-**

- (a) A member of the public, who knows the relevant facts, would reasonably think that your personal interests are so significant that it is likely to prejudice your judgment of the public interests; AND
- (b) The matter does not fall within one of the exempt categories of decision listed in paragraph 6.2 of the Code; AND EITHER
- (c) The matter affects your financial position or the financial interest of a body with which you are associated; or
- (d) The matter relates to the determination of a licensing or regulatory application

The key points to remember if you have a prejudicial interest in a matter being discussed at a meeting:-

- i. You must declare that you have a prejudicial interest, and the nature of that interest, as soon as that interest becomes apparent to you; and
- ii. You must leave the room for the duration of consideration and decision on the item and not seek to influence the debate or decision unless (iv) below applies; and

- iii. You must not seek to improperly influence a decision in which you have a prejudicial interest.
  
- iv. If Members of the public are allowed to speak or make representations at the meeting, give evidence or answer questions about the matter, by statutory right or otherwise (e.g. planning or licensing committees), you can declare your prejudicial interest but make representations. However, you must immediately leave the room once you have finished your representations and answered questions (if any). You cannot remain in the meeting or in the public gallery during the debate or decision on the matter.

**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE STRATEGIC DEVELOPMENT COMMITTEE**

**HELD AT 7.30 P.M. ON THURSDAY, 29 MAY 2008**

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

**Members Present:**

Councillor Shafiqul Haque (Chair)

Councillor Shahed Ali  
Councillor M. Shahid Ali  
Councillor Alibor Choudhury  
Councillor Stephanie Eaton  
Councillor Ahmed Adam Omer  
Councillor Joshua Peck

**Other Councillors Present:**

Councillor Tim Archer  
Councillor Philip Briscoe  
Councillor Dr. Emma Jones  
Councillor Motin Uz-Zaman

**Officers Present:**

|                |  |
|----------------|--|
| Megan Crowe    | – (Planning Solicitor, Legal Services)   |
| Michael Kiely  | – (Service Head, Development Decisions)  |
| Terry Natt     | – Strategic Applications Manager         |
| Jen Pepper     | – (Affordable Housing Programme Manager) |
| Louise Fleming | – Senior Committee Officer               |

**1. ELECTION OF VICE CHAIR**

The Committee RESOLVED that Councillor Ahmed Omer be elected Vice-Chair of the Strategic Development Committee for the 2008/09 municipal year.

**2. APOLOGIES FOR ABSENCE**

No apologies for absence were received. Councillor Shahed Ali would be arriving late.

### 3. DECLARATIONS OF INTEREST

The following declarations of interest were made:

| Councillor     | Item | Type of Interest | Reason  |
|----------------|------|------------------|---|
| Md. Shahid Ali | 7.1  | Personal         | Live in the same ward as the application site                                   |
| Md. Shahid Ali | 7.4  | Personal         | Live in the same ward as the application site                                   |
| Shahed Ali     | 7.3  | Personal         | Application site in ward adjacent to Councillor's ward                          |
| Shafiqul Haque | 7.3  | Personal         | Application is within Councillor's ward and received an e-mail from an objector |
| Ahmed Omer     | 8.1  | Personal         | Applications are within Councillor's ward                                       |

### 4. UNRESTRICTED MINUTES

The minutes of the meeting held on 17<sup>th</sup> April 2008 were agreed as a correct record.

### 5. RECOMMENDATIONS

The Committee RESOLVED that, in the event of amendments to recommendations being made by the Committee, the task of formalising the wording of any amendments be delegated to the Corporate Director of Development & Renewal along the broad lines indicated at the meeting.

### 6. PROCEDURE FOR HEARING OBJECTIONS

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

### 7. DEFERRED ITEMS

There were no deferred items.

### 8. PLANNING APPLICATIONS FOR DECISION

The order of business of the meeting was varied for procedural convenience but all items are shown in their original agenda order, for ease of reference.

#### 8.1 Car Park At South East Junction Of Prestons Road And Yabsley Street, Prestons Road, London, E14

Mr Michael Kiely, Head of Development Decisions, introduced the site and proposal for the erection of buildings between 7 and 17 storeys comprising 43



sqm of commercial use at ground floor and 141 flats (comprising 76 x 1 bed; 29 x 2 bed; 22 x 3 bed; 6 x 4 bed; and 8 x 5 bed); 49 car parking spaces at basement level, communal open space including roof gardens and associated works at the car park at south east junction of Prestons Road and Yabsley Street, Prestons Road, London E14.

Mr Andrew Moores spoke in objection on the grounds that he felt there were errors in the report. The current car park was a benefit to local residents which would be lost through the redevelopment of the site.

Mr Iestyn John spoke on behalf of the applicant. He informed the Committee that there were high levels of amenity space and family housing proposed. Consultation had taken place with officers and the GLA, who were satisfied. He outlined the benefits of the proposal and advised that a daylight/sunlight analysis had been carried out.

Mr Terry Natt, Strategic Applications Manager, presented a detailed report on the application. He outlined the reasons why the application had been recommended for approval and the mitigation measures proposed in relation to noise nuisance and air quality. He advised that it exceeded affordable housing policy requirements and the loss of daylight/sunlight was not sufficient to sustain a refusal.

Members expressed concerns relating to the proximity of the site to the Northumberland Wharf Waste Recycling and Transfer Station Centre and how this would affect the access to and future use of the Centre; and noise and air quality. Members also asked questions relating to the use of the commercial centre, archaeology, density, the accuracy of the PTAL rating and the sustainability.

Mr Natt advised that the commercial unit would be in the A1 – A3 Use Class. Planning policies recommended that density be maximised in areas with high PTAL ratings. Mr Kiely advised that the application would be brought back before the Committee if the PTAL rating was not correct.

Members expressed concern that the Director of Communities, Localities and Culture had not been consulted on the application, as the Waste Centre was of strategic importance for the Borough and the Council's Waste Strategy was due to be considered in September. Mr Kiely advised that the owner of the site had been consulted and had not raised a concern.

On a vote of 5 for and 1 against, the Committee RESOLVED that the Corporate Director Development & Renewal be authorised to GRANT planning permission for the erection of buildings between 7 and 17 storeys comprising 43 sqm of commercial use at ground floor and 141 flats (comprising 76 x 1 bed; 29 x 2 bed; 22 x 3 bed; 6 x 4 bed; and 8 x 5 bed); 49 car parking spaces at basement level, communal open space including roof gardens and associated works at the car park at south east junction of Prestons Road and Yabsley Street, Prestons Road, London E14 subject to

consultation with the Director of Communities, Localities and Culture; and ensuring the accuracy of the PTAL rating for the site subject to

- A Any direction by the Mayor of London.
- B The prior completion of a legal agreement to secure the following obligations:
- a) Affordable housing provision of 37% of the proposed habitable rooms with a 76/24 (social rented/intermediate) split between rented/shared ownership to be provided on site.
  - b) A contribution of £198,784 to mitigate the demand of the additional population on health care facilities.
  - c) A contribution of 234,498 to mitigate the demand of the additional population on education facilities.
  - d) A contribution of £75,000 for civic works required and upgrading the lights and controller, and £75,000 to TfL for a commuted sum of ten years to ensure the operation of the lights.
  - e) £30,000 for the upgrade of pedestrian links to Blackwall Station.
  - f) Commitment towards utilising employment initiatives in order to maximise the employment of local residents.
  - g) Preparation, implementation and review of a Green Travel Plan.
  - h) Car Free Agreement.
- C That the Corporate Director Development & Renewal be delegated authority to negotiate the legal agreement as indicated above.
- D That the Corporate Director Development & Renewal be delegated authority to impose conditions and informatives on the planning permission to secure the following:

#### Conditions

- 1) Permission valid for 3 years.
- 2) Details of the following are required:
  - a) Samples of materials for external fascia of building
  - b) Ground floor public realm
  - c) Cycle parking
  - d) Security measures to the building
  - e) All external hard and soft landscaping (including roof level amenity space and details of brown and/or green roof systems) including lighting and security measures)
  - f) The design of the lower floor elevations of commercial units including shopfronts
- 3) Details of the design and the proposed use of the commercial use on the ground floor to be submitted and approved.
- 4) Details of site foundations.
- 5) Details of the basement car parking and access ramp
- 6) The storage and collection/disposal of rubbish

- 7) Parking – maximum of 49 cars (including 6 disabled spaces) and a minimum of 141 residential and 2 non-residential bicycle parking spaces.
- 8) Investigation and remediation measures for land contamination (including water pollution potential).
- 9) Archaeological investigation.
- 10) Construction Environmental Management Plan, including a dust monitoring.
- 11) Submission of the sustainable design measures and construction materials, including details of energy efficiency and renewable measures.
- 12) 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.
- 13) Limit hours of power/hammer driven piling/breaking out to between 10.00 hours to 16.00 hours Monday to Friday.
- 14) Details of the disabled access and inclusive design.
- 15) Details of the highway works surrounding the site.
- 16) Details of child play space on site.
- 17) Details of contamination risk assessment.
- 18) Details of piling and site foundations.
- 19) Any other condition(s) considered necessary by the Head of Development Decisions.

#### Informatives

- 1) Section 106 legal agreement required.
  - 2) Section 278 (Highways) agreement required.
  - 3) Construction Environment Management Plan Advice.
  - 4) Environment Agency Advice.
  - 5) Ecology Advice.
  - 6) Environmental Health Department Advice
  - 7) Metropolitan Police Advice
  - 8) Transport Department Advice
  - 9) London Underground Advice
  - 10) Landscape department advice
  - 11) Contact the GLA regarding energy proposals
- E That if by 29<sup>th</sup> August 2008 the legal agreement has not been completed, the Corporate Director Development & Renewal be delegated authority to refuse planning permission.

(Councillor Shahed Ali could not vote on the above item as he had not been present for the entire duration of the consideration).

## 8.2 Caspian Works and Lewis House, Violet Road, London

Mr Michael Kiely, Head of Development Decisions, introduced the site and proposal for the redevelopment of Caspian Works and Lewis House, Violet Road.

Mr Terry Natt, Strategic Applications Manager, presented a detailed report on the application and explained that it was the revision of a previously approved scheme and outlined the differences. The contributions contained in the S106 legal agreement had been increased from the previous scheme.

Members asked questions relating to the affordable housing split, whether or not the development was gated, and the lighting of the towpath.

The Committee unanimously RESOLVED that planning permission for the redevelopment of site to provide buildings of between four (11.8 metres) and eleven storeys (32.2 metres) for mixed uses purposes including 191 residential units Class A1, A2, A3 and B1 uses with associated basement and ground level car parking and cycle parking, roof terraces, child's play area, landscaping, access and servicing at Caspian Works and Lewis House, Violet Road be GRANTED subject to

- A Any direction by the Mayor of London
- B The prior completion of a legal agreement to secure the following planning obligations:
  - a) A proportion of 46.5% on habitable rooms proposed to be provided as affordable housing with the socially rented mix as specified in the table attached in Section 8.
  - b) Provide £1,961.54 towards bus stop survey.
  - c) Provide £15,692.31 towards bus stop improvements.
  - d) Provide £62,769.23 towards highway safety improvements.
  - e) Provide £309,972.66 towards education to mitigate the demand of the additional population on education facilities.
  - f) Provide £626,860.22 towards medical facilities to mitigate the demand of the additional population on medical facilities.
  - g) Provide £23,538.46 towards public art.
  - h) Provide £20,000 for British Waterways improvements.
  - i) Provide £43,762 towards the improvements to the Langdon Park DLR station.
  - j) Provide car-free agreement, Transport Assessment, s278 agreement, TV/radio/DLR reception monitoring and impact mitigation, and employment/training initiatives.
  - k) Lighting of the towpath.
- C That the Corporate Director Development & Renewal be delegated authority to negotiate the legal agreement as indicated above.
- D That the Corporate Director Development & Renewal be delegated authority to impose conditions (and informatives) on the planning permission to secure the following matters:

#### Conditions

- 1) Time Limit for Full Planning Permission.

- 2) Details of the following are required:
  - a) External appearance and materials board
  - b) Design and ground floor
  - c) Balcony details
  - d) Privacy screens to balconies
- 3) Landscape plan for amenity courtyards and ground floor public realm improvements and with Management Plan.
- 4) Parking maximum cars and minimum cycle and motorcycle spaces.
- 5) Hours of construction limits (0800 – 1800 Mon-Fri; 0800 – 1300 Sat)
- 6) Piling hours of operation limits (10am – 4pm)
- 7) Details of insulation of the ventilation system and any associated plant required.
- 8) Wheel cleaning facility during construction.
- 9) Details of the energy scheme to meet 20% renewables.
- 10) Land contamination study required to be undertaken with remediation certificate.
- 11) Method of piling as required by the Environment Agency (EA)
- 12) No infiltration to ground waters required by EA.
- 13) No storage within 10m of Limehouse Cut required by EA.
- 14) Storage facilities for oil, fuels and chemicals required by the EA.
- 15) Details of foul and surface drainage system as required by the EA.
- 16) Method statement for waste removal during construction phase as required by the EA.
- 17) Archaeology as required by English Heritage.
- 18) Details of insulation measures.
- 19) Details of the waste and recycling facilities.
- 20) Construction Management Plan required.
- 21) Lifetimes homes Standards and 10% wheelchair accessible.
- 22) Reservation of access to DLR land.
- 23) Extract ventilation for Class A3 premises.
- 24) No roller shutters on commercial units.
- 25) Details of Code for sustainable homes compliance.
- 26) Access to children's playground for Hoe residents.
- 27) Access for disabled to be implemented prior to occupation and maintained.
- 28) Details of brown roofs
- 29) Implementation of the energy system to meet a minimum of 20% of the scheme's energy demand.
- 30) Historic building recording as required by English Heritage.
- 31) Ensure development remains un-gated.
- 32) Any additional conditions as directed by the Corporate Director Development & Renewal.

#### Informatives

- 1) Subject to S106 agreement
- 2) Consult the Environment Agency in terms of conditions 10-16
- 3) Site notice specifying the details of the contractor required
- 4) EA prior approval for dewatering
- 5) Waste storage

- 6) Registration of food premises
- 7) Inspection prior to occupation
- 8) Obtaining consent under the pollution act prior to commencement.
- 9) Submission of an archaeological project design
- 10) S278 Highways agreement
- 11) Licence for structures over-sailing the public highway
- 12) Dedication of land adjacent to the public highway
- 13) Drainage provision
- 14) Fitting petrol/oil interceptors
- 15) Installation of fat traps
- 16) Water supply provision
- 17) Consult Metropolitan Police in respect of conditions 2 and 3
- 18) Prepare archaeological project design in respect of condition 17 to address impact to archaeological remains as required by English Heritage
- 19) Asbestos survey and handling

E That if within 3 months of the date of this Committee, the legal agreement has not been completed, the Corporate Director Development & Renewal be delegated authority to refuse planning permission.

### **8.3 St Georges Estate, Cable Street, London**

Mr Michael Kiely, Head of Development Committee, introduced the site and proposal for the refurbishment of existing buildings and erection of nine buildings ranging from 6 to 9 storeys in height to provide 193 dwellings (13 x studios; 67 x 1 bed; 79 x 2 bed; 22 x 3 bed; 7 x 4 bed and 5 x 5 bed); including the erection of four townhouses and erection of a community centre of 510 sq m and landscaping at the St George's Estate, Cable Street, London.

Ms Lucy Shrapnell spoke in objection on the grounds of privacy, increased traffic movements and noise. She felt that there were errors in the report and raised concerns relating to the conservation area.

Mr Warwick Croucher spoke in objection on the grounds of height, scale, bulk and the effect on daylight/sunlight.

Mr Steve Inkpen spoke on behalf of the applicant. He advised that the application was needed to provide funds for regeneration. He felt that the proposal would transform the estate by increasing open space and improving security. Residents had been consulted on the proposals.

Mr John Bell spoke in support on behalf of the residents. He reiterated the points made by Mr Inkpen and informed the Committee that there had been extensive consultation over the past 8 years. He felt that the estate would be improved and was important to the area as a whole.

Cllr Dr Emma Jones spoke on behalf of the residents in objection to the scheme. She expressed concern over family housing levels and noise nuisance. She did not feel that the mitigation measures proposed were suitable and that by infilling the development a fortress appearance would be created.

Mr Terry Natt, Strategic Applications Manager, presented a detailed report on the application. He explained that the new homes proposed on the estate were vital to provide cross subsidy and for the implementation of the Decent Homes Plus Standard across the whole estate. He explained that 25% of the proposed new homes were affordable housing, which was below the Council's minimum 35% target, but that the principle of allowing a reduced amount of affordable housing in regeneration schemes was contained in policy HSG9 of the Interim Planning Guidance. The benefits of the scheme included landscaping and open space. The Highways department considered the scheme to be acceptable and the loss of daylight/sunlight was not sufficient to sustain a refusal.

Members asked a number of questions relating to S106 contributions, the exact numbers of units proposed, the consultation which had taken place with residents, the proposed mitigation measures and the conservation area. The Committee expressed concerns over the number of corrections to the report which were contained in the update report, and that Members had not had sufficient time to consider them.

The Committee RESOLVE that the application for the refurbishment of existing buildings and erection of nine buildings ranging from 6 to 9 storeys in height to provide 193 dwellings (13 x studios; 67 x 1 bed; 79 x 2 bed; 22 x 3 bed; 7 x 4 bed and 5 x 5 bed); including the erection of four townhouses and erection of a community centre of 510 sq m and landscaping at the St George's Estate, Cable Street, London be DEFERRED to allow officers to amend the discrepancies in the report.

#### **8.4 2 Trafalgar Way, London**

Mr Michael Kiely, Head of Development Decisions, introduced the site and proposal for the redevelopment of the site to provide a residential led, mixed use scheme including two towers of 29 and 35 storeys in height, use of the site as 397 residential units, a re-provided drive-through restaurant, retail/financial and professional service units, a crèche, gymnasium, associated amenity space including a children's play area atop a podium level and car parking at 2 Trafalgar Way.

Mr Julian Carter spoke on behalf of the applicant, outlining the benefits of the scheme which included affordable housing, child play space, private amenity space and £3 million in S106 contributions for health, education and the improvement of Preston's Road.

Councillor Tim Archer spoke on behalf of the residents. He felt that the design of the building was stunning. However, he was concerned about the impact of the development on the conservation area and the comments received from English Heritage. He also expressed concern about the density of the scheme and the noise which would be generated from the road and MacDonalds.

Mr Terry Natt, Strategic Development Committee, presented a detailed report on the application. He advised the Committee that the GLA was in support of the scheme. It was the view of officers that the proposal did not display any symptoms of overdevelopment and was appropriate in the location.

Members asked questions relating to the viability assessment undertaken, the cost of improvement to the roundabout and the provision of affordable housing. The Committee was in agreement that the design was of a superior quality; however concerns were expressed in respect of the density and the suitability of the site.

Mr Natt advised that work was being carried out on a Masterplan for the area to secure contributions from all developments in the area towards traffic improvements. No accurate costings had been provided by TfL. He advised that although the development did not meet the Council's targets in relation to affordable housing, a balance needed to be sought between the provision of housing and improving an area or environment. The viability of the scheme also needed to be taken into consideration.

On a vote of 0 for, 4 against and 2 abstentions the Committee indicated that it did not support the officers' recommendation to grant planning permission for the redevelopment of the site to provide a residential led, mixed use scheme including two towers of 29 and 35 storeys in height, use of the site as 397 residential units, a re-provided drive-through restaurant, retail/financial and professional service units, a crèche, gymnasium, associated amenity space including a children's play area atop a podium level and car parking at 2 Trafalgar Way. On a vote of 4 for, 1 against and 1 abstention the Committee RESOLVED that planning permission be REFUSED on the grounds that

- 1) The development is located in close proximity to major arterial roads containing very high levels of traffic that result in poor air quality and high noise levels (Noise Category Level D as identified in PPG24). The design of the development, consisting of a high density pair of towers atop a podium, has not responded appropriately to the constraints of the site, will create a low level of residential amenity for future residents and does not enable well designed mitigation of the external noise and pollution impacts. The development in its current form is therefore considered to be poorly designed for residential development and does not comply with PPS 23 and PPG 24, policies 3A.3, 4B.1, 4B.9 and 4B.10 of the London Plan (Consolidated with Alterations since 2004); policies ST23, DEV1 and DEV2 of the Unitary Development Plan 1998 (as saved 2007) and policies CP1, CP3, CP4, CP20, CP48, DEV1, DEV2, DEV5, DEV10, DEV11, DEV27 and HSG1 of the Interim



Planning Guidance 2007: Core Strategy and Development Control, which seek to ensure appropriate levels of environmental amenity for future residents.

## **9. SPECIAL PLANNING CONSIDERATIONS**

### **9.1 Observations to Olympic Delivery Authority**

Mr Michael Kiely, Head of Development Decisions, presented a detailed report which outlined the proposals of the Olympic Delivery Authority to construct an Energy Centre on land East of River Lee Navigation and Land North of Carpenters Road (known as Kings Yard) contained within Planning Delivery Zone 4, London E15.

Mr Kiely summarised the observations proposed to be made to the ODA in respect of the development and outlined the concerns of the Council, namely that telecommunications had not been included in the proposal. He advised that the ODA was remaining resistant to the Council's previous recommendations regarding biomass fuel; however the Council would continue to maintain its position on the issue.

Members asked questions relating to the access to the site by the Canal, the transportation of materials to the site by barge, discharge and emissions and the advertising on the site. It was felt that any advertising on the site should be Olympics related.

The Committee unanimously RESOLVED that observations to the Olympic Delivery Authority on the following proposals:

1. Reserved matters application and submission of details with respect to OD 4.1 (i) to (xvii), OD 4.2, OD4.3, OD 4.4 and OD4.5 of Outline Planning Permission (Ref: 07/90010/OUMODA) for the Olympic, Paralympic and Legacy Transformation Planning Applications: Facilities and their Legacy Transformation dated 28/9/2008 for the construction of a new Energy Centre building housing combined heat and power units, absorption chillers, gas boilers, electric chillers and associated plant and use of an existing 2 storey building to house biomass boilers, offices and a visitors centre and provision of 3 car parking spaces.
2. The construction of inter-connecting flue between the existing two storey building and the proposed energy centre.

on land East of River Lee Navigation and Land North of Carpenters Road (known as Kings Yard) contained within Planning Delivery Zone 4, London E15 be made as follows:

In overall terms the Council is impressed with the design of the proposed energy centre and flue stack. The retention of the existing western building is

also welcomed. However, the Council has a number of concerns over detailed aspects of the proposals which should be resolved prior to the determination of the application.

- The Council objects to the current design of the Energy Centre as it does not make provision for the future installation of telecommunications equipment within the flue stack, and it has not been demonstrated that the Energy Centre will not be required to host such equipment.
- The Council objects to the omission of a grade entrance route to the visitors centre in the retained building.
- The Council objects to the failure to provide a step-free access to the Energy Centre control room.
- The Council objects to the approval of any design of the retained building that does not make provision for barge deliveries, or that precludes barge delivery in the future.
- The Council would object to the discharge of any previous s106 commitment to deliver up to 50% of biomass fuel by barge without further justification.
- The Council would object to the proposal unless the ODA demonstrate that consideration has been given to extending the CHP/CCHP scheme beyond the boundary of the Olympic site into surrounding communities.
- The Council would object to the proposal unless the ODA demonstrate that the CHP infrastructure delivered as part of the Energy Centre would not prejudice the future delivery of a more comprehensive network in the Fish Island area. As a minimum the Council would need to be satisfied that connection facilities to the west are capable of being provided in the future and that there are no impediments as a result of this development that would frustrate these connections being made in the future. This would include the location of, sufficient capacity for and no obstruction to the routes of those potential connections.

The Council would also make the following requests for further information/clarification which should be provided prior to the determination of the application:

- Additional information detailing accessible access routes from the site perimeter to the building entrances and of the detailed design of the accessible toilets.
- Additional assessments into the potential for windborne noise disturbance from the interconnecting flue structure.
- Additional assessment of the potential impact of any external lighting on flight paths to City Airport and the closest residential properties.
- Detail of the energy efficiency measures that would be applied to the new building and the retained building.
- Does the ODA intend to supply power from the Energy Centre to domestic customers?

- Can the ODA confirm that the management of the Energy Centre will sign a statement of commitment to only procure the biomass fuel from a sustainable and certified fuel supplier?
- Details need to be provided of site-wide voltage optimisation to tap down over-supply of electricity from the grid.
- That an assessment is made to determine the carbon cost of any external lighting proposals.
- Any advertisement on site would require planning permission and should be Olympics related.

#### Requests for conditions

A condition should be placed on any permission setting maximum permitted noise levels at closest residential receptors.

A condition should be placed on any permission restricting the hours of operation of external illumination unless it is demonstrated that it would not have any impact on residential amenity.

The meeting ended at 9.45 p.m.

Chair, Councillor Shafiqul Haque  
Strategic Development Committee

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# Agenda Item 5

## DEVELOPMENT COMMITTEE STRATEGIC DEVELOPMENT COMMITTEE

### PROCEDURES FOR HEARING OBJECTIONS AT COMMITTEE MEETINGS

#### Provisions in the Council's Constitution (Part 4.8) relating to public speaking:

- 6.1 Where a planning application is reported on the "Planning Applications for Decision" part of the agenda, individuals and organisations which have expressed views on the application will be notified by letter that the application will be considered by Committee at least three clear days prior to the meeting. The letter will explain these provisions regarding public speaking.
- 6.2 When a planning application is reported to Committee for determination the provision for the applicant/supporters of the application and objectors to address the Committee on any planning issues raised by the application, will be in accordance with the public speaking procedure adopted by the relevant committee from time to time (see below).
- 6.3 All requests to address a committee must be made in writing or by email to the committee clerk by 4pm on the Friday prior to the day of the meeting. This communication must provide the name and contact details of the intended speaker. Requests to address a committee will not be accepted prior to the publication of the agenda.
- 6.4 After 4pm on the Friday prior to the day of the meeting the Committee clerk will advise the applicant of the number of objectors wishing to speak.
- 6.5 The order of public speaking shall be as stated in Rule 5.3, which is as follows:
  - An objector who has registered to speak
  - The applicant/agent or supporter
  - Non-committee member(s) may address the Committee for up to 3 minutes
- 6.6 Public speaking shall comprise verbal presentation only. The distribution of additional material or information to members of the Committee is not permitted.
- 6.7 Following the completion of a speaker's address to the committee, that speaker shall take no further part in the proceedings of the meeting unless directed by the Chair of the Committee.
- 6.8 Following the completion of all the speakers' addresses to the Committee, at the discretion of and through the chair, committee members may ask questions of a speaker on points of clarification only.
- 6.9 In the interests of natural justice or in exceptional circumstances, at the discretion of the chair, the procedures in Rule 5.3 and in this Rule may be varied. The reasons for any such variation shall be recorded in the minutes.
- 6.10 Speakers and other members of the public may leave the meeting after the item in which they are interested has been determined.

#### Public speaking procedure adopted by this Committee:

- 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).
- 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.
- 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 recommendation. 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.

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# Agenda Item 6

|   |  |  |                             |
|---|--|--|-----------------------------|
| <b>Committee:</b><br>Strategic Development                      | <b>Date:</b><br>10 <sup>th</sup> July 2008 | <b>Classification:</b><br>Unrestricted             | <b>Agenda Item No:</b><br>6 |
| <b>Report of:</b><br>Corporate Director Development and Renewal |  | <b>Title:</b> Deferred Items                       |                             |
| <b>Originating Officer:</b><br>Michael Kiely                    |  | <b>Ref No:</b> See reports attached for each item  |                             |
|   |  | <b>Ward(s):</b> See reports attached for each item |                             |

## 1. INTRODUCTION

- 1.1 This report is submitted to advise the Committee of planning applications that have been considered at previous meetings and currently stand deferred. The following information and advice applies to them.

## 2. DEFERRED ITEMS

- 2.1 The following items are in this category:

| Date deferred | Reference number | Location   | Development   | Reason for deferral  |
|---------------|------------------|--|---|--|
| 29/5/08       | PA/05/1866       | Car park at South East Junction of Prestons Road and Yabsley Street, Prestons Road | Erection of buildings between 7 and 17 storeys comprising 43 sqm of commercial use at ground floor and 141 flats, 49 car parking spaces at basement level, communal open space including roof gardens and associated works        | The Committee resolved to grant subject to confirmation of the PTAL rating and consultation with Corporate Director Communities, Localities and Culture. |
| 29/5/08       | PA/08/146        | St Georges Estate, Cable Street  | Refurbishment of existing buildings and erection of nine buildings ranging from 6 to 9 storeys in height to provide 193 dwellings; the erection of four townhouses and erection of a community centre of 510 sq m and landscaping | To allow officers to amend discrepancies in report.  |

## 3. CONSIDERATION OF DEFERRED ITEMS

- 3.1 The following deferred applications are for consideration by the Committee. The original report and addendum report are also attached.

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**LOCAL GOVERNMENT ACT 2000 (Section 97)**  
**LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THE REPORTS UNDER ITEM 6**

|  |                                     |                                   |
|--|-------------------------------------|-----------------------------------|
| Brief Description of background papers:                                    | Tick if copy supplied for register: | Name and telephone no. of holder: |
| Application, plans, adopted UDP, Interim Planning Guidance and London Plan | ✓                                   | Eileen McGrath (020) 7364 5321    |

6.1 PA//05/1866: Car park at South East Junction of Prestons Road and Yabsley Street, Prestons Road

6.2 PA/08/146: St Georges Estate, Cable Street

3.2 Deferred applications may also be reported in the Addendum Update Report if they are ready to be reconsidered by the Committee. This report is available in the Council Chamber 30 minutes before the commencement of the meeting.

#### **4. PUBLIC SPEAKING**

4.1 As public speaking has already occurred when the Committee first considered these deferred items, the Council's Constitution does not allow a further opportunity for public speaking. The only exception to this is where a fresh report has been prepared and presented in the "Planning Applications for Decision" part of the agenda. This is generally where substantial new material is being reported to Committee and the recommendation is significantly altered.

#### **5. RECOMMENDATION**

5.1 That the Committee note the position relating to deferred items and to take any decisions recommended in the attached reports.



# Agenda Item 6.1

|  |  |  |                               |
|--|--|--|-------------------------------|
| <b>Committee:</b><br>Strategic Development                               | <b>Date:</b><br>10 <sup>th</sup> July 2008 | <b>Classification:</b><br>Unrestricted                                     | <b>Agenda Item No:</b><br>6.1 |
| <b>Report of:</b><br><b>Corporate Director Development &amp; Renewal</b> |  | <b>Title:</b> Planning Application for Decision                            |                               |
| <b>Case Officer:</b><br><br>Shay Bugler                                  |  | <b>Ref No:</b> PA/05/1866<br><br><b>Ward(s):</b> Blackwall and Cubitt Town |                               |

## 1. APPLICATION DETAILS

- 1.1 Location: Car park at South East Junction of Prestons Road and Yabsley Street, Prestons Road, London, E14
- 1.2 Existing Use: Car park
- 1.3 Proposal: Erection of buildings between 7 and 17 storeys comprising 43 sqm of commercial use at ground floor and 141 flats (comprising 76 x 1 bed; 29 x 2 bed; 22 x 3 bed; 6 x 4 bed; 8x 5 bed), 49 car parking spaces at basement level, communal open space including roof gardens and associated works
- 1.4 Drawing Nos:
- 709-PA-04-05 Rev B: Context Elevation
  - 709-PA-02-001 Rev B: Basement Plan
  - 709-PA-02-00 Rev B: Ground Floor Plan
  - 709-PA-02-01 Rev B: First Floor Plan
  - 709-PA-02-02 Rev B: Second Floor Plan
  - 709-PA-02-03: Third Floor Plan
  - 709-PA-02-04: Fourth-Sixth Floor Plan
  - 705-PA-02-05 Rev B: Seventh-Tenth Floor Plan
  - 709-PA0-02-06 Rev B: Eleventh-Fourteenth Floor Plan
  - 709-PA-02-07 Rev B: Fifteenth Floor Plan
  - 709-PA- 02-07 Sixteenth floor Plan
  - 709-PA-04-04 Rev B: West Elevation
  - 709-PA-04-03 Rev B: East Elevation
  - 709--04-02 Rev B: Northern Elevation
  - 709-PA-01 Rev B: Southern Elevation
  - 709-PA-02-09 Rev B: Roof top Plan
- 709-PA-05-01 Rev B: Section AA  
709-PA-05-02 Rev B: Section BB  
709-PA-05-03 Rev B: Section cc
- Applicant: Baladine Properties Ltd.  
Owner: Baladine Properties Ltd.  
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, the Council's Interim Planning Guidance (2007), associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that:

- The proposal is in line with the Mayor's and Council's policy, as well as government guidance which seek to maximise the development potential of sites. As such, the development complies with policy 3A.3 of the London Plan and HSG1 of the Council's Interim Planning Guidance (2007) which seek to ensure this.
- The commercial use on the ground floor (Class A1 or A2 or B1 or D1,) is acceptable in principle as it will provide a suitable provision of employment. It will also provide a useful service to the community and future residents of the development. As such, it is in line with policies ST34, ST49 and DEV3 of the Council's Unitary Development Plan 1998 and policies DEV1, SCF1, and RT4 of the Council's Interim Planning Guidance (2007), which seek to ensure services are provided that meet the needs of the local community.
- The proximity of the proposed residential development to the waste transfer station is acceptable and in line with policies DEV 2 of the UDP and DEV1 of the Interim Planning Guidance (2007) which seeks to protect the amenity of residential occupiers and the environment of the borough generally from the effect of air and noise pollution
- The proposal provides an acceptable amount of affordable housing and mix of units overall. As such, the proposal is in line with policies, 3A.7 and 3A.8 of the London Plan, policy HSG7 of the Council's Unitary Development Plan 1998 and policies CP22, HSG2 and HSG3 of the Council's Interim Planning Guidance (2007), which seek to ensure that new developments offer a range of housing choices.
- The density of the scheme would not result in the overdevelopment of the site and any of the problems that are typically associated with overdevelopment. As such, the scheme is in line with policies DEV1 and DEV2 of the Council's Unitary Development Plan 1998 and policies CP5, DEV1 and DEV2 of Council's Interim Planning Guidance (2007), which seek to provide an acceptable standard of accommodation.
- The quantity and quality of housing amenity space and the public realm strategy is considered to be acceptable and in line with PPS3, policy 3D.11 of the consolidated London Plan (2008) policy HSG16 of the Council's Unitary Development Plan 1998 and policies OSN2 and CFR5 the Council's Interim Planning Guidance City Fringe Area Action Plan (2007) which seeks to improve amenity and liveability for residents without adversely impacting upon the existing open space.
- The building height, scale, bulk and design is acceptable and in line with CABE criteria for tall buildings; Planning Policy Guidance 15, policies 4B.1, 4B.3, 4B.5; 4B.9 and 4B.15 of the London Plan, policies DEV1, and DEV2 of the Council's Unitary Development Plan 1998 and policies DEV1, DEV2, DEV3, DEV 27, CON2 and CON5 of the Council's Interim Planning Guidance (2007), which seek to ensure buildings are of a high quality design and suitably located.
- The safety and security of the scheme is acceptable in accordance with policy DEV1 of the Council's Unitary Development Plan 1998 and policy DEV4 of the Council's Interim Planning Guidance (2007), which requires all developments to consider the safety and security of development, without compromising the achievement of good design and inclusive environments.
- Transport matters, including parking, access and servicing, are acceptable and in line with London Plan policy 3C.22, policies T16 and T19 of the Council's Unitary Development Plan 1998 and policies DEV18 and DEV19 of the Council's Interim

Planning Guidance (2007), which seek to ensure developments minimise parking and promote sustainable transport option.

- Sustainability matters, including energy, are acceptable and in line with policy 4A.7 of the consolidated London Plan (2008), and policies DEV 5 to DEV9 of the Council's Interim Planning Guidance (2007), which seek to promote sustainable development practices.

- Contributions have been secured towards the provision of affordable housing, health care and education facilities, highways, transport, public art, open space and public realm in line with Government Circular 1/97, policy DEV4 of the Council's Unitary Development Plan 1998 and policy IMP1 of the Council's Interim Planning Guidance (2007), which seek to secure contributions toward infrastructure and services required to facilitate proposed development.

### 3. RECOMMENDATION

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

A. Any DIRECTION by the Mayor of London

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

1): Affordable housing provision of **37%** of the proposed habitable rooms with a 76/24 (social rented/intermediate) split between rented/ shared ownership to be provided on site

(2): A contribution of **£198,784** to mitigate the demand of the additional population on health care facilities.

3): A contribution of **£234,498** to mitigate the demand of the additional population on education facilities.

4) A contribution of **£75,000** for the civic works required and upgrading the lights and controller and **£75,000** to TfL/DTO for a commuted sum of ten years to ensure the operation of the lights.

5) **£30,000** for the upgrade of pedestrian links to Blackwall Station

6): Commitment towards utilising employment initiatives in order to maximise the employment of local residents

7): Preparation, implantation and review of a Green Travel Plan.

3.2 That the Corporate Director Development & Renewal be delegated authority to negotiate the legal agreement indicated above.

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

#### 3.4 Conditions

1. Permission valid for 3 years.

2. Details of the following are required:

(a): Samples of materials for external fascia of building

- (b): Ground floor public realm
- (c): Cycle parking
- (d): Security measures to the building
- (e): All external hard and soft landscaping (including roof level amenity space and details of brown and/or green roof systems) including lighting and security measures)
- (f): The design of the lower floor elevations of commercial units including shopfronts;
- (g) escape doors
- 3. Details of the design and the proposed use of the commercial use on ground floor to be submitted and approved
- 4. Details of site foundations
- 5. Details of the basement car park and access ramp
- 6. The storage and collection/disposal of rubbish
- 7. Parking – maximum of 49 cars (including 6 disabled spaces) and a minimum of 141 residential and 2 non-residential bicycle parking spaces.
- 8. Investigation and remediation measures for land contamination (including water pollution potential).
- 9. Archaeological investigation
- 10. Secure by Design Statement
- 12. Construction Environmental Management Plan, including a dust monitoring.
- 13. Submission of the sustainable design measures and construction materials, including details of energy efficiency and renewable measures.
- 14. Further baseline noise measurements during construction and operational phase (plant noise) to be undertaken for design work purposes.
- 15. 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.
- 16. Limit hours of power/hammer driven piling/breaking out to between 10.00 hours to 16.00 hours, Monday to Friday.
- 17. Ground borne vibration limits.
- 18. Noise level limits.
- 19. Details of the disabled access and inclusive design.
- 20. Details of the highway works surrounding the site.
- 21. Any other condition(s) considered necessary by the Head of Development Decisions

### 3.5 Informatives

- 1. Section 106 agreement required.
- 2. Section 278 (Highways) agreement required.
- 3. Construction Environmental Management Plan Advice.
- 5. Environment Agency Advice.
- 6. Ecology Advice.
- 7. Environmental Health Department Advice.
- 8. Metropolitan Police Advice.
- 9. Transport Department Advice.
- 10. London Underground Advice.
- 11. Landscape department advice.
- 12. Contact the GLA regarding the energy proposals.

- 3.6 That, if by 10<sup>th</sup> October 2008 the legal agreement has not been completed, the Corporate Director Development & Renewal be delegated authority to refuse planning permission.

## 4.0 BACKGROUND TO THIS REPORT

- 4.1 This application was originally presented to members of the Strategic Development Committee on the 29<sup>th</sup> May 2009. The original report recommended approval of this proposal subject to conditions and completion of a Section 106 agreement. At this meeting, on a vote

of 5 for and 1 against, the Committee RESOLVED that the Corporate Director Development & Renewal be authorised to GRANT planning permission for the erection of buildings between 7 and 17 storeys comprising 43 sqm of commercial use at ground floor and 141 flats (comprising 76 x 1 bed; 29 x 2 bed; 22 x 3 bed; 6 x 4 bed; and 8 x 5 bed); 49 car parking spaces at basement level, communal open space including roof gardens and associated works at the car park at south east junction of Prestons Road and Yabsley Street, Preston's Road, London E14 subject to:

- confirming the PTAL rating of the site.
- consultation with the Director of Communities, Localities and culture

4.2 The matter is being reported back to Committee as a deferred item because on checking the PTAL an issue emerged that needs to be drawn to members' attention.

### **PTAL rating**

4.3 The PTAL map does show this site as level 5, but on checking the criteria it is currently level 3 rising to 4 when Crossrail is operative, bus services are improved and the DLR is upgraded. The GLA noted in their stage 1 report that the PTAL rating of the site is both 3 and 4.

4.4 There are other examples of developments within close proximity of the site which have similar PTAL ratings and similar densities. For example, the approved development in New Providence Wharf in Block C (planning ref: PA/06/2101) for 486 units would result in a density of approximately 1429 habitable rooms per hectare with a PTAL rating of 3-4. Similarly, the Alberta House development (PA/07/241) will result in a density of 1367 habitable rooms per hectare. This site is has a PTAL rating of 3-4. The principle of high density development has been accepted in this area and as such a refusal based on these grounds could not be sustained.

4.5 The scheme will not result in overdevelopment of the site. The density is acceptable as the:

- proposal is of high density quality
- provides acceptable amount of public and private amenity space
- Will not result in a sense of enclosure or undue loss of daylight and sunlight to nearby properties.
- Will not result in increased traffic congestion

4.6 In addition, the scheme is considered acceptable as it secures a number of contributions towards affordable housing, health, education, transport and community facilities and local employment initiatives been agreed to mitigate any potential impacts on local services and infrastructure.

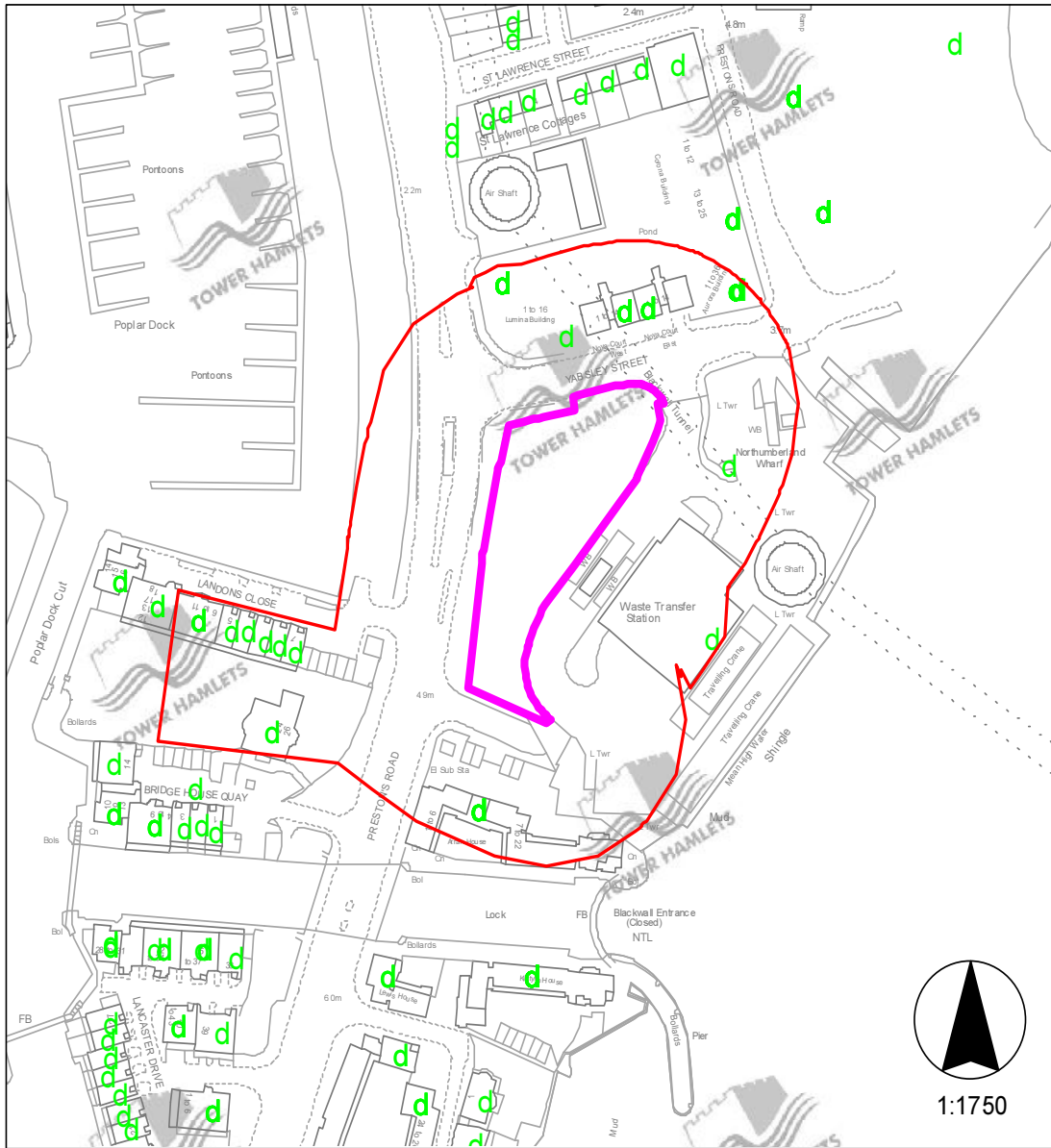
### **Comments back from Department of Communities, Localities and Culture**

4.7 The Director of Communities, Localities and Culture was consulted and has no objections to the proposal in light of its future impact on the operation of the waste transfer station.

## **5.0 CONCLUSIONS**

5.1 All other relevant policies and considerations were taken into account. The previous decision of the Committee should be reaffirmed. 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

|  |                                    |  |                        |
|--|------------------------------------|--|------------------------|
| Committee:<br>Strategic Development                    | Date:<br>29 <sup>th</sup> May 2008 | Classification:<br>Unrestricted          | Agenda Item No:<br>7.1 |
| Report of:<br>Corporate Director Development & Renewal |                                    | Title: Planning Application for Decision |                        |
| Case Officer:<br>Shay Bugler                           |                                    | Ref No: PA/05/1866                       |                        |
|  |                                    | Ward(s): Blackwall and Cubitt Town       |                        |

## 1. APPLICATION DETAILS

- 1.1 Location: Car park at South East Junction of Prestons Road and Yabsley Street, Prestons Road, London, E14
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  - 709-PA-02-03: Third Floor Plan
  - 709-PA-02-04: Fourth-Sixth Floor Plan
  - 705-PA-02-05 Rev B: Seventh-Tenth Floor Plan
  - 709-PA0-02-06 Rev B: Eleventh-Fourteenth Floor Plan
  - 709-PA-02-07 Rev B: Fifteenth Floor Plan
  - 709-PA- 02-07 Sixteenth floor Plan
  - 709-PA-04-04 Rev B: West Elevation
  - 709-PA-04-03 Rev B: East Elevation
  - 709--04-02 Rev B: Northern Elevation
  - 709-PA-01 Rev B: Southern Elevation
  - 709-PA-02-09 Rev B: Roof top Plan
  - 709-PA-05-01 Rev B: Section AA
  - 709-PA-05-02 Rev B: Section BB
  - 709-PA-05-03 Rev B: Section cc

Applicant: Baladine Properties Ltd.  
 Owner: Baladine Properties Ltd.  
 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, the Council's Interim Planning Guidance (2007), associated supplementary planning guidance, the London Plan and

Government Planning Policy Guidance and has found that:

- The proposal is in line with the Mayor's and Council's policy, as well as government guidance which seek to maximise the development potential of sites. As such, the development complies with policy 3A.3 of the London Plan and HSG1 of the Council's Interim Planning Guidance (2007) which seek to ensure this.
- The commercial use on the ground floor (Class A1 or A2 or B1 or D1,) is acceptable in principle as it will provide a suitable provision of employment. It will also provide a useful service to the community and future residents of the development. As such, it is in line with policies ST34, ST49 and DEV3 of the Council's Unitary Development Plan 1998 and policies DEV1, SCF1, and RT4 of the Council's Interim Planning Guidance (2007), which seek to ensure services are provided that meet the needs of the local community.
- The proximity of the proposed residential development to the waste transfer station is acceptable and in line with policies DEV 2 of the UDP and DEV1 of the Interim Planning Guidance (2007) which seeks to protect the amenity of residential occupiers and the environment of the borough generally from the effect of air and noise pollution
- The proposal provides an acceptable amount of affordable housing and mix of units overall. As such, the proposal is in line with policies, 3A.7 and 3A.8 of the London Plan, policy HSG7 of the Council's Unitary Development Plan 1998 and policies CP22, HSG2 and HSG3 of the Council's Interim Planning Guidance (2007), which seek to ensure that new developments offer a range of housing choices.
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- The building height, scale, bulk and design is acceptable and in line with CABE criteria for tall buildings; Planning Policy Guidance 15, policies 4B.1, 4B.3, 4B.5; 4B.9 and 4B.15 of the London Plan, policies DEV1, and DEV2 of the Council's Unitary Development Plan 1998 and policies DEV1, DEV2, DEV3, DEV 27, CON2 and CON5 of the Council's Interim Planning Guidance (2007), which seek to ensure buildings are of a high quality design and suitably located.
- The safety and security of the scheme is acceptable in accordance with policy DEV1 of the Council's Unitary Development Plan 1998 and policy DEV4 of the Council's Interim Planning Guidance (2007), which requires all developments to consider the safety and security of development, without compromising the achievement of good design and inclusive environments.
- Transport matters, including parking, access and servicing, are acceptable and in line with London Plan policy 3C.22, policies T16 and T19 of the Council's Unitary Development Plan 1998 and policies DEV18 and DEV19 of the Council's Interim Planning Guidance (2007), which seek to ensure developments minimise parking and promote sustainable transport option.



- Sustainability matters, including energy, are acceptable and in line with policy 4A.7 of the consolidated London Plan (2008), and policies DEV 5 to DEV9 of the Council's Interim Planning Guidance (2007), which seek to promote sustainable development practices.
- Contributions have been secured towards the provision of affordable housing, health care and education facilities, highways, transport, public art, open space and public realm in line with Government Circular 1/97, policy DEV4 of the Council's Unitary Development Plan 1998 and policy IMP1 of the Council's Interim Planning Guidance (2007), which seek to secure contributions toward infrastructure and services required to facilitate proposed development.

### 3. RECOMMENDATION

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

A. Any DIRECTION by the Mayor of London

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

1) Affordable housing provision of **37%** of the proposed habitable rooms with a **76/24** (social rented/intermediate) split between rented/ shared ownership to be provided on site

(2) A contribution of **£198,784** to mitigate the demand of the additional population on health care facilities.

3) A contribution of **£234,498** to mitigate the demand of the additional population on education facilities.

4) A contribution of **£75,000** for civic works required and upgrading the lights and controller, and **£75,000** to TfL for a commuted sum of ten years to ensure the operation of the lights.

5) **£30,000** for the upgrade of pedestrian links to Blackwall Station

6) Commitment towards utilising employment initiatives in order to maximise the employment of local residents

7) Preparation, implantation and review of a Green Travel Plan.

8) Car free agreement

3.2 That the Corporate Director Development & Renewal be delegated authority to negotiate the legal agreement indicated above.

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

#### 3.4 Conditions

1. Permission valid for 3 years.

2. Details of the following are required:

(a): Samples of materials for external fascia of building

(b): Ground floor public realm

(c): Cycle parking

(d): Security measures to the building

- (e): All external hard and soft landscaping (including roof level amenity space and details of brown and/or green roof systems) including lighting and security measures)
- (f): The design of the lower floor elevations of commercial units including shopfronts.
3. Details of the design and the proposed use of the commercial use on ground floor to be submitted and approved
  4. Details of site foundations
  5. Details of the basement car park and access ramp
  6. The storage and collection/disposal of rubbish
  7. Parking – maximum of 49 cars (including 6 disabled spaces) and a minimum of 141 residential and 2 non-residential bicycle parking spaces.
  8. Investigation and remediation measures for land contamination (including water pollution potential).
  9. Archaeological investigation
  10. Construction Environmental Management Plan, including a dust monitoring.
  12. Submission of the sustainable design measures and construction materials, including details of energy efficiency and renewable measures.
  13. 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.
  14. Limit hours of power/hammer driven piling/breaking out to between 10.00 hours to 16.00 hours, Monday to Friday.
  15. Details of the disabled access and inclusive design.
  16. Details of the highway works surrounding the site.
  17. Any other condition(s) considered necessary by the Head of Development Decisions

### 3.5 Informatives

1. Section 106 agreement required.
2. Section 278 (Highways) agreement required.
3. Construction Environmental Management Plan Advice.
5. Environment Agency Advice.
6. Ecology Advice.
7. Environmental Health Department Advice.
8. Metropolitan Police Advice.
9. Transport Department Advice.
10. London Underground Advice.
11. Landscape department advice.
12. Contact the GLA regarding the energy proposals.

- 3.6 That, if by 29<sup>th</sup> August 2008 the legal agreement has not been completed, the Corporate Director Development & Renewal be delegated authority to refuse planning permission.

## 4. PROPOSAL AND LOCATION DETAILS

### Context

- 4.1 This planning application was originally submitted in November 2005 and originally comprised 154 residential units and 43 sqm of ground floor commercial floorspace. However, in light of consultation with the GLA and the Council the applicant has made significant changes to the scheme.
- 4.2 The revised development now comprises:
- 141 residential units. The mix of units and level of affordable housing provision is set out in the Housing section of the report. (Paras 8.28-8.39)
  - 43 sqm commercial space, provided as a single unit;
  - 820 sqm of communal open space provided in the form of a large ground floor garden and roof gardens provided on both buildings;
  - 49 car parking spaces provided in an underground car park. 6 of the spaces would

be disabled standard with cycle parking also provided within the basement.

- 4.3 The development comprises of 2 buildings. The market housing is accommodated within the 17 storey building (50 metres high), located on the northern end of the site, with the affordable housing element of the scheme to be accommodated within the 7 storey slab block which covers most of the remainder of the site.

### **Site and Surroundings**

- 4.4 The site comprises an area of 0.25 hectares. In the past, the site was used for a variety of industrial purposes and has since been cleared, with only sections of boundary wall still remaining. It is currently in use as a temporary car park.
- 4.5 The site is located on Prestons Road, Isle of Dogs, with access to the site from Yabsley Street. The site boundaries are formed by Prestons Road to the west, Yabsley Street to the north, Raleana Road to the south and Northumberland Wharf (waste transfer station) to the east.
- 4.6 New developments have recently being completed at New Providence Wharf and the White Swan Building adjacent to the site on Prestons Road.
- 4.7 The proposed development site has a Public Transport Accessibility Level (PTAL) of 5, with 6 the highest, with the Blackwall DLR station located only 7 minutes walk to the north providing connections to the West End, the City, Stratford and City Airport while the Canary Wharf Jubilee Line station and DLR station is located approximately 15 minutes to the west. Bus stops exist on Preston's Road (2 minute walk) running in both directions providing connections around the borough to Canary Wharf, Mile End, Wapping, Whitechapel, Bethnal Green and Canning Town while the A1206 immediately to the west of the site forms part of the Transport for London Road Network (TLRN).

### **Planning History**

- 4.8 Ref. no: PA/02/1554: Erection of four buildings varying in height between 8 and 16 storeys comprising 96 flats, 50 semi basement car parking spaces, access off Prestons Road and associated landscaping. Withdrawn August 2005.
- 4.9 Ref. no: PA/04/1559: Redevelopment of site to create 147 residential units together with commercial use at ground floor level (Classes A and B1), basement car parking facilities, landscaping and other associated works. Withdrawn 7<sup>th</sup> April 2005.

## **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:

### **5.2 Unitary Development Plan 1998 (as saved September 2007)**

- |                |          |  |
|----------------|----------|--|
| 5.3 Proposals: | Proposal | Opportunity Site (Mixed uses, including predominately residential) |
| 5.4 Policy     | DEV1     | Design Requirements  |
|                | DEV2     | Environmental Requirements   |
|                | DEV3     | Mixed Use development  |
|                | DEV4     | Planning Obligations   |
|                | DEV      | Protection of local views  |
|                | DEV12    | Provision of Landscaping in Development                            |
|                | DEV17    | Siting and Design of Street Furniture                              |
|                | DEV44    | Protection of Archaeological remains                               |

|       |   |
|-------|---|
| DEV50 | Noise   |
| DEV51 | Contaminated Land                               |
| DEV55 | Development and Waste Disposal                  |
| DEV57 | Development affecting nature conservation areas |
| DEV69 | Water Resources                                 |
| EMP1  | Encouraging New Employment Uses                 |
| HSG7  | Dwelling Mix                                    |
| HSG15 | Preservation of residential character           |
| HSG16 | Amenity Space                                   |
| T10   | Priorities for Strategic Management             |
| T16   | Impact of Traffic                               |
| T18   | Pedestrian Safety and Convenience               |
| T21   | Existing Pedestrians Routes                     |
| OS9   | Child Play Space                                |
| U2    | Consultation Within Areas at Risk of Flooding   |
| U3    | Flood Defences                                  |

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

5.6 Proposals Development site (mixed use development including Residential C3; Employment (B1); Retail (A2,A3,A4); Public open space

|                      |                      |  |
|----------------------|----------------------|--|
| 5.7 Core Strategies: | IMP1                 | Planning Obligations                                 |
|                      | CP1                  | Creating Sustainable Communities                     |
|                      | CP2                  | Equal Opportunity                                    |
|                      | CP3                  | Sustainable Environment                              |
|                      | CP4                  | Good Design  |
|                      | CP5                  | Supporting Infrastructure                            |
|                      | CP7                  | Job Creation and Growth                              |
|                      | CP11                 | Sites in Employment Use                              |
|                      | CP15                 | Range of Shops                                       |
|                      | CP19                 | New Housing Provision                                |
|                      | CP20                 | Sustainable Residential Density                      |
|                      | CP22                 | Affordable Housing                                   |
|                      | CP25                 | Housing Amenity Space                                |
|                      | CP27                 | Community Facilities                                 |
|                      | CP28                 | Healthy Living                                       |
|                      | 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                 | A 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 |  |
| CP50                 | Important Views      |  |
| 5.8 Policies:        | DEV1                 | Amenity  |
|                      | DEV2                 | Character & Design                                   |

|       |  |
|-------|--|
| DEV3  | Accessibility & Inclusive Design                 |
| DEV4  | Safety & Security                                |
| DEV5  | Sustainable Design                               |
| DEV6  | Energy Efficiency & Renewable Energy             |
| DEV7  | Sustainable Drainage                             |
| DEV10 | Disturbance from Noise Pollution                 |
| DEV11 | Air Pollution and Air Quality                    |
| DEV12 | Management of Demolition and Construction        |
| DEV13 | Landscaping                                      |
| 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                |
| DEV25 | Social Impact Assessment                         |
| DEV27 | Tall Buildings                                   |
| EE2   | Redevelopment /Change of Use of Employment Sites |
| RT4   | Retail Development and Sequential Approach       |
| HSG1  | Determining Residential Density                  |
| HSG2  | Housing Mix                                      |
| HSG3  | Affordable Housing                               |
| HSG4  | Social and Intermediate Housing ratio            |
| HSG7  | Housing Amenity Space                            |
| HSG9  | Accessible and Adaptable Homes                   |
| HSG10 | Calculating Provision of Affordable Housing      |
| SCF1  | Social and Community Facilities                  |
| OSN2  | Open Space                                       |
| CON1  | Listed Buildings                                 |
| CON4  | Archaeology and Ancient Monuments                |
| CON5  | Protection and Management of Important Views     |

## 5.9 Spatial Development Strategy for Greater London (consolidated with alterations since 2004)

|       |  |
|-------|--|
| 2A.1  | Sustainability Criteria  |
| 3A.1  | Increasing London's Supply of housing  |
| 3A.3  | Maximising the potential of sites  |
| 3A.5  | Housing choice   |
| 3A.7  | Large Residential Developments   |
| 3A.8  | Definition of affordable housing   |
| 3A.9  | Affordable Housing targets   |
| 3A.10 | Negotiating affordable housing in individual private residential and mixed use schemes |
| 3A.11 | Affordable housing thresholds  |
| 3A.17 | Addressing the needs of London's diverse population                                    |
| 3A.23 | Health objectives  |
| 3A.24 | Education facilities   |
| 3B.3  | Mixed use development  |
| 3D.11 | Open space provision in DPDs   |
| 4B.1  | Design principles for a compact City   |
| 4B.2  | Promoting world class architecture design  |
| 4B.3  | Enhancing the quality of the public realm  |

|       |  |
|-------|--|
| 4B.5  | Creating an inclusive environment                |
| 4B.8  | Respect and local character and communities      |
| 4B.9  | Tall buildings location                          |
| 4B.10 | Large scale buildings-design and impact          |
| 4B.11 | London's built heritage                          |
| 4A.12 | Heritage Conservation                            |
| 4A.1  | Historic Conservation led regeneration           |
| 4A.4  | Energy Assessment                                |
| 4A.5  | Provision of heating and cooling                 |
| 4A.6  | Decentralised energy, heating, cooling and power |
| 4A.7  | Renewable energy                                 |
| 4A.14 | Sustainable drainage                             |
| 4A.17 | Water Quality                                    |
| 4A.19 | Improving air quality                            |
| 4A.22 | Spatial policies for waste management            |

#### 5.10 Government Planning Policy Guidance/Statements

|       |                                    |
|-------|------------------------------------|
| PPS1  | Delivering Sustainable Development |
| PPS3  | Housing                            |
| PPG13 | Transport                          |
| PPS22 | Renewable Energy                   |
| PPG24 | Planning & Noise                   |

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

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

#### 5.12 Supplementary Planning Guidance/Documents

- Designing Out Crime
- Residential Space
- Landscape Requirements
- Archaeology and Development

### 6. CONSULTATION RESPONSE

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

6.2 Greater London Authority (Statutory):

6.3 The following were comments made in the GLA Stage 1 Report presented to the Mayor on the 14<sup>th</sup> November 2005.

- The applicant is required to undertake full noise and air quality appraisals to investigate whether any environmental impacts can be mitigated against.

**(Officers comment: The applicant has undertaken a detailed noise and air quality impact appraisals which has addressed the GLA concerns. Refer to paragraph 8.101-8.107)**

- The applicant should clarify that all homes are to be built to 'Lifetime Homes'

standards and that 10% of homes will be built to wheelchair design standards.  
**(Officers comment: 10% of the homes will be wheelchair accessible. This can be secured by way of condition)**

- A financial contribution will be payable to TfL towards improving pedestrian links to Blackwall station.

**(Officers comment: A financial contribution of £30,000 has been proposed by TfL and agreed by the applicant. This will be conditioned in the S106 agreement)**

6.4 Following on from the Stage 1 report, the applicant provided information to the GLA which sought to address the concerns raised previously. On the 1<sup>st</sup> August 2007, the Mayor considered an update report on these proposals. The following additional points were raised:

- The applicant has not addressed the concerns raised previously over the potential impacts the waste transfer station would have on residential amenity.
- The applicant has not modified the design of the building to mitigate against potential noise impacts.

**(Officers comment: To address the above concerns raised by the GLA, the applicant conducted a further Environmental Assessment report. In short, the scheme incorporates additional measures as follows:**

**a) Noise attenuating materials and the use of double glazing to the façade of the eastern elevation**

**b) Inclusion of mechanical ventilation systems into the scheme**

**c) Use of noise absorbent materials in the construction of the balconies. These serve to reduce noise ‘reflection’)**

**It is important to note the Arron House development abuts the Northumberland Waste Transfer Station (WTS) to the south. This site is closer to the loading area of the scheme of the WTS (the loading area) of the scheme. It is considered that the applicant has addressed concerns raised by the GLA and is discussed later in this report**

6.5 Samples of the materials to be used on the eastern elevation would be submitted prior to construction works on site. This would be secured by way of condition.

6.6 To help meet the needs of older children within the development a financial contribution should be made towards the procurement, development and future management of recreational facilities in the area.

**(Officers comment: The applicant has amended the scheme to increase the amount of child playspace on site. The scheme now provides sufficient child playspace and meets the policy requirement as set out in HSG 7 of the Interim Planning Guidelines).**

6.7 GLA raised concerns relating to air quality for future residents as a result of neighbouring Northumberland Wharf site. Clarification is needed that the impact on air quality of the vent was assessed in the recent air quality assessment undertaken by Hilson Moran.

**(Officers comment: The applicant has addressed this concern. Refer to paragraph 8.108-8.113)**

- The concerns expressed in the Stage 1 update report regarding the proposed design in respect of WTS noise still remain. The applicant should consider a redesign of the layouts e.g.: moving habitable rooms away from the affected façade.
- The Housing mix is now satisfactory
- Satisfied with the proposed Affordable Housing, provided a cascade mechanism is in place within any S106 to secure more AH in the event that more SHG is forthcoming
- With regard to energy, the officer is satisfied to report favourably to the Mayor when the proposals get to Stage II referral.

#### 6.8 Transport for London (Statutory)

6.9 The following are comments were made in the Stage 1 report presented to the Mayor on the 14<sup>th</sup> November 2005

- The developer should provide cycle parking inline with London Cycle Design Manual Standards (This requires the developer to provide 1 cycle space per residential unit).

**(Officers comment: The applicant has agreed to provide 1 cycle space per unit i.e. 141 cycle spaces. This will be secured by way of condition)**

- The development does not impact on the operation of the Blackwall Tunnel. Any permission should be conditional upon the submission and approval of details of the height of the building, and foundation type and cross-section drawings showing both above ground and underground structures including foundations, basement car park and access ramp.

**(Officers comment: The applicant will be required to submit details of site foundations by way of condition)**

#### 6.10 Environmental Agency (Statutory):

- The Flood Risk Assessment (FRA) is acceptable. The Environmental Agency request a cross section drawing showing the finished floor levels of the car parking and the residential level shall be included in the FRA.
- The applicant needs to undertake an assessment to demonstrate that the risk of pollution to controlled waters is acceptable

**(Officers comment: The applicant has been completed a risk assessment and is set out as part of the geotechnical survey undertaken by Card Geotechnics which was submitted with the application. The risk assessment makes specific reference to the risk of pollution to controlled waters. Section 6.5.3 (Page 26) concludes that:**

***“...it is considered that the identified site contamination poses a low overall risk to the underlying groundwater...given the presence of a layer of relatively impermeable Alluvium beneath the site and the river wall it is considered that the site poses a low overall risk to the nearby River Thames.”***

**However, Environmental Agency has not commented on the report as yet. The comments will be included in the addendum report on the 28<sup>th</sup> May 2008)**

#### 6.11 English Heritage Archaeology

- This site lies within an area of archaeological interest



- Archaeological investigation should be undertaken on site. These investigations should be secured by way of planning condition.

**(Officers comment: This will be secured by way of condition)**

#### 6.12 LBTH Highways department

- The proposed 49 basement car parking spaces which equates to 0.35 spaces per unit and hence in line with current LBTH policies.
- Inappropriate location of refuse facilities

**(Officers comment: The applicant will be required to submit details of refuse and recycle facilities on a different location on site)**

- The developer has indicated in the transport assessment that cycle parking is being proposed at 1 space per 3 flats, this is less than current LBTH standard. 1 cycle space per unit should be provided for the residential unit.

**(Officers comment: The applicant has agreed to provide 1 cycle space per unit i.e. 141 cycle spaces. This will be secured by way of condition)**

#### 6.13 Education:

3): A contribution of £234,498 to mitigate the demand of the additional population on education facilities.

**(Officers comment: The above contribution will be secured in the S106 agreement).**

#### 6.14 Environmental Health

- The Prestons road facades will require noise mitigation and all other non glazing facades should achieve RW48.
- The Aircraft Noise from City Airport air traffic movements and taking in consideration the predicted increase in both daytime and night noise levels at the proposed development due to the expansion of City Airport, the noise impact is considered insignificant.

#### 6.15 Primary Care Trust

- A total capital planning contribution of £198,784 to be made for the section 106 agreements.

**(Officers comment: The above will be secured in the S106 Agreement)**

#### 6.16 British Waterways

Appropriate development of land is welcomed provided it:

- Improves the character of the waterscape
- Improve the general public's appreciation of the waterways; and
- Enhances the environmental attributes of the waterway.

#### 6.17 Crossrail

No comments received

#### 6.18 Thames Water Utilities Ltd-



#### 7.4 Amenity

- The loss of natural light and/or overshadowing to surrounding residents
- Loss of daylight and sunlight to properties at Nova Court East and West
- Overlooking and loss of privacy to residents in Nova Court
- The neighbouring developments (The Lighthouse Development) will now be seriously overlooked and result in loss of privacy for all of its many residents

**(Officers comment: Amenity issues are discussed in paragraphs x)**

#### 7.5 Infrastructure

- Part of the development will be above Blackwall Tunnel. The development will result in long term structural problems to Blackwall Tunnel.

(Officers comment: This is discussed in paragraphs 8.114-8.177 for discussion on this point )

#### 7.6 Transport

- Lack of car parking on site
- Lack of car parking in the surrounding area resulting in increased pressure on existing spaces
- This development will mean there will be no affordable parking in the area, resulting in the only option available to residents being extremely expensive parking within the Canary Wharf estate.
- The proposal will result in increased traffic congestion

**(Officers comment: Parking policy issues are discussed in paragraphs 8.81-8.94)**

#### 7.7 Housing

- There are no advantages for more Council and shared owners tenants to move in this new proposed redevelopment. In addition to the high cost of life living within close proximity to Canary Wharf,

**(Officers comment: Refer to housing section of the report)**

#### 7.8 Environmental Objections

Loss of trees that run parallel with the site cut down and destroyed, as they are not depicted on any plan. Even if the trees remain the neighbouring development (The Lighthouse Development) will no longer be able to benefit from seeing these trees.

**(Officers comment: The views of the trees are not protected by any planning policy and is therefore not a material planning consideration)**

#### 7.9 Other objections relating to the area in general

- no school or other public services nearby (NHS centre, dentist etc)
- No park/green areas (open space) to sit as a family or for friends to relax (New Providence Wharf is private property and members of the public are not permitted to use the area)
- There are no affordable restaurants and/or places to socialize for Council and shared owners tenants who move into this new proposed redevelopment.
- No real size community centre to accommodate such a huge amount of people
- No sports centre facilities and no real size sports ground

- No childcare facilities for young families.
- Prospect of anti-social behaviour
- Lack of freedom of actions and movement due to high security of New Providence Wharf/Ontario development will increase the risk of social clashes with council/shared ownership tenants.
- Impact Barclays, HSBC and Citigroup views of the o2 Arena and North Greenwich with a tower and building block that will block the view but also emit bright inharmonious colours (red, yellow).

**(Officers comments:**

**1. With reference to school places and health services, the applicant will be required by enter into a Section 106 agreement to provide a contribution of £198,784 to mitigate the demand of the additional population on health care facilities and £234,498 to mitigate the demand of the additional population on education facilities.**

**2. With reference of open space, the proposal provides an appropriate amenity of public open space which exceeds policy requirement.**

**3. There is no evidence to suggest the proposal would result in anti social behavior.**

**4. A community facility does not form part of the application and is considered necessary to include in order to deem the proposed acceptable.**

**5. The views of o2 Arena and North Greenwich are not protected for Barclays, HSBC and Citigroup)**

7.10 Letter of support

- The layout and density of the proposed plan is well designed, at the Preston's Road end the careful landscaping and slope of the building minimizes the loss of natural daylight to Nova Court and surrounding buildings.
- The loss of privacy having a building opposite your own is in fact of life when living in urban spaces.
- Community objections to the loss of car park space is unfounded as the new development includes it's own underground facilities, the incumbent car park whose constant movement of vehicles all day and the associated dust cloud covers surrounding buildings only serve s the contractors of the various building sites around Docklands.
- The Nova Court Buildings have had recent surveys that included residential feedback on any structural problems, and none were found, from this we can assume development will face the same.
- Plans state that it includes a communal open space and further commercial units to complement Blackwall Way and the Ibis Hotel this will lead to a well lit and occupied Yabsley Street which at present is dark and uninviting.
- The proposed community park at Woodland Wharf on Preston's Road redresses fear of lost open spaces.

**8. MATERIAL PLANNING CONSIDERATIONS**

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

1. Land Use
2. Density
3. Design
4. Housing
5. Amenity/open space

- 6. Daylight and Sunlight
- 7. Transport
- 8. Sustainability

#### **Land use**

- 8.2 The proposed scheme comprises of 141 residential units and 43 sqm of commercial floorspace, which would be provided as a single unit. The site is not designated in the UDP (1998). However, in the Councils Interim Planning Guidance 2007 (Isle of Dogs Area Action Plan), the site is allocated for residential (C3).
- 8.3 The site is not recognised as a location for B1 (office) development and is isolated from the nucleus of such activity around Canary Wharf.
- 8.4 With reference to residential development on site, the GLA Stage 1 report notes that:  
  
*“the relationship of residential development on the application site to the neighbouring waste management facility at Northumberland Wharf is of critical importance in making an assessment of the acceptability or otherwise of the current proposals”.*
- 8.5 The applicant has undertaken studies on the environmental impacts in order to assess the impact with Waste Management facility may have on future occupants of the site. In light of the details provided, the Council does not believe that the waste centre should have an adverse impact on residential amenity. Please refer to paragraphs 8.106-9.110 for discussions relating to residential amenity.
- 8.6 In accordance with policies 3A.1, 3A.3 & 3A.5 of the London Plan (2008), the Mayor is seeking the maximum provision of additional housing in London (2008). The London Plan housing target (Dec 2006) for Tower Hamlets from 2007 to 2016 is 31,500 new homes, subject to the provision of adequate social and physical infrastructure and contributing to sustainable communities (CP19).
- 8.7 The principle of residential development within close proximity to this Waste Transfer station has previously been accepted by the Council at the Arron House development. The site abuts the WTS to the south. This site is closer to the noisiest part of the WTS (the loading area) of the scheme). Other examples in London where large scale residential development has been approved in London include Riverside West development by Berkeley Homes in Wandsworth. This is a 434 unit riverside development which is 8 storeys high and which adjoins the Western Riverside Waste Facility. The WRWA is a much larger facility than Northumberland Wharf (as it serves four local authorities rather than the two at Northumberland Wharf) but has a similar functions i.e. it operates as a combined waste transfer and civic amenity facility and moves waste onto river barges for transfer downstream. In this case, Council members at Wandsworth were given sufficient comfort that there would be no adverse impacts on the future residents of the scheme. In light of the preferred uses for the site identified in the London Plan, IPG 2007 and comfort given to officers that future occupiers of residential units would not be adversely affected by the proximity of the waste transfer station.
- 8.8 At present, the site does not contain any commercial uses on site. The proposal will include 43 sqm of commercial floorspace and thus result in new employment floorspace on site. This is acceptable as an ancillary use to the residential led scheme proposed.

#### **Density**

- 8.9 The site has a net residential area of approximately 0.23 hectares. The scheme is proposing 141 units or 405 habitable rooms. The proposed residential accommodation would result in a density of approximately 1760 habitable rooms per hectare (hr/ha).

- 8.10 The site has a public transport accessibility level, or PTAL, of 5 According to TABLE 4b.1 of the London Plan, the site is best described as 'urban' and therefore has a suggested density range of 650-1100 habitable rooms per hectare (hr/ha) in accordance with the 'Density location and parking matrix'.
- 8.11 In general numerical terms, the proposed density would appear to be an overdevelopment of the site. However, the intent of the London Plan and Council's IPG is to maximise the highest possible intensity of use compatible with local context, good design principles and public transport capacity. The area already contains several high density development residential schemes i.e. Ontario Tower, New Providence Wharf, Poplar Dock and Blackwall Basin.
- 8.12 Residents have considered that this application results in an unacceptable increase in density and is therefore an overdevelopment of the site. However it should be remembered that density only serves an indication of the likely impact of development. Typically high density schemes may have an unacceptable impact on the following areas:
- Access to sunlight and daylight;
  - Lack of open space and amenity space;
  - Increased sense of enclosure;
  - Loss of outlook;
  - Increased traffic generation; and
  - Impacts on social and physical infrastructure
- 8.13 These issues are all considered in detail later in the report and were considered to be acceptable.
- 8.14 Policy 3A.4 of the consolidated London Plan (2008) states that the Mayor will ensure the development proposals achieve the highest possible intensity of use compatible with local context, the design principles of 4B.1 and with public transport capacity.
- 8.15 Policy 3A.2 of the consolidated London Plan (2008) encourages boroughs to exceed the housing targets and to address the suitability of housing development in terms of location, type and impact on the locality. Policies CP20 and HSG1 of the IPG seek to maximise residential densities on individual sites; taking into consideration the local context and character; residential amenity, site accessibility; housing mix and type; achieving high quality, well designed homes; maximising resource efficiency; minimising adverse environmental impacts; the capacity of social and physical infrastructure and open spaces; and to ensure the most efficient use of land within the Borough.
- 8.16 On review, a high density mixed use development can be supported in this location in accordance with London Plan, UDP and IPG policies. The scheme is considered acceptable as it secures a number of contributions towards affordable housing, health, education, transport and community facilities and local employment initiatives been agreed to mitigate any potential impacts on local services and infrastructure.

## **Design**

### *Height, Bulk and Massing*

- 8.17 Good design is central to all the objectives of the London Plan. Policy 4B.1 of the consolidated London Plan (2008) refers to 'Principles and specifics of design for a compact city' and specifies a number of policies aimed at achieving good design.
- 8.18 Policy CP4 of the Interim Planning Guidance (2007) states that LBTH will ensure the development creates buildings and spaces of high quality design and construction that are sustainable, accessible, attractive, safe and well integrated with their surroundings. Policy DEV2 of the IPG reiterates DEV1 of the UDP and states that developments are required to

be of the highest quality design, incorporating the principles of good design.

8.19 Comments from the 2007 GLA stage 1 report advises *“that the site is able to take up increased massing and height, subject to high quality architecture and use of materials”*.

8.20 The GLA support the scale and massing of the proposal. The GLA stage 1 report notes that:

*‘ the proposed layout, massing and scale of development responds satisfactorily to the site’s context, with the low rise block to be built parallel to Preston’s Road providing improved definition to this route while the tower will- in terms of it’s massing, height and form- relate well to the nearby density development At ‘New Providence Wharf’ and the ‘White Swan’ Development.’*

8.21 The use of prefabricated timber panels, large glazing units and engineered balconies gives the opportunity for a high quality of finish. Overall the design makes a positive contribution to the area.

### Tall Buildings

8.22 The London Plan encourages the development of tall residential buildings in appropriate locations.

8.23 Policy 4B.9 of the consolidated London Plan (2008) states that tall buildings will be particularly appropriate where they create attractive landmarks enhancing London’s character, help to provide a coherent location for economic clusters of related activity or act as a catalyst for regeneration and where they are also acceptable in terms of design and impact on their surroundings. Policy 4B.10 of the consolidated London Plan (2008) requires all large-scale buildings, including tall buildings, to be of the highest quality of design.

8.24 CP48 of the Interim Planning Guidance permits the Council to consider proposals for tall buildings in locations outside the tall building cluster locations identified in this policy if adequate justification can be made for their development.

8.25 Within the wider context of the site there area a number of tall buildings, these tall buildings occur both within the City Quarter to the south west of the site but also within the more residential areas to the north of the site. Examples of tall residential buildings (and high density development) m approved in the area are: (1): Ontario Tower, (2): New Providence Wharf; (3): White Swan; (4): Polar Dock and (5): Blackwall Basin. In addition, give its close proximity to Canary Wharf, the principle of tall commercial buildings in the area is well established.

8.26 Policy DEV27 of the Interim Planning Guidance provides a suite of criteria that applications for tall buildings must satisfy. In consideration of the above comments and policy requirements, the proposal is considered to satisfy the relevant policy criteria as follows:

- 8.27
- The architectural quality of the building is considered to be of a high design quality, demonstrated in its scale, form, massing, footprint, materials & relationship to other buildings
  - Presents a human scaled development at the street level.
  - The wind and micro climate testing has been undertaken and concludes that the impact on the microclimate of the surrounding area, including the proposal site and public spaces, will not be detrimental.
  - Demonstrates consideration of sustainability throughout the lifetime of the development, including the achievement of high standards of energy efficiency, sustainable design, construction and resource management
  - The scheme will contribute positively to the social and economic vitality of the surrounding area at the street level through its proposed mix of uses.

- Incorporates principles of inclusive design.
- The site is located in an area with good public transport access.
- Takes into account the transport capacity of the area, and ensure the proposal will not have an adverse impact on transport infrastructure and transport services. There are 49 car parking spaces proposed which is not considered to be excessive and complies with policy.

## **Housing**

8.28 In summary the key changes made to the mix since the previous submission are:

- a reduction in the overall number of units from 154 to 141
- an increase in the overall amount of affordable housing from 32% to 37% (by habitable room)
- an affordable housing tenure split of 76/24 (social rented/intermediate).
- an increase in the number of family sized (3 + bed units) from 29 to 36. By habitable room, this represents an increase from 1% to 56% of the total mix

### Affordable Housing

- 8.29 Policy 3A.9 of the consolidated London Plan (1998) sets out a strategic target that 50% of the new housing provision should be affordable. Policy CP22 of the IPG document states that the Council will seek to maximise all opportunities for affordable housing on each site, in order to achieve a 50% affordable housing target across the Borough, with a minimum of 35% affordable housing provision being sought.
- 8.30 An evaluation of the schemes viability was prepared by the applicant using the GLA Affordable Housing Financial Viability Toolkit, where the scheme is proposing less than 50% affordable housing, in line with policy 3A.10 of the London Plan. The toolkit assessment has been scrutinised and its results, on balance, are supported by the GLA. This scheme proposes to provide 37% of affordable housing when measured by habitable room, which is the Council's preferred measure. This is above the minimum of 35% required by the IPG and is acceptable. In addition, the GLA have confirmed their acceptance of the level of affordable housing proposed.

### Housing mix

- 8.31 Policy CP21 'Dwelling Mix and Type' of the Interim Planning Guidance governs the ratio of social rented units to those of intermediate tenures.
- 8.32 The following table below summarises the proposed housing mix against policy HSG2 of the Interim Planning Guidance 2007, which seeks to reflect the Borough's current housing:



|              |                       | affordable housing |      |          |              |     |          | market housing |      |          |
|--------------|-----------------------|--------------------|------|----------|--------------|-----|----------|----------------|------|----------|
|              |                       | social rented      |      |          | intermediate |     |          | private sale   |      |          |
| Unit size    | Total Units in scheme | units              | %    | target % | units        | %   | target % | units          | %    | target % |
| Studio       | 0                     | 0                  |      | 0        | 0            | 0   | 25       | 0              |      | 25       |
| 1 bed        | 76                    | 3                  | 10.7 | 20       | 2            | 20  | 25       | 71             | 69   | 25       |
| 2 bed        | 29                    | 10                 | 35.7 | 35       | 3            | 30  | 25       | 16             | 15.5 | 25       |
| 3 bed        | 22                    | 5                  | 17.8 | 30       | 1            | 10  | 25       | 16             | 15.5 | 25       |
| 4 bed        | 6                     | 2                  | 7.1  | 10       | 4            | 40  |          | 0              |      |          |
| 5 Bed        | 8                     | 8                  | 28.5 | 5        | 0            |     |          | 0              |      |          |
| <b>TOTAL</b> | <b>141</b>            | <b>28</b>          | 100  | 100      | <b>10</b>    | 100 | 100      | <b>103</b>     | 100  | 100      |

**Table 1: Proposed housing mix and tenure split**

- 8.33 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 Council considers the mix identified in Table 1 to be acceptable in light of policy HSG7 of the UDP.
- 8.34 The Council's Interim Planning Guidance requires 45% of social rented units to be suitable for family accommodation (3 bed or more). The proposal provides 54% family accommodation by unit numbers. The proposed development therefore exceeds the policy requirement of HSG 2 'Housing Mix'.
- 8.35 The Council's Interim Planning Guidance requires 25% of intermediate and market units to be family sized accommodation. The proposal makes provision for 50 % family housing and in the intermediate tenure and therefore exceeds the policy requirement. However, the proposal makes provision for 16% family units in the private tenure and which falls short of the policy requirement. The Council is prepared to accept the deficiency of family units in the private sector and the proposal exceeds the policy requirement provision for family units in the social rented and intermediate tenure.
- 8.36 The financial viability assessment in the form of the GLA's Toolkit has been submitted justifying the financial viability of the mix as proposed. Importantly, the scheme exceeds the amount of family housing otherwise achieved across the Borough based on the most recently published LBTH Annual Monitoring Report 2005-6 as shown in the table below. Therefore the scheme is a positive step towards LBTH achieving key housing targets and better catering for housing need.

|      |               |                |            |
|------|---------------|----------------|------------|
| 8.37 | Tenure        | Borough wide % | PA/05/1866 |
|      | Social rented | 21.7%          | 54%        |
|      | Intermediate  | 9.7            | 50%        |
|      | Market        | 1.7            | 16%        |
|      | Total         | 6.8            | 26%        |

Social Rented/ Intermediate Ratio

8.38 Against London Plan policy 3A.9 affordable housing target is 70% should be social rent and 30% should be intermediate rent.

8.39 Policy CP22 of the IPG states that the Council will require a social rented to intermediate housing ratio split of 80:20 for affordable housing. Given the difference between policy objectives, the proposed split of 76/24 falls within the range of acceptability and is supported by Council officers along with the GLA. A summary of the affordable housing social rented/ intermediate split is provided below:

Accessibility

8.40 The IPG Policy HSG9 both require 10% wheelchair accessible accommodation; further the IPG requires that all new homes be built to lifetime homes standards.

8.41 Six car parking spaces will be earmarked for disabled users. In addition, there is also no mention of lifetime homes standards. Meeting the standards of 100% lifetime homes. This will be secured by way of condition.

**Amenity/Open Space**

8.42 Policy HSG16 of the UDP requires that new developments should include adequate provision of amenity space, and they should not increase pressure on existing open space areas and playgrounds. The Council's Residential Space SPG includes a number of requirements to ensure that adequate provision of open space is provided, as shown below:

| Tenure           | Proposed | SPG Requirement                                       | Total (m <sup>2</sup> ) |
|------------------|----------|---|-------------------------|
| Family Units     | 36       | 50sqm of private space per family unit                | 1800                    |
| Non-family units | 205      | 50sqm plus an additional 5sqm per 5 non-family units; | 91                      |
| Child Bed spaces | 83.4     | 3sq.m per child bed space                             | 250                     |
| <b>Total</b>     |          |   | 2141                    |

8.43 Following is an assessment against the residential amenity space requirements under policy

HSG7 of the Interim Planning Guidance (Oct 2007).

| Units  | Total  | Minimum Standard (sq.m) | Required Provision (sq.m)            |
|--|--|-------------------------|--------------------------------------|
| <b>Upper floor units</b>                       |  |                         |                                      |
| Studio   | 0  | 6                       | 0                                    |
| 1 Bed  | 76   | 6                       | 456                                  |
| 2 Bed  | 29   | 10                      | 290                                  |
| 3 Bed  | 21   | 10                      | 210                                  |
| 4 Bed  | 5  | 10                      | 50                                   |
| 5 bed  | 4  | 10                      | 40                                   |
| <b>Total</b>                                   |  |                         | <b>1046</b>                          |
| <b>Ground floor Family units</b>               |  |                         |                                      |
| Studio   |  |                         |                                      |
| 1 bed  | 0  | 25                      | 0                                    |
| 2 bed  | 0  | 25                      | 0                                    |
| 3 bed  | 1  | 50                      | 50                                   |
| 4 bed  | 1  | 50                      | 50                                   |
| 5 bed  | 4  | 50                      | 200                                  |
| <b>Total</b>                                   |  |                         | <b>300</b>                           |
| <b>Grand Total</b>                             | <b>141</b>   |                         | <b>1346</b>                          |
| <b>Communal amenity</b>                        | 50sqm for the first 10 units, plus a further 5sqm for every additional 5 units |                         | (50sq.m plus 130 sqm).<br><b>180</b> |
| <b>Child play space</b>                        | 83.4 x 3 sqm   |                         | 834 (83.4 x 3)                       |
| <b>Total Housing Amenity Space Requirement</b> |  |                         | <b>2360</b>                          |

8.45 The table above illustrates that the total amount of amenity space required to make the scheme policy compliant is 2360 sqm. The proposal makes provision for a total of 2, 777 sqm of amenity space which exceeds the policy requirement of 2360 sqm.

8.46 The proposed communal amenity space of 1252 sqm exceeds the policy requirement of 180 sqm identified by the IPG 2007. The scheme provides private amenity space in the form of terraces and balconies which together have a total floorspace of 1225 sqm. This is below the target of 1346 sqm. Of the 141 units, only three do not have private amenity space. However, these three units are all on the ground floor of the tower block and have direct access to the communal gardens at the rear.

8.47 Furthermore, as set out above, the communal amenity space is well above the level sought by Policy HSG7, which assists to offset any shortfall in private space provision. In light of the overall open space provision across the site, this is acceptable.

#### Child Play Space

8.48 Policy 3A.18 'Protection and enhancement of social infrastructure and community facilities' of the consolidated London Plan (2008) seeks the protection and enhancement of social infrastructure, including child play and recreation facilities. As such, all residential development is expected to provide child play space.

8.49 The GLA Guide to Preparing Play Strategies encourages the provision of a wide range of play opportunities and spaces, rather than prescribed, fenced off area with a quota of manufactured equipment. Further, according to paragraph 11.8 of the Mayor's

SPG for Housing, when assessing needs of children and young people:

*“full account should be taken of their need for play and informal recreation facilities within walking distance of their home”.*

8.50 According to paragraph 16 of PPS3, matters to consider when assessing design quality of housing developments include the extent to which the proposed development “provides, or enables good access to, community and green and open amenity and recreational space (including play space) as well as private outdoor space such as residential gardens, patios and balconies”. Paragraph 17 of PPS3 states that

8.51 *“where family housing is proposed, it will be important to ensure that the needs of children are taken into account and that there is good provision of recreational areas, including private gardens, play areas and informal play space”*

8.52

|                          | No units | Child yield | Number of children- |
|--------------------------|----------|-------------|---------------------|
| Private and intermediate |          |             |                     |
| 1 bf                     | 73       | 0.11        | 8.03                |
| 2 bf                     | 19       | 0.11        | 2.09                |
| 4 bf                     | 17       | 0.48        | 8.16                |
| 4 bf                     | 4        | 0.48        | 1.92                |
|                          |          |             |                     |
| Social rented            |          |             |                     |
| 1 bf                     | 3        | 0.20        | 0.6                 |
| 2 bf                     | 10       | 1.00        | 10                  |
| 3 bh                     | 5        | 2.00        | 10                  |
| 4 bh                     | 2        | 3.3         | 6.6                 |
| 5 bh                     | 8        | 4.5         | 36                  |
| Total                    | 141      |             | 83.4                |

8.53 The child occupancy of the proposed development is calculated as 83.4 children as set out in the table below. The Council’s IPG (2007) notes that the need for play space will equate to the number of children x recommended benchmark standard of 3sq.m /child. This equates to a requirement for 250.2sqm (83.4 x 3 = 250.20)

8.54 The applicant has increased the provision of child playspace from 120 sqm to 300 sqm. The Council considers this to be acceptable as the amount of child playspace provided exceeds the policy requirement of HSG7 of the Interim Planning Guidance.

**Daylight /Sunlight Access**

8.55 DEV 2 of the UDP seeks to ensure that the adjoining buildings are not adversely affected by a material deterioration of their daylighting and sunlighting conditions. Supporting paragraph 4.8 states that DEV2 is concerned with the impact of development on the amenity of residents and the environment.

8.56 Policy DEV1 of the Interim Planning Guidance states that development is required to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm. The policy includes the requirement that development should not result in a material deterioration of the sunlighting and daylighting conditions of surrounding habitable rooms.

**Daylight Assessment**

8.57 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.

- 8.58 British Standard 8206 recommends ADF values for residential accommodation. The recommended daylight factor level for dwellings are:
- 2% for kitchens;
  - 1.5% for living rooms; and
  - 1% for bedrooms.

#### White Swan Development

- 8.59 All but one room that directly face the site achieve the ADF criteria set out in the BRE Report with the proposed development in place. The room is a living room/ kitchen and has an existing ADF value of 1%. The proposal will result in an ADF of 0.76%. However, the windows are small and one of them is set under a balcony, which lead to an inadequate ADF figure in the existing case.

#### Arran House

- 8.60 All rooms complying with the BRE criteria for VSC, ADF and No-sky line.

#### Galleon Quay Proposed scheme

- 8.61 All rooms achieve or exceed the BRE and British Standard criteria for daylight.

#### 8.62 **Sunlight**

- 8.63 The sunlight availability before and after development was calculated as a measure of the impact of the proposal on sunlight. The BRE Report recommends that the annual probable sunlight hours in the proposed case should be at least 25% of the annual total including at least 5% in winter. Where the proposed values fall short of these then the diminution should not be greater than 20% in either case. Only those windows that face within 90 degrees of south should be considered.

#### 8.64 White Swan Development (Nova Court)

- 8.65 This building contains balconies and overhangs above some windows. The BRE criterion for sunlight does not consider existing balconies in the calculations. This means that during the summer, apart from early morning and late afternoon, the sun casts a shadow on the window throughout the day.
- 8.66 During the winter months the sun tracks across the sky at low angles of elevation, and in midwinter does not exceed 15 degrees elevation above the horizon. This means that the windows under balconies have relatively high levels of winter sunlight and low levels of summer sunlight. When such windows face a vacant site, even modest development will inevitably cause a reduction of winter sunlight. The summer sunlight level measured at such windows is low and unchanged by the development.
- 8.67 The sunlight results show that the White Swan development will continue to receive high levels of sunlight; all windows that are not affected by balconies typically receive 50% of the Annual Probable Sunlight Hours, which is double the BRE suggested minimum. Some living rooms at first floor are dual aspect. Here one window is affected by the presence of a balcony but the other is unhindered and will receive high levels of sunlight. Therefore even with the balconies these rooms will enjoy good levels of sunlight.
- 8.68 There are four living rooms on the ground floor that are set back behind the main building line so that the floor above projects out above the ground floor windows. The general effect

of this is similar to that described above. Measured at the window centre the summer sunlight levels are low and unaffected by the development, and the winter levels are initially high but reduced significantly by the development. The reasons for this reduction are as follows:

- the sunlight level measured on the main façade is very high: in the range of 54% to 68% of the Annual Probable Sunlight Hours (APSH).
- the figures for all but one of the windows measured at window centres are not unusually low for an urban location with APSH figures of around 20%.
- the low figures are partially due more to that recessed position of the windows than to the scale of development of the Galleon Quay site. The upper half of the proposed building is hidden by the projecting balcony and therefore does not affect the sunlight figures. To comply strictly with the BRE guidelines for these windows would mean reducing the height of the proposals to low rise development, uncharacteristic of this area, namely a high density, Central London location.

8.69 Overall the White Swan development will continue to receive high levels of sunlight, significantly in excess of the BRE guidelines. There are few rooms, where due to recessed windows or balconies the windows do not meet a strict interpretation of the BRE guidelines but in all cases the sunlight availability on the façade of the building is very high.

#### Arran House

8.70 The façade of this building adjacent to the development site faces northwards and therefore does not have a requirement for sunlight.

#### Galleon Quay Proposed scheme

8.71 All living rooms with a southerly aspect have windows that achieve the BRE guidelines for sunlight. There are some north facing living rooms within the scheme, which is common in an urban development, and clearly these will not have good sunlight, nor do they have an expectation of such.

8.72 The orientation of the affordable block is such that the living rooms have views over the water and do not face within 90 degrees of south. They would therefore not have an expectation or requirement for high levels of sunlight. The bedrooms at the rear of the block do face within 90 degrees of south and do not achieve the BRE guidelines for sunlight. However the BRE states:

*“kitchens and bedrooms are less important, although care should be taken not to block too much sun.”*

8.73 The bedrooms in question typically receive around 14% of the annual probable sunlight hours, which are not an unusual figure in an urban location, even for a living room, and therefore should be regarded as a reasonable figure for a bedroom.

#### **Objections received on daylight and sunlight grounds**

8.74 The following properties have expressed concern that the development will adversely impact on the existing daylight and sunlight levels:

Aurora Building, 164 Blackwall Way, London, E13 9PG

Flat 11 & 22, Arron House

8.75 The living room in flat 11 will retain a good level of daylight. The room retains ADF values of 2.69%, 2.09%, 1.74%, and 25% which exceeds the BRE recommendation of 1.5%. Likewise, with flat 22, Arron House, the proposed ADF values are 2.27 % and 1.60%  
Flat 30, Arron House:

8.76 The daylight levels to the living room will retain the ADF levels. The ADF levels will remain very high at over four times BRE suggested figure for a living room. The sunlight availability as measured by Annual Probable Sunlight Hours (APSH) to the principal living room window will be 73% which is approaching treble the BRE suggested figure of 25%. Therefore the impact to sunlight is small and the property will retain very high levels of sunlight availability

Nova Court (East), 6 Yabsley Street, London, E14 9RX

Flat 11 at Nova Court (east)

8.77 The Average Daylight Factor (ADF) level is 3.7% which exceeds the BRE recommendation of 1.5% for a living room. The daylight levels will remain good. Similarly, the sunlight levels exceed the minimum standards as set out in the BRE guidelines.

Flats 5, 12, 13 & 14 at Nova Court (West) 4 Yabsley Street, London, E14 9SA

8.78 Each of the above properties exceeds the minimum ADF recommendations. Each property has an ADF of around 3.6% Similarly the impact to sunlight is small and the properties will retain very high levels of sunlight availability.

Lumina Building, 29 Prestons Road, London, E14 9RJ

8.79 Flat 20, Lumina Building.

The living rooms pass the ADF tests. The sunlight levels also exceed the BRE suggested figure. The property has two bedrooms one of which retains a high ADF of 2.7% compared to the BRE suggested figure. The property has two bedrooms one of which retains a high ADF of 2.7% compared to the BRE suggested figure of 1%. The other has a low ADF figure of 0.65% in the existing situation, due to its small window located under a balcony, but is not materially impacted by the proposed development since there will be no reduction in ADF and only a small reduction in No-Sky line.

8.80 Flat 21, Lumina Building

The living room will retain a very good level of daylight with an ADF of 4.3% and similarly, with an APSH of 52%, will retain excellent sunlight availability of double the BRE suggested figure. The two bedrooms will retain good levels of daylight with ADFs of 1.7% and 3.3%.

## **Transport**

8.81 Policy T16 of the UDP and policies DEV17, DEV18 and DEV19 of the IPG October 2007 require new development to take into account the operational requirements of the proposed use and the impact (Transport Assessment) of the traffic that is likely to be generated. In addition, policy objectives seek to ensure that the design minimizes possible impacts on existing road networks, reduces car usage and, where necessary, provides detailed mitigation measures, to enable the development to be acceptable in planning terms.

## Access

8.82 The site is generally sloped across its length. A level podium is proposed to access the tower and block and is approached directly off of the existing public thoroughfare of Prestons Road via steps and ramps.

### Pedestrian

- 8.83 Pedestrian approach is direct from Prestons Road for the residential block and tower as well as the small retail unit at the base of the tower.
- 8.84 The retail development is accessed directly off of a new landscaped pathway from Prestons Road and Yabsley Street via a level approach. These new pathways are connected to existing public thoroughfares.
- 8.85 Both the residential tower (17 storeys) and low rise block (7 storeys) have level access directly off of the access podium.
- 8.86 Given the high amount of accommodation provided, the Council and GLA have determined that contributions for transport infrastructure are required via the S106 agreement to ensure that the development can be sufficiently mitigated against.

### Car parking

- 8.87 According to policy 3C.23 of the consolidated London Plan (1998), on-site car parking provision for new developments should be the minimum necessary to ensure there is no overprovision that could undermine the use of more sustainable non-car modes. This in part, is to be controlled by the parking standard in Annex 4 of the London Plan and UDP policies.
- 8.88 Parking standards for residential is 0.5 spaces per dwelling (no parking allowance for visitors) as set out in the Councils Interim Planning Guidance. As a result of discussions with LBTH, the number of car parking spaces is 49 at basement level. Therefore, the proposal is to have a 35% car parking provision and complies with Council policy.
- 8.89 The parking standard in Annex 4 of the London Plan states that boroughs should take a flexible approach in providing disabled spaces. The only minimum standard mentioned is for new developments to provide 2 car parking spaces which the development complies with. The Accessible London Supplementary Planning Guidance (SPG) does not provide additional information with regards to the quantity of spaces to be provided. The proposal provides 6 disabled parking spaces which the Council are satisfied with.
- 8.90 Vehicular arrival is direct from Yabsley Street, Prestons Road and Releana Road to the main entrance. The car parking provision for the development is accommodated at basement level.
- 8.91 It is recommended that a S106 agreement be put in place to ensure that the development is 'car free', so that no controlled parking permits are issued to the new residents of the development. As such, there will be no overspill parking from the development. Most of the residents will therefore be committed to using public transport services and alternative modes for all journeys. Also, a S106 agreement for the preparation, implementation and maintenance of a green travel plan will be secured. The applicant has agreed to such planning contributions.

### Cycle Parking

- 8.92 The London Plan does not designate cycle parking standards. Annex 4 of the London Plan states that developments should provide sufficient secure cycle parking and supporting facilities in accordance with PPG13. It also acknowledges that TFL has indicative guidance on cycle parking standards.
- 8.93 PPG13 does not adopt a minimum figure for cycle spaces, rather requires that convenient and secure cycle parking is provided in developments at least at levels consistent with the cycle strategy in the local transport plan.



- 8.94 The TFL cycle parking standard and the Council's IPG require 1 bicycle space per unit for the residential element. The scheme makes provision for 44 cycle spaces at basement level and 6 motorcycle spaces at basement level. The applicant should provide 141 spaces for the residential element of the proposal and 3 for the commercial element. This can be addressed by way of condition.

## **Sustainability**

### Energy

- 8.95 Policy 4A.7 of the consolidated London Plan (2008) seeks to adopt a presumption that developments will achieve a reduction in carbon dioxide emissions of 20% from onsite emissions of 20% from onsite renewable energy generation (which can include sources of decentralised renewable energy) unless it can be demonstrated that such provision is not feasible.
- 8.96 The GLA stage 1 noted that :
- " the applicant needs to provide details of the fuel supply and ensure that C2 emissions associated with it take into account transportation. In addition, the applicant should take account of the alterations top the London Plan which sets a 20% CO2 emissions reduction target."*
- 8.97 The applicant has addresses the concerns raised and the GLA are satisfied with the proposal "subject to the applicant addressing the issues raised in the Stage 1 update report" he is satisfied to report favourably to the Mayor when proposals are referred back at Stage II.
- 8.98 The GLA update report noted that the proposal should accord to the following:
- Heat load profiles should be submitted to the GLA to demonstrate whether combined heat and power is technically feasible; and, should CHP be feasible, it should be incorporated in line with the current and emerging London Plan energy policies.
  - Details of the fuel supply should be supplied to seek to ensure that carbon dioxide emissions associated with it take into account transportation.
  - The draft further alterations to the London Plan sets a 20% carbon dioxide emissions reduction target and to help meet this target the applicant will need to demonstrate whether it can increase the contribution from the proposed boiler.
- 8.99 The proposal addresses the previous concerns raised by the GLA by incorporating the following measures:
- a) The use of a gas fired CHP plant is proposed to meet a proportion of the schemes heating and power requirement
  - b) Use of dual fuel boilers which will use a combination of glass and biodiesel fuels
  - c) The proportion of bio-diesel to be used has been increased significantly under the revised strategy.
  - d) The solution will generate a 20% reduction in co2 emissions, and therefore be fully compliant with the Mayor's energy policy.

## Microclimate

### Wind

- 8.100 As part of the application, the applicant undertook a Wind Assessment to assess the impact of the proposal on the microclimate. The conclusions of the study show that the pedestrian level wind environment in and around the site will have no significant residual impact. In respect of wind conditions on the thoroughfares surrounding the site, the assessment highlights that the introduction of soft landscaping measures will result in local wind conditions that are suitable for existing and planned activities. (Is this Bethnal Green or Yabsley Street). Details of the landscaping (trees& formal planting) will be required by way of condition.

### Noise and Vibration

- 8.101 The consolidated London Plan (2008) seeks to reduce noise by minimising the existing and potential adverse impacts of noise, from, within, or in the vicinity of development proposals. The plan also states that new noise sensitive development should be separated from major noise sources wherever practicable (policy 4A.14).
- 8.102 Policy DEV50 of the LBTH UDP states that the Council will consider the level of noise generated from developments as a material consideration in the determination of applications. This policy relates particularly to construction noise created during the development phase or in relation to associated infrastructure works. Policy HSG15 states that the impact of traffic noise on new housing developments is to be considered.
- 8.103 The noise report specifies different forms of double glazing, non-glazing façade materials and mechanical ventilation which can be used to meet these requirements. The report also examined the potential impact of future night-time activities at the WTS and concluded that the relevant internal noise limits should not normally be exceeded provided the mitigation measures described above are implemented as suggested. Following on from comments made in the stage I updated report, revisions were made to the design of the façade on the eastern elevation to reduce the impacts of noise from the WTS.
- 8.104 It is now proposed that the scheme employ some additional measures as follows:
- Inclusion of mechanical ventilation systems into the scheme
  - Use of noise absorbent materials in the construction of the balconies. These serve to reduce noise 'reflection'.
- The above would be secured by way of condition.
- 8.105 The above measures will be secured through the use of planning conditions attached to any grant of permission and it is therefore considered that noise issues can be fully addressed. This has been assessed and agreed by Councils Environmental Health officers.
- 8.106 With reference to the road traffic noise, The GLA noted in correspondence with the applicant that :
- 8.107 *"having now seen the revised Environmental Assessment (issue 0.10, 17 May 2007) has confirmed that it is satisfactory addresses the concern expressed over road traffic noise assessment methodology in the Stage 1 Update Report should now be withdrawn"*.

### Air Quality

- 8.108 The development would result in changes to traffic flow characteristics on the local road network. Effects of the proposed development on local air quality based on traffic flow predictions have been assessed

8.109 The GLA stage 1 report notes that:

*“The proximity of the proposed residential units to the waste transfer station may cause dust and odour nuisance for future residents. Concentrations of fine particulate matter (PM10) may also be elevated in the vicinity of the Waste Transfer Station”.*

8.110 Air quality assessment was undertaken by Hilson Moran as set out in the submitted Environmental Assessment Report. The main conclusions of the studies are that:

- 8.111 • The emissions from the source would not have a significant contribution to levels at the development and that no additional mitigation measures were necessary.
  - 8.112 • Odour samples were taken in the waste tipping hall of the WTS on the site boundary and upwind of the site. Odour emissions were modelled and the predicted levels at the site boundary (rather than within the application site) did not exceed the guideline levels. It should be noted that the actual levels measured in the same locations were in fact lower than the forecast levels.
- 8.113 There is therefore highly unlikely to any air quality or odour impacts arising from the WTS which might affect the amenity of residents of the proposed development. This has been assessed by Councils Environmental Health officers and found it to be acceptable.

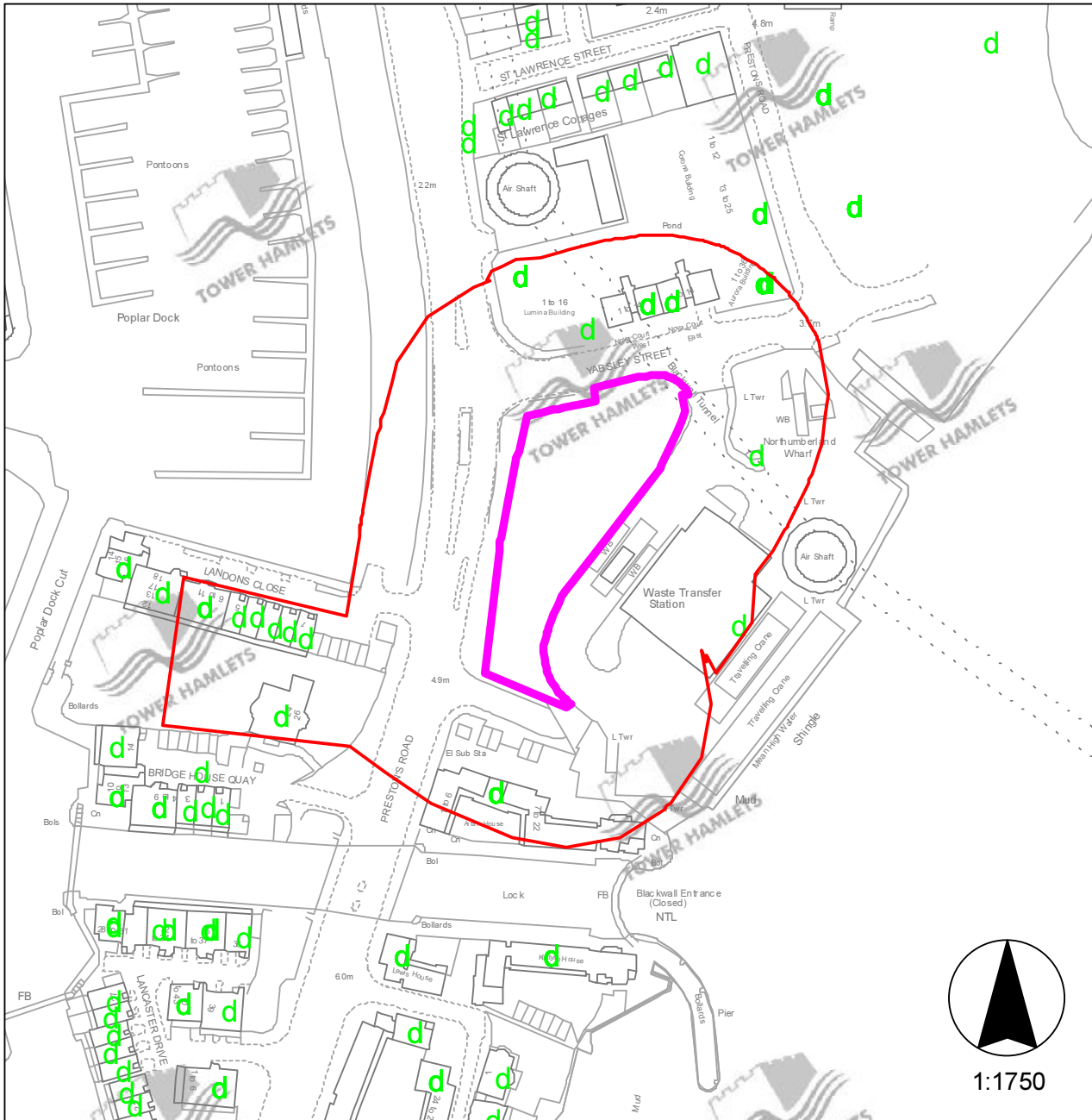
#### **Impact on the physical infrastructure of Blackwall Tunnel**

- 8.114 Walsh Associates have been invited by Baladine Properties to act as their structural and civil engineering consultants in connection with the proposed development. As part of this role, Walsh Associates have reviewed the engineering implications of building close to the existing northbound Blackwall Tunnel.
- 8.115 The line of the Blackwall Tunnel clips the very edge of the site. The operation of the tunnel falls under the remit of Transport for London. What have TfL said about this??
- 8.116 A review of the scheme highlighted that new building line is now set approximately 25m from the centre line of the Blackwall Tunnel at the closest point. Given that the invert of the Blackwall Tunnel is approximately 18.5m below Yabsley Street it was established that piling to the proposed new structure will be outside the tunnel of influence.
- 8.117 Nevertheless, Transport for London comments in the Stage 1 GLA report recommends that a condition requiring details of height of the building, foundation type and cross section drawings showing both above ground and underground structures including foundations basement car parking car parking and access ramps to be submitted and approved in writing by the Local Planning Authority. In addition, TfL also request that a condition be attached which will require details of the proposed hard and soft landscaping proposals within 25 m of the Blackwall tunnel including tree planting proposals as well as construction method plan and/or statement and construction access routes must be provided for TfL approval. The recommendations made by TfL will be secured by way of planning conditions to the proposed development.

## **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
- 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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|                            |  |
|----------------------------|--|
| <b>Agenda Item number:</b> | 7.1  |
| <b>Reference number:</b>   | PA/05/01866  |
| <b>Location:</b>           | Car park at South East Junction of Prestons Road and Yabsley Street, Prestons Road, London, E14  |
| <b>Proposal:</b>           | Erection of buildings between 7 and 17 storeys comprising 43 sqm of commercial use at ground floor and 141 flats (comprising 76 x 1 bed; 29 x 2 bed; 22 x 3 bed; 6 x 4 bed; 8 x 5 bed), 49 car parking spaces at basement level, communal open space including roof gardens and associated works |

## 1.0 AMENDMENTS

- 1.1 The second sentence of the paragraph 8.45 should read: 'the proposal makes provision for 2, 917 sqm of total amenity space which exceeds the policy requirement of 2360sqm.
- 1.2 The first sentence of paragraph 8.46 should read: "the proposed communal amenity space of 1,392 sqm exceeds the policy requirement of 180 sqm identified by the IPG 2007
- 1.3 The last sentence in paragraph 7 should read '(Officers comment: Design issues are discussed in paragraph 8.17-8.27)
- 1.4 The last sentence in paragraph 7.4 should read: (Officers comment: Amenity issues are discussed in paragraph 8.55-8.80)
- 1.5 In further responding to paragraph 7.8, the trees which will be demolished are not protected to a tree preservation order. Notwithstanding this, the applicant will be required to submit a detailed landscape study which identifies suitable locations for the planting of semi mature trees in site. This is secured in condition 2(e)

## 2. ADDITIONAL INFORMATION

- 2.1 The applicant will be required to provide details of the children's play space totalling 300 sqm. A new condition is required.
- 2.2 London City airport do not raise any objections to the proposed development
- 2.3 Environmental Agency do not object to the application subject to the attachment of the following conditions:
  - Details of a contamination risk impact assessment
  - Details of piling and site foundations

## 3.0: RECOMMENDATION

3.1: The issues raised in the additional objection as well as some of the issues raised in the consultation responses have been addressed within the scope of the committee report and were found to be acceptable.

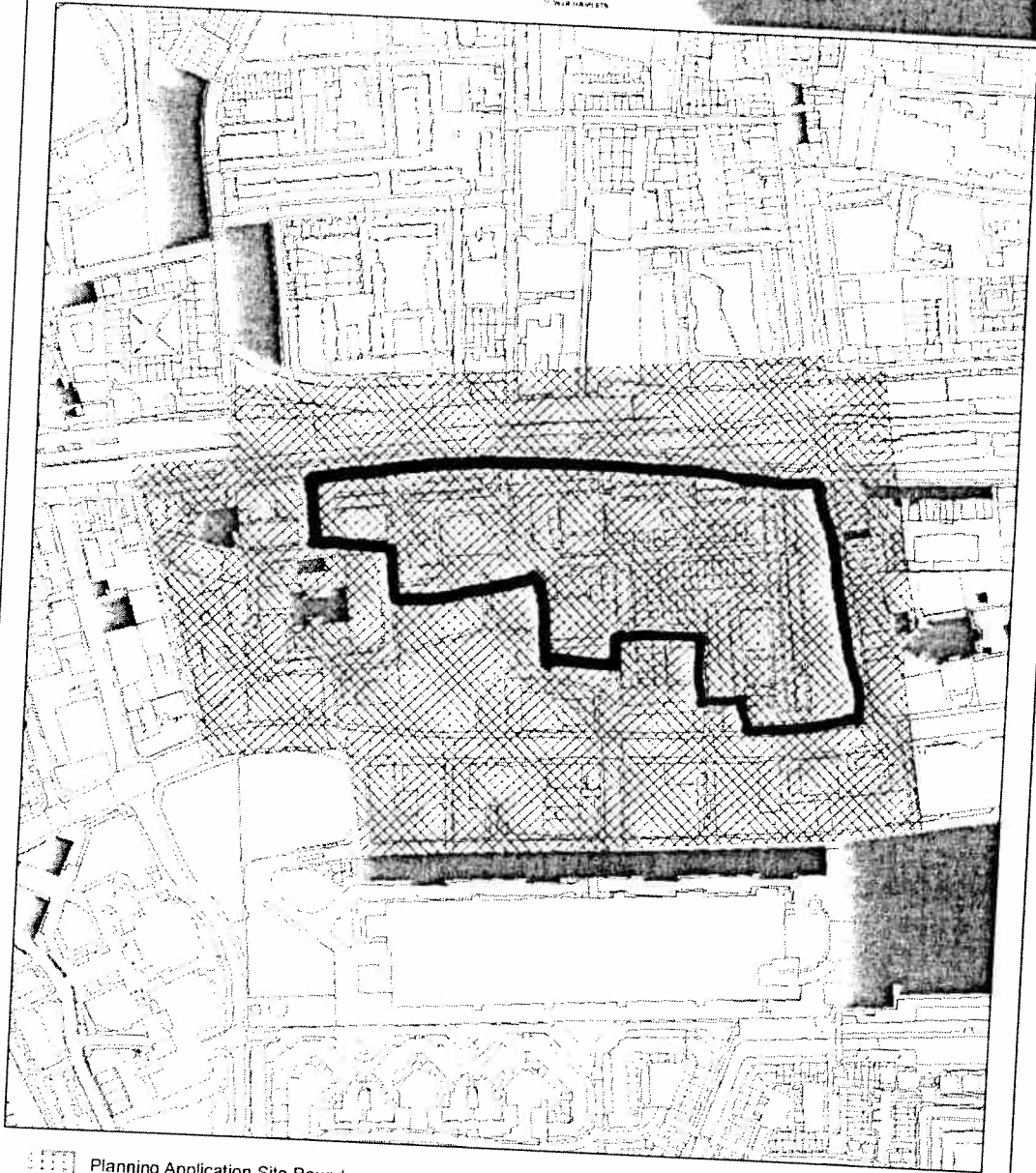
**ADD** a condition to require full details of child playspace on site.





**ADD** a condition to require details of a contamination risk assessment

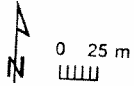
**ADD** a condition to require details of piling and site foundations



Planning Application  
Site Map



-  Planning Application Site Boundary
-  Other Planning Applications
-  Consultation Area
-  Land Parcel Address Point



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# Agenda Item 6.2

|   |  |   |                               |
|---|--|---|-------------------------------|
| <b>Committee:</b><br>Strategic Development                    | <b>Date:</b><br>10 <sup>th</sup> July 2008 | <b>Classification:</b><br>Unrestricted          | <b>Agenda Item No:</b><br>6.2 |
| <b>Report of:</b><br>Corporate Director Development & Renewal |  | <b>Title:</b> Planning Application for Decision |                               |
| <b>Case Officer:</b><br>Shay Bugler                           |  | <b>Ref No:</b> PA/08/146                        |                               |
|   |  | <b>Ward(s):</b> St Katherine's and Wapping      |                               |

## 1. APPLICATION DETAILS

1.1 Location: St Georges Estate, Cable Street, London

1.2 Existing Use: Residential

1.3 Proposal: Refurbishment of existing buildings and erection of nine buildings ranging from 6 to 9 storeys in height to provide 193 dwellings (13 x studios, 67 x 1 bed; 79 x 2 bed, 22 x 3 bed, 7 x 4 bed and 5x5 bed). Erection of four townhouses and erection of a community centre of 510 sq.m and landscaping.

1.4 Drawing Nos: SA-000; 122L001.1 D; 122L008.1 Rev A; 122L008.2 Rev A; 122L008.3 Rev A; 122L008.4; 122 L008.5 Rev A; AP.230E; AP.234.B; SA-085A; AP.270.A; AP.271.A; AP.280.C; AP.281; AP.282; AP.283; SA.103A; SA-125C; AP.395A; AP.396.A; AP.397; AP.405; AP.406; AP.407; AP.417.A; AP.425.A; AP.430; AP.431; SA-115B; SA-100A; SA-105A; SA-103A; AP.370.B; AP.371 A; AP.386; PA.387; AP.388; AP.385; AP.375; AP.376; SA. 090; SA-091 SA-095A; SA-092; AP.285.A; AP.286; AP.295; AP.296; AP.297; AP.298A; SA-075A; AP.255.A; AP.256.A; AP.265.B; AP.265.B AP.266; AP.267; AP.268; AP.003.B; SA-001.E; AP.010.C; AP.011.D AP.025.C; AP.020; AP.030; AP.031; AP.032; AP.033; AP.034; AP.037; AP.045; AP.040; AP.050; AP.051; AP.052; AP.065; AP.060; AP.070; AP.071; AP.074; AP.076; AP.077; AP.078; AP.085; AP.080; AP.090; AP.091; AP.092; AP.096; AP.097; AP.105; AP.100; AP.110 AP.111; AP.125; AP.120; AP.130.B; AP.131.BF; AP.133.B; AP.145 AP.150; AP.151; AP.152; AP.155; AP.157; AP.190; AP.191; AP.192; AP.196; AP.197; AP.210; AP.211; AP.301; AP.300; AP.450; AP.455; AP.452; AP.301 ; AP.300

- Design, Access and Community involvement Statement (Burrell. Foley, Fisher)
- Landscape Statement (Coe Design Landscape Architecture)
- Ground Conditions Report (Herts & Essex Site Investigation)
- Noise Assessment (Enviros)
- Air Quality Assessment (Enviros)
- Daylight and Sunlight Report (Calford Seaden)
- Archaeological Assessment (Sutton Archaeological Services)
- Arboricultural Impact Assessment (DF Clark Bionomique Ltd)
- Transport Assessment (Peter Brett Associates)
- Sustainability and Energy Efficiency Report (Whitecode Design Associates)

Planning and Regeneration Statement- Revisions (June 2008)  
by Leaside Regeneration

Applicant: East End Homes  
Owner: East End Homes  
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, the Council's Interim Planning Guidance (2007), associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that:
- 2.1 The local planning authority has considered the particular circumstances of these applications 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:
- The proposal is in line with the national, regional and Council estate regeneration policy and guidance, which seek that all homes be brought up to Government's decent homes plus standard as part of estate renewal schemes. The proposal maximises the development potential of the site without a net loss of housing or net loss of affordable housing or any of the problems typically associated with overdevelopment. As such, the development complies with policy 3A.9, 3A.12 and 4B.3 of the London Plan and policies DEV1, DEV2, HSG1 and HSG5 of the Council's Interim Planning Guidance (October 2007) for the purposes of Development Control, which seek to ensure this.
  - In light of the estate renewal objectives, the proposal provides an acceptable amount of affordable housing and mix of units overall. As such, the proposal is in line with policies 3A.4, 3A.7, 3A.8 and 3A.9 of the London Plan, policy HSG7 of the Council's Unitary Development Plan 1998 and policies CP22, HSG2, HSG3 and HSG5 of the Council's Interim Planning Guidance (October 2007) for the purposes of Development Control, which seek to ensure that new developments offer a range of housing choices.
  - The replacement and overall increase of multi-functional community (Class D1) use is acceptable and would provide essential community services. As such, it is in line with policies S7, and SCF11 of the Council's Unitary Development Plan 1998 and policy SCF1 of the Council's Interim Planning Guidance (October 2007) for the purposes of Development Control, which seek to ensure services are provided that meet the needs of the local community.
  - The amount of amenity space is acceptable and in line with policies HSG16 of the Council's Unitary Development Plan 1998 and policies HSG7 of the Council's Interim Planning Guidance (October 2007) for the purposes of Development Control, which seek to improve amenity and liveability for residents.
  - The height, scale and design of the proposed buildings are acceptable and in line with policy criteria set out in 4B.1 of the London Plan, policies DEV1 and DEV2 of the

Council's Unitary Development Plan 1998 and policies DEV1 and DEV2 of the Council's Interim Planning Guidance (October 2007) for the purposes of Development Control, which seek to ensure buildings are of a high quality design and suitably located.

- Transport matters, including parking, access and servicing are acceptable and in line with policies DEV1 and T16 of the Council's Unitary Development Plan 1998 and policies DEV17, DEV18 and DEV19 of the Council's Interim Planning Guidance (October 2007) for the purposes of Development Control, which seek to ensure developments can be supported within the existing transport infrastructure.
- It is considered that the proposed development would not have an adverse impact on the residential amenity of the surrounding properties, subject to appropriate conditions, to mitigate against the impact of the development. 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.
- Planning contributions have been secured towards the provision of additional affordable housing, a new community centre, highway improvements and environmental improvements across the entire site in line with Government Circular 05/2005, policy DEV4 of the Council's Unitary Development Plan 1998 and policy IMP1 of the Interim Planning Guidance (October 2007) for the purposes of Development Control, which seek to secure contributions toward infrastructure and services required to facilitate proposed development.

### 3. RECOMMENDATION

3.1 That the Committee resolve to GRANT planning permission for PA/08/00146, subject to:

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

- The new development comprises of **25%** affordable housing by habitable rooms.
- A contribution of **£262, 941** to mitigate the demand of the additional population on health care facilities.
- A contribution of **£296, 208** to mitigate the demand of the additional population on education facilities
- A contribution of **£806, 677** for the provision of a new community centre
- Allocating **£10.155** million to secure the upgrade of existing units to decent home standards
- Preparation of a Green Travel Plan
- A car free agreement to restrict the occupiers of the new build units from applying for residents parking permits in the area;
- Car club scheme
- Commitment towards utilising employment initiatives in order to maximise the employment of local residents
- Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal.

3.2 That the Corporate Director Development & Renewal be delegated authority to negotiate the legal agreement indicated above.

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

## **Conditions**

- 3.4
- 1) 3 year time
  - 2) Details of the following are required: material including samples of proprietary directional glazing, CCTV, external landscaping including semi mature trees
  - 3) Full refuse details
  - 4) Demolition and Construction Management Plan
  - 5) Amending condition bicycle parking details (1 cycle space per unit)
  - 6) Energy efficiency strategy implementation
  - 7) Disabled car parking details
  - 8) Bicycle parking details
- Wind Assessment
- 9) Telecommunications study
  - 10) Soil contamination
  - 11) Highways works
- Limit hours of power/hammer driven piling/breaking bout to between 10.00 hours to 16.00 hours Monday to Friday
- 12) Archaeological evidence details
  - 13) Limit hours of construction to between 8.00 Hours to 18.00 Hours, Monday to Friday and 9.00 Hours to 17.00 Hours on Saturdays.
  - 14) Community centre to be restricted to D1 use
  - 15) Servicing management Plan
  - 16) Details on foul & surface drainage systems
  - 17) Storage facilities for oil, fuels or chemicals
  - 18) Storage facilities for oil, fuels or chemicals
  - 19) Surface water source control measures
  - 20) Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal.

## **3.5 Informatives**

- 1) Subject to S106 agreement;
  - 2) Contact Building Control
  - 3) Contact Environmental Health
  - 4) Contact Highway Services with regard to S278 highway works
  - 5) Contact Thames Water
  - 6) Contact Cross London Rail Links Limited
  - 7) Any other informative(s) considered necessary by the Corporate Director Development & Renewal
- 3.6 That, if by 10<sup>th</sup> October 2008 the legal agreement has not been completed, the Corporate Director Development & Renewal be delegated authority to refuse planning permission.

## **4.0 BACKGROUND**

- 4.1 This application was originally presented to the members of the Strategic Development Committee on the 29<sup>th</sup> May 2008. The original report recommended approval of this proposal subject to the conditions and completion of a Section 106 agreement. The previous committee and addendum report is attached in annex 1. At the meeting, it was agreed to defer the item to clarify and/or correct some of the figures detailed in the previous report primarily the dwelling mix and amenity space. In addition, the report will assess any additional information which has been received since the publication of the previous committee report. This report will therefore examine the following planning issues:

- Housing (affordable housing, tenure split, dwelling mix existing and proposed)
- Amenity (private, communal and child playspace)
- Daylight and sunlight studies to the Church at the Strangers Rest Mission building.
- Shadow assessment: Impact of buildings on site 10 will have on the Strangers Rest building.
- Privacy- impact the proposed site 1 building will have on the privacy levels to residents at George Leybourne building.
- Emerging Conservation Area
- Comments made by English Heritage
- Additional objections received since the previous committee meeting on the 29<sup>th</sup> May 2008.

## **Housing**

- 4.2 This planning application for the St. George's Estate Choice transfer proposes refurbishment of all the existing buildings and the erection of new housing, including private units. The regeneration of the estate to achieve the Decent Homes plus standard will rely in part on the sale of 161 of the 193 new build homes. The scheme delivers a target level of cross subsidy of £10.155m.

## **Proposal**

- 4.3 With reference to housing, the regeneration proposal can be summarised as follows:
- Refurbishment of 498 existing units to Decent Homes *plus* standards;
  - provision of an additional 193 new homes including 161 private units, 18 social rented units and 14 new intermediate units

## **Affordable Housing**

- 4.4 The proposal results in no net loss of affordable housing and refurbishes the existing affordable housing stock. The existing percentage of affordable housing on site is 53.4% by habitable rooms. In addition, the proposed new development includes 25.5% of the total additional habitable rooms constructed on the estate as additional affordable housing (as demonstrated by the applicant to be the maximum if this proposal is to remain viable). The development not only brings the existing affordable units up to decent homes standard, it also increases the affordable housing by 32 units (18 social rented and 14 intermediate). Although the newly proposed affordable housing does not meet the 35% affordable housing as sought in the Councils Interim Planning Guidance (2007), the overall provision for affordable housing on site (including existing and proposed) would be 46.1% by habitable rooms (refer to table below). This exceeds the Councils target of 35% and is therefore considered acceptable.

## **Housing mix**

- 4.5 The following two tables present the tenure split and dwelling mix for the proposed development and also the combined (existing and proposed) housing provision.

|              |                       | affordable housing |            |            |              |            |            | market housing |            |            |
|--------------|-----------------------|--------------------|------------|------------|--------------|------------|------------|----------------|------------|------------|
|              |                       | social rented      |            |            | intermediate |            |            | private sale   |            |            |
| Unit size    | Total Units in scheme | units              | %          | target %   | units        | %          | target %   | units          | %          | target %   |
| Studio       | 13                    |                    |            | 0          |              |            | 25         | 13             | 8.0        | 25         |
| 1 bed        | 67                    | 0                  |            | 20         | 1            | 7.1        | 25         | 66             | 41         | 25         |
| 2 bed        | 79                    | 2                  | 11         | 35         | 13           | 92.85      | 25         | 64             | 40         | 25         |
| 3 bed        | 22                    | 4                  | 22         | 30         |              |            | 25         | 18             | 11.8       | 25         |
| 4 bed        | 7                     | 7                  | 39         | 10         |              |            |            |                |            |            |
| 5 Bed        | 5                     | 5                  | 28         | 5          |              |            |            |                |            |            |
| <b>TOTAL</b> | <b>193</b>            | <b>18</b>          | <b>100</b> | <b>100</b> | <b>14</b>    | <b>100</b> | <b>100</b> | <b>161</b>     | <b>100</b> | <b>100</b> |

**Table 1: Proposed residential development**

- 4.6

| Units        | social     | intermediate | private    | Total      |
|--------------|------------|--------------|------------|------------|
| bedsits      | 11         | 0            | 13         | 24         |
| 1 bed        | 77         | 1            | 82         | 160        |
| 2 bed        | 154        | 13           | 151        | 318        |
| 3 bed        | 54         | 0            | 104        | 158        |
| 4 bed        | 9          | 0            | 16         | 25         |
| 5 bed        | 5          | 0            | 1          | 6          |
| <b>Total</b> | <b>310</b> | <b>14</b>    | <b>367</b> | <b>691</b> |

**Table 2: Combined existing and housing provision**

- 4.7 The existing development on site makes provision for 18% family units in the social rented tenure and 50% family units in the private tenure. The overall existing provision for family units on site at present is 31%.
- 4.8 The proposed new development makes provision for 89% family units within the social rented tenure which far exceeds policy requirement of 45%. The proposal does not make provision for family units in the intermediate tenure and 11% in the private tenure which does not meet policy requirement. Combining the mix of unit sizes on the existing St. Georges estate, reveals that the development proposal will introduce a high proportion of new family units into the affordable rented sector and helps redress the loss of these units through the right to buy. As such, the social rented family units on the estate are increased from 18% to 22%. Even though the family sale/leaseholder units have been reduced, the overall percentage of family units in the market tenure on site is 33% which exceeds the Council's target of 25% in accordance with policy HSG2 of the Interim Planning Guidance (Oct 2007). The overall provision for family accommodation across all tenures both existing and proposed is 27% which broadly complies with the Council's policy of 30%.
- 4.9 Whilst the proposed dwelling mix, if taken in isolation does not fully accord with local and



London-wide policy, it is considered that in conjunction with the larger estate renewal, it provides for an appropriate residential type, tenure and mix, particularly in light of HSG15 OF THE Interim Planning Guidance which allows for a variation in the amount of affordable housing where it is proposed to upgrade the estate.

- 4.10 In the light of the viability assessment produced for the regeneration of the estate as a whole, the proposed affordable housing provision and additional regeneration benefits arising from the proposal, the failure to provide a minimum of 35% affordable housing on the new build is considered acceptable. As such, the proposed development is in accordance with policy 3A.12 of the London Plan and policies HSG3 and HSG5 of the IPG Oct 2007.

#### Social rented/intermediate ratio

- 4.11 The proposed tenure split within the affordable element of the scheme is 70/ 30% (social rented/intermediate). As such, it accords with London Plan policy 3A.9 and is considered to be acceptable.

#### **Amenity space**

- 4.12 Policy HSG16 of the adopted UDP states that all new housing developments should include an adequate provision of amenity space. Core Strategy CP25 of the IPG Oct 2007 continues this objective and states that all new housing developments should provide high quality, useable amenity space, which includes private and communal amenity space for all. Policy OSN2 of the IPG Oct 2007 states that planning permission will not be normally given for any development which results in the loss of public or private open space having significant recreation or amenity value. This is further reinforced by CP25 which seek to ensure innovative opportunities to protect, improve and increase access to all types of open spaces to a standard of 1.2 hectares per 1000 population.
- 4.13 The proposal will result in an increase of 93sqm of total open space. This has been achieved by minimising the size of the proposed new building footprints and creating new open space as part of the podium around Hatton House and Shearsmith House. The open space calculation is based on the 1,321sq.m and 60 sq.m increase in podium area and a 216 sq.m increase in the play area on Crowder Street, totalling an increase of 1, 597 sq.m. The loss of open space through new buildings is 1, 344 sq.m. The loss of open space through new buildings is 1,344sq.m, therefore resulting in a 93 sq.m additional provision. The proposal therefore adequately complies with HSG16 of the adopted Unitary Development Plan (1998)

#### Private amenity space

- 4.14 A minimum housing amenity space of 6sqm, 10sqm, 25sqm and 50sqm for 1, 2, 3 and larger bedroom units respectively are required under policy HSG7 of the IPG Oct 2007.
- 4.15 The majority of units proposed exceed the policy requirement. The total amount of private amenity space proposed is approximately 2150 sqm and the policy requirement is approximately 2070 sqm. The proposal therefore exceeds the policy requirement and as such is considered acceptable and is in accordance with policy HSG17 of the UDP.

#### Children's Playspace

4.16 The table below replaces the children’s playspace table reported in paragraph 8.66 of the previous committee report as attached in annex:

| Tenure                | Market Units |              |                | Intermediate Units |              |             | Social Rented Units |              |                |
|-----------------------|--------------|--------------|----------------|--------------------|--------------|-------------|---------------------|--------------|----------------|
|                       | Unit Size    | No. of Units | Child Yield    | LBTH (3sq.m.)      | No. of Units | Child Yield | LBTH (3sq.m.)       | No. of Units | Child Yield    |
| Studio                | 13           | 0.036        | 1.404          | 0                  | 0.036        | 0           | 11                  | 0.059        | 1.947          |
| 1 bed                 | 82           | 0.036        | 8.856          | 1                  | 0.036        | 0.108       | 77                  | 0.059        | 13.629         |
| 2 bed                 | 151          | 0.228        | 103.284        | 13                 | 0.228        | 8.892       | 154                 | 0.49         | 226.38         |
| 3 bed                 | 104          | 0.564        | 175.968        | 0                  | 0.564        | 0           | 54                  | 0.912        | 147.744        |
| 4 bed                 | 16           | 0.742        | 35.616         | 0                  | 0.742        | 0           | 9                   | 1.221        | 32.967         |
| 5 bed                 | 1            | 0.742        | 2.226          | 0                  | 0.742        | 0           | 5                   | 1.221        | 18.315         |
| 6 bed                 | 0            | 0.742        | 0              | 0                  | 0.742        | 0           | 0                   | 1.221        | 0              |
| <b>Totals (sq.m.)</b> |              |              | <b>327.354</b> |                    |              | <b>9</b>    |                     |              | <b>440.982</b> |
| <b>Grand Total</b>    |              |              | <b>777</b>     |                    |              |             |                     |              |                |

Table 3: Policy requirement for children’s playspace

4.17 HSG7 of the IPG 2007 informs the Council on the amount of child playspace that should be provided on site. The overall requirement for child playspace on site is 777 sqm as shown in table 3 above. The estate will provide 2253 sq.m of play area which exceeds the Council’s policy requirements by 1476 sqm and is therefore welcomed by the Council. The existing play area on the eastern side of Betts House and the play area to the west of Stockholm House will be increased and a new 300 sq.m play area on the eastern side of Brockmer House.

**Daylight assessment to the Church at the Strangers Rest Mission Building**

4.18 A daylight and sunlight assessment to the windows of the chapel at the Strangers Rest Mission Building was also undertaken using the BRE tests for residential development as there is no specific tests for church buildings. The minimum requirement for a habitable room is 1.5%. The existing ADF IS 2.87%. The proposal would result in an ADF of 2.51% which is above the suggested minimum requirement. As such, the Council considers this to be acceptable.

**Shadow assessment**

4.19 The applicant has submitted shadow diagrams to illustrate the impact site 10 has on the Strangers Rest Mission on of the day on the following dates:

- 21<sup>st</sup> December
- 21<sup>st</sup> March
- 21<sup>st</sup> June
- 21<sup>st</sup> Sept

4.20 The diagrams illustrate that shadows will cast moderate level of shadowing to certain parts of the Strangers Rest building only at certain times of the day in the months March, June and September. In the month of December, a greater level of overshadowing would occur. However, this is not usual during winter months in built up areas. Given the urban context of the site and bearing in mind the overall benefits of the proposal, a refusal based on increased overshadowing to Strangers Rest building can not realistically be sustained.

## Privacy

- 4.21 According to Policy DEV2 of the UDP, new developments should be designed to ensure that there is sufficient privacy for residents. A distance of about 18 metres (60 feet) between opposite habitable rooms reduces inter-visibility to a degree acceptable to most people. This figure is generally applied as a guideline and is interpreted as a perpendicular projection from the face of the habitable room window. The objections relating to loss of privacy are made by residents from George Leybourne House. The distance between George Leybourne House and site 1 is approximately 15.9 metres. Although the Council acknowledges that the distance is below the recommended distance (18 metres) between opposite habitable rooms, the applicant has agreed a design solution to overcome the issue of direct overlooking. Directional glass will be applied to restrict the angle of clear vision in the southwest direction from the west facing windows of the southernmost flat to block one on (floors 1 to 5). The applicant will be required to submit details of this glass by way of condition. In addition, the balconies which were originally proposed have been removed. This means that future occupiers of site 1 will not be able to directly overlook properties at George Leybourne House. As such, privacy levels to residents would not be unduly compromised.
- 4.22 The distance between site 3 and Shearsmith House ranges from approximately 10.5 metres to approximately 13 metres. The northern elevation is the secondary frontage for Shearsmith House. There are no balconies on the northern elevation. The primary frontage is south facing. As such, the proposed infill development at site 3 is not considered to have an adverse impact on the privacy of residents in Shearsmith House.

## Conservation Area

- 4.23 The site itself is not located within a conservation area. To the east of the site lies St George's Town Hall Conservation Area. The proposal will not have an adverse impact on the character or appearance of this Conservation Area.
- 4.24 At present, there is no Conservation Area to the west of the site. However, a proposal to adopt a new conservation area to the west of the site known as 'Wilton Music Hall Conservation Area' (which includes parts of Cable Street, Fletcher Street, Wellclose Square and Ensign Street) is being considered and is currently out to public consultation. The proposal is due to be presented to Cabinet later this year. The proposal would not adversely impact on this proposed conservation area.

## Comments from English Heritage

- 4.25
- English Heritage are concerned with the impacts of sites 1, 7 and 10 which impact on the setting of nearby listed buildings and Conservation Areas.
  - The proposed development at Site 1 stands at the corner of Cable Street and Fletcher Street and will impact on the setting of Grade II Listed St Paul's Mission Room and Infant Nursery. The existing trees on the site form an attractive entrance to Wellclose Square and enhance the setting of the listed building.
- 4.26 **(Officers comment: At present, the existing buildings on St. George's estate do little to preserve or enhance the setting of the listed buildings. At pre application stage, the applicant originally proposed a nine storey building on site 1. This was reduced to 6 storeys to be sympathetic to the setting of the two listed buildings. The distance between site 1 building to the Grade II St Paul's Mission and Infant nursery, Wellclose Square is approximately 24 metres and the distance between site 1 and the Grade II St. Paul Primary school is approximately 52 metres. There is no evidence to suggest**

that the proposal would have an adverse impact on the setting of the listed building. On the contrary, the proposal building on site 1 has the potential to improve the appearance of the site in general. As such, the proposal would not detract from the setting of the listed buildings. The proposal therefore adequately complies with policy CON1 'Listed Buildings' of the Interim Planning Guidance (2007) and DEV 39 'Listed Buildings' of the Unitary Development Plan (1998).

- 4.27 As noted in the original committee report, the Council has not placed a tree preservation order on the two trees which will be removed. The trees are not located within the curtilage of St. Paul's Mission Room and Infant Nursery. In addition, the trees are not protected by a Tree Preservation Order (TPO). Furthermore, the site not located within a conservation area, the applicant does not require planning permission to remove the trees.
- 4.28 Nevertheless, to mitigate against the loss of these trees, the proposal includes extensive improved landscape works to the overall site. There will be additional tree and shrub planting on:
- The podium
  - Noble Court
  - Swedenborg gardens communal garden square
  - Brockmer House Communal green and frontage
  - Betts House
- 4.29 The applicant will be required to plant mature and semi mature trees at the above sites and particularly within the vicinity of site 1.
- 4.30
- The positioning of site 7 will have undue impact on St Georges Town Hall Conservation Area by virtue of its positioning and height.
- 4.31 (Officers comment: It is not considered that site 7 would have an adverse impact on St George's Town Hall Conservation Area. The location of site 7 will be six storeys and is not considered to be excessive in height considering that the proposed infill blocks 2-6 in Noble Court along Cable Street would be 9 storeys. The proposed building on site 7 on Noble Court (close to the conservation area) has been kept to a maximum height of 6 storeys to reduce the impact on the conservation area. The proposal building on site 7 has been designed to be sympathetic to the scale and mass of the buildings on the eastern side of Cannon Street Road.
- 4.32 The context of St. George's site on Cable Street is separate to the conservation area terrace. This is re-enforced by the presence of Cannon street Road which physically separates St Georges Town Hall Conservation Area and St. George's estate. Notwithstanding, the proposal is of good design quality and will improve the character and appearance of the area. Ultimately, the scheme provides an important vehicle through which the improvement of existing substandard housing can be achieved.
- 4.33
- The proposed development at Site 10, near the corner of Cannon Street Road and The Highway is the major concern as it will impact on views of the iconic tower of St George's in the East, as seen from The Highway.
- 4.34 (Officers comment: The views of the tower of St Georges in the East are not protected under any planning policy and as such a refusal based on the grounds that site 10 would have an adverse impact on views of this tower could not be sustained).

Additional objections

4.35 Following the publication of the previous report, the following additional objections were received:

4.36 • A daylight and sunlight test was not done to the Church in the Strangers Mission building

4.37 **(Officers comment: Following on from the previous planning committee, a daylight and sunlight test was undertaken to examine the impact on the Church building. The reports are noted above)**

4.38 • St. George's estate received a negative transfer value and as a consequence East End Homes received ODPM GAP funding of £8.3m for the regeneration of the estate, as per report from the Charities Commission.

**(Officers comment: This is not a material planning consideration)**

4.39 • Leaseholders at St. George's estate will be charged a so far undisclosed amount which is thought to be no less than £15k per leaseholder, possibly more, for external improvements carried out to their properties.

**(Officers comment: This is not a material planning consideration)**

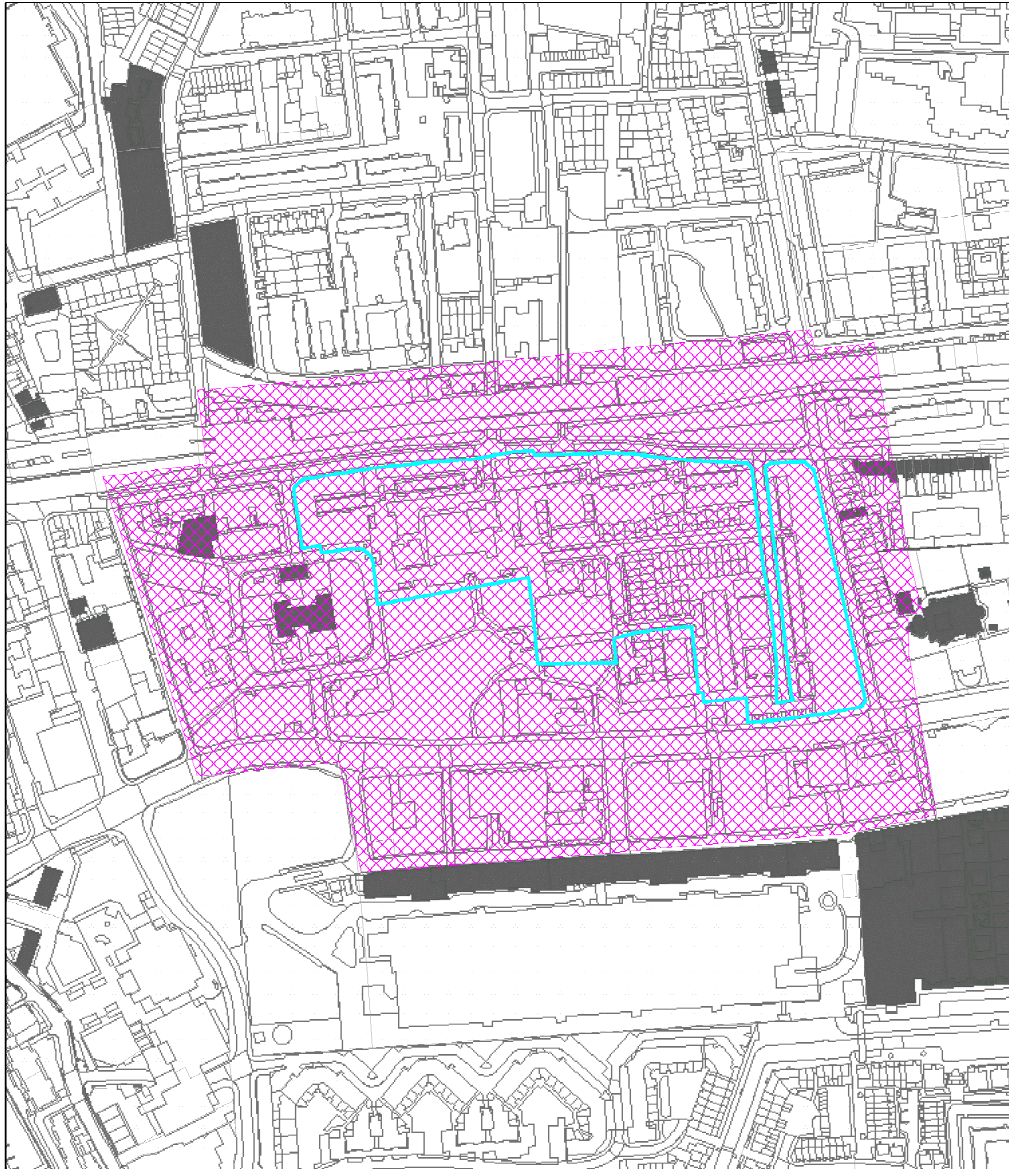
4.40 • Insufficient public consultation on this proposal





**(Officers comment: Public consultation with residents commenced in February 2007 and completed in September 2007. This consisted of three distinct phases (Preliminary, Intermediate, Final) which comprised of 15 block meetings, an open day; 3 lobby consultation events and a recorded 19 one to one meetings. The offer document provided to the all residents clearly set out the objectives of the proposal).**

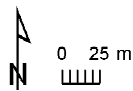
## 5.0 Conclusions

All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

# Planning Application Site Map



-  Planning Application Site Boundary
-  Other Planning Applications
-  Consultation Area
-  Land Parcel Address Point



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 Stationary Office (c) Crown Copyright. London Borough of Tower Hamlets LA086568

|  |                                    |  |                        |
|--|------------------------------------|--|------------------------|
| Committee:<br>Strategic Development                    | Date:<br>29 <sup>th</sup> May 2008 | Classification:<br>Unrestricted          | Agenda Item No:<br>7.3 |
| Report of:<br>Corporate Director Development & Renewal |                                    | Title: Planning Application for Decision |                        |
| Case Officer:<br>Shay Bugler                           |                                    | Ref No: PA/08/146                        |                        |
|  |                                    | Ward(s): St Katherine's and Wapping      |                        |

## 1. APPLICATION DETAILS

1.1 **Location:** Saint Georges Estate, Cable Street, London

1.2 **Existing Use:** Residential

### Proposal

Refurbishment of existing buildings and erection of nine buildings ranging from 6 to 9 storeys in height to provide 193 dwellings (13 x studios, 67 x 1 bed; 79 x 2 bed, 22 x 3 bed, 7 x 4 bed and 5x5 bed). Erection of four townhouses and erection of a community centre of 510 sq.m and landscaping.

### Drawing Nos:

SA-000; 122L001.1 D; 122L008.1 Rev A; 122L008.2 Rev A; 122L008.3 Rev A; 122L008.4; 122 L008.5 Rev A; AP.230E; AP.234.B; SA-085A; AP.270.A; AP.271.A; AP.280.C; AP.281; AP.282; AP.283; SA.103A; SA-125C; AP.395A; AP.396.A; AP.397; AP.405; AP.406; AP.407; AP.417.A; AP.425.A; AP.430; AP.431; SA-115B; SA-100A; SA-105A; SA-103A; AP.370.B; AP.371 A; AP.386; PA.387; AP.388; AP.385; AP.375; AP.376; SA. 090; SA-091 SA-095A; SA-092; AP.285.A; AP.286; AP.295; AP.296; AP.297; AP.298A; SA-075A; AP.255.A; AP.256.A; AP.265.B; AP.265.B AP.266; AP.267; AP.268; AP.003.B; SA-001.E; AP.010.B; AP.011.B AP.025.A; AP.020; AP.030; AP.031; AP.032; AP.033; AP.034; AP.037; AP.045; AP.040; AP.050; AP.051; AP.052; AP.065; AP.060; AP.070; AP.071; AP.074; AP.076; AP.077; AP.078; AP.085; AP.080; AP.090; AP.091; AP.092; AP.096; AP.097; AP.105; AP.100; AP.110 AP.111; AP.125; AP.120; AP.130.B; AP.131.BF; AP.133.B; AP.145 AP.150; AP.151; AP.152; AP.155; AP.157; AP.190; AP.191; AP.192; AP.196; AP.197; AP.210; AP.211; AP.301; AP.300; AP.450; AP.455; AP.452; AP.301 ; AP.300

### Documents

- Design, ACCESS AND Community involvement Statement (Burrell. Foley, Fisher)
- Landscape Statement (Coe Design Landscape Architecture)
- Ground Conditions Report (Herts & Essex Site Investigation)
- Noise Assessment (Enviros)
- Air Quality Assessment (Enviros)
- Daylight and Sunlight Report (Calford Seaden)
- Archaeological Assessment (Sutton Archaeological Services)
- Aboricultural Impact Assessment (DF Clark Bionomique Ltd)
- Transport Assessment (Peter Brett Associates)
- Sustainability and Energy Efficiency Report (Whitecode Design Associates)

**Applicant:** East End Homes  
**Owner:** East End Homes  
**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 these applications 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:

- The proposal is in line with the national, regional and Council estate regeneration policy and guidance, which seek that all homes be brought up to Government's decent homes plus standard as part of estate renewal schemes. The proposal maximises the development potential of the site without a net loss of housing or net loss of affordable housing or any of the problems typically associated with overdevelopment. As such, the development complies with policy 3A.9, 3A.12 and 4B.3 of the London Plan and policies DEV1, DEV2, HSG1 and HSG5 of the Council's Interim Planning Guidance (October 2007) for the purposes of Development Control, which seek to ensure this.
- In light of the estate renewal objectives, the proposal provides an acceptable amount of affordable housing and mix of units overall. As such, the proposal is in line with policies 3A.4, 3A.7, 3A.8 and 3A.9 of the London Plan, policy HSG7 of the Council's Unitary Development Plan 1998 and policies CP22, HSG2, HSG3 and HSG5 of the Council's Interim Planning Guidance (October 2007) for the purposes of Development Control, which seek to ensure that new developments offer a range of housing choices.
- The replacement and overall increase of multi-functional community (Class D1) use is acceptable and would provide essential community services. As such, it is in line with policies S7, and SCF11 of the Council's Unitary Development Plan 1998 and policy SCF1 of the Council's Interim Planning Guidance (October 2007) for the purposes of Development Control, which seek to ensure services are provided that meet the needs of the local community.
- The amount of amenity space is acceptable and in line with policies HSG16 of the Council's Unitary Development Plan 1998 and policies HSG7 of the Council's Interim Planning Guidance (October 2007) for the purposes of Development Control, which seek to improve amenity and liveability for residents.
- The height, scale and design of the proposed buildings are acceptable and in line with policy criteria set out in 4B.1 of the London Plan, policies DEV1 and DEV2 of the Council's Unitary Development Plan 1998 and policies DEV1 and DEV2 of the Council's Interim Planning Guidance (October 2007) for the purposes of Development Control, which seek to ensure buildings are of a high quality design and suitably located.
- Transport matters, including parking, access and servicing are acceptable and in line with policies DEV1 and T16 of the Council's Unitary Development Plan 1998 and policies DEV17, DEV18 and DEV19 of the Council's Interim Planning Guidance (October 2007) for the purposes of Development Control, which seek to ensure developments can be supported within the existing transport infrastructure.



- It is considered that the proposed development would not have an adverse impact on the residential amenity of the surrounding properties, subject to appropriate conditions, to mitigate against the impact of the development. 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.
- Planning contributions have been secured towards the provision of additional affordable housing, a new community centre, highway improvements and environmental improvements across the entire site in line with Government Circular 05/2005, policy DEV4 of the Council's Unitary Development Plan 1998 and policy IMP1 of the Interim Planning Guidance (October 2007) for the purposes of Development Control, which seek to secure contributions toward infrastructure and services required to facilitate proposed development.

### 3. RECOMMENDATION

3.1 That the Committee resolve to GRANT planning permission for PA/08/00146, subject to:

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

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

- A total of 343 affordable housing units. The affordable housing consists of 311 existing affordable and 42 new affordable units. The new development comprises of 25% affordable by habitable rooms.
- A contribution of £262,941 to mitigate the demand of the additional population on health care facilities.
- A contribution of £296,208 to mitigate the demand of the additional population on education facilities
- A contribution of £806,677 for the provision of a new community centre
- Preparation of a Green Travel Plan
- A car free agreement to restrict the occupiers of the new build units from applying for residents parking permits in the area;
- Car club scheme
- Commitment towards utilising employment initiatives in order to maximise the employment of local residents
- Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal.

3.2 That the Corporate Director Development & Renewal be delegated authority to negotiate the legal agreement indicated above.

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

#### **Conditions**

- 3.4
- 1) 3 year time
  - 2) Details of the following are required: material, CCTV
  - 3) Particular details of the development
  - 4) Full refuse details
  - 5) Demolition and Construction Management Plan
  - 6) Amending condition bicycle parking details (1 cycle space per unit)
  - 7) Energy efficiency strategy implementation
  - 8) Disabled car parking details

- 9) Bicycle parking details
- 10) Landscape Plan
- 11) Wind Assessment
- 12) Telecommunications study
- 13) Soil contamination
- 14) Highways works
- 15) Ventilation and extraction system details
- 16) Limit hours of power/hammer driven piling/breaking out to between 10.00 hours to 16.00 hours Monday to Friday
- 17) Archaeological evidence details
- 18) Full details of tree works
- 19) Lifetime Home standards
- 20) 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.
- 22) Community centre to be restricted to D1 use
- 23) Servicing management Plan
- 21) Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal.

### **3.5 Informatives**

- 1) Subject to S106 agreement;
- 2) Contact Building Control
- 3) Contact Environmental Health
- 4) Contact Highway Services with regard to S278 highway works
- 5) Contact Thames Water
- 6) Contact Cross London Rail Links Limited
- 7) Any other informative(s) considered necessary by the Corporate Director Development & Renewal

- 3.6 That, if by 29<sup>th</sup> August 2008 of the date of this Committee the legal agreement has not been completed, the Corporate Director Development & Renewal be delegated authority to refuse planning permission.

## **4. PROPOSAL AND LOCATION DETAILS**

### **Proposal**

- 4.1 The proposal is for:
- Refurbishment of existing buildings
  - Erection of nine blocks up to nine storeys to provide 193 dwellings(13 x studios; 67 x 1 bed; 79 x 2 bed; 22 x3 bed ; 7x 4 bed and 5 x 5 bed)
  - Erection of four townhouses
  - Erection of a community centre of 510 sq.m and landscaping works
- 4.2 The majority of the current properties on the estate fail to meet the decent homes standard with regard to kitchens, bathrooms, heating and insulation. It is proposed to refurbish the existing 502 homes and introduce 193 new dwellings in twelve new buildings. These additional units will raise the density of the estate from 419 to 565 habitable rooms per hectare.
- 4.3 The new buildings will integrate with the existing buildings on the site. There will be nine new blocks, between 6 and 9 storeys in height, seven will front Cable Street and two will front The Highway. In addition, a group of four houses will be introduced off Cowder Street and Swedenborg Gardens.

- 4.4 Tower Hamlets Council affected the transfer of St George's estate to Eastend Homes in January 2006.
- 4.5 The applicant has advised that the introduction of market for sale units is necessary to provide cross subsidy by bringing all units on to St. Georges estate 'Decent Homes Plus' Standard. In order to bring units on St. Georges Estate to 'Decent Home Plus' standard, the following refurbishment works to the estate are proposed following public consultation with residents of the estate:
- Introduction of new bathrooms and kitchens,
  - Improvement of existing entrance foyers,
  - Introduction of new and additional lifts,
  - Improvements to the external appearance of buildings
  - Improvement of thermal insulation, through over-cladding and double glazing of existing blocks
  - Improving lighting throughout the estate
  - Improvements the quality of public, private and communal space
  - Improvements to the security and convenience of building entrances

### **Site and Surroundings**

- 4.6 The St. Georges estate comprises an area of 3.75 hectares. Its eastern boundary is formed by Cannon Street Road, and its northern and southern boundaries by Cable Street and The Highway respectively. St Paul's Primary School (Grade II Listed) on Wellclose Square and Fletcher Street form the western edge of the site. To the north of the site, running parallel to Cable Street, is an area of open space with the elevated DLR rail lines forming a series of brick arches below. The site lies within 480 meters of Shadwell DLR and Shadwell Underground stations (from centre of site). The Highways is a major road into central London and is well served by a number of bus routes.
- 4.7 The land use within the site is predominantly residential made up of 3 high rise blocks, Stockholm House (17 storeys), Hatton House (22 storeys), and Shearsmith House (27 storeys). Noble Court forms a series of 5 storey, linked linear blocks onto Cable Street. Brockment House is a 6 storey, linear block with its frontage onto Crowder Street. To the rear of this block is an area of open space bounded by Cannon Street Road to the east. The remaining major block is the 5 storey Betts House to the west of Crowder Street. Each of these blocks has decked access. The remaining, lower rise residential buildings are clustered around Swedenborg Gardens. To the southwest of the site is 1.56h of green public open space in the ownership of the London Borough of Tower Hamlets. This small local park includes a children's play area adjacent to Stockholm House and a youth club adjacent to Wellclose Square.
- 4.8 The site is adjacent to the St. Georges Town Conservation Area on the eastern side of Cannon Street Road. The site includes a London Square. No new buildings are proposed adjacent to the space. It is proposed to refurbish Stockholm House.
- 4.9 The area immediately to the south of the application site is designated a small local park and a site of local importance for nature conservation. The site currently has children's play equipment that will be retained.
- 4.10 The site also lies within an Archaeological Priority Area where potential applicants are asked to check whether archaeological remains are expected on the site. The applicant has carried out an assessment and found the potential for archaeological remains.

### **Planning History**

#### **St. Georges Estate**

- 4.11 PA/08/226: Request for Screening Opinion as to whether an EIA is required in respect

of an application for refurbishment of existing buildings and erection of nine blocks up to nine storeys to provide 193 dwellings ( 12x studios; 67 x 1 bed; 72 x 2 bed; 22 x 3 bed; 7x 4 bed; 5x 5 bed). Erection of four townhouses. Erection of a community centre of 510sqm of landscaping. EIA not required. 12/02/2008

#### 4.12 Flat 20, Noble Court

PA/03/1718 Provision of a wheelchair access ramp. Permitted in 03/02/04

#### 4.13 Brockmer House, Crowder Street, London

PA/00/364 External refurbishment including new roof, replacement of doors and windows and alterations to staircase and lobbies. Approved in 02/10/2000)

### 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:

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

|                 |   |  |
|-----------------|---|--|
| Core Strategies | ST1   | Deliver and implementation of policy                       |
|                 | ST12  | Cultural and leisure facilities                            |
|                 | ST15  | Encourage wide range of economic activities                |
|                 | ST17  | Maintain high quality of work environment                  |
|                 | ST23  | Quality of housing provision                               |
|                 | ST25  | Provision of social and physical infrastructure            |
|                 | ST26  | Improve public transport                                   |
|                 | ST28  | Restrain private car                                       |
|                 | ST30  | Safety and movement of road users                          |
|                 | ST34  | Provision of quality shopping                              |
|                 | ST37  | Improve local environment                                  |
|                 | ST41  | Provision of adequate space for local business             |
|                 | ST43  | Use of high quality art                                    |
|                 | ST49  | Provision of full range of social and community facilities |
|                 | ST51  | Public Utilities   |
| Policies        | DEV1  | Design Requirements  |
|                 | DEV2  | Environmental Requirements                                 |
|                 | DEV3  | Mixed Use Development                                      |
|                 | DEV4  | Planning Obligations                                       |
|                 | DEV9  | Minor works  |
|                 | DEV12   | Landscaping  |
|                 | DEV15   | Retention/replacement of mature trees                      |
|                 | DEV18   | Art and Development Proposals                              |
|                 | DEV50   | Noise  |
|                 | DEV51   | Contaminated land  |
|                 | DEV55   | Development and waste disposal                             |
|                 | EMP1  | Employment uses  |
|                 | EMP6  | Employing Local People                                     |
|                 | EMP8  | Small businesses   |
|                 | HSG4  | Loss of housing  |
| HSG7            | Dwelling Mix                                    |  |
| HSG13           | Internal Standards for Residential Developments |  |
| HSG15           | Preserving residential character                |  |

|       |  |
|-------|--|
| HSG16 | Amenity Space                                |
| T8    | New roads                                    |
| T10   | Traffic management                           |
| T16   | Impact of Traffic                            |
| T18   | Pedestrians                                  |
| T21   | Pedestrians                                  |
| T23   | Cyclists                                     |
| T26   | Use of Waterways for movement of Bulky Goods |
| O7    | Loss of Open Space                           |
| O9    | Children's Play Space                        |
| 013   | Youth Provision                              |
| SCF11 | Meeting places                               |

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

|                |   |
|----------------|---|
| Designation    | Within 200m from East West Crossrail                                |
| Core Policies: | IMP1 Planning Obligations   |
|                | CP1 Creating Sustainable Communities                                |
|                | CP3 Sustainable Environment   |
|                | CP4 Good Design   |
|                | CP5 Supporting Infrastructure                                       |
|                | CP9 Employment Space for small businesses                           |
|                | CP11 Sites in employment uses                                       |
|                | CP19 New Housing Provision  |
|                | CP20 Sustainable Residential Density                                |
|                | CP21 Dwelling Mix and Type  |
|                | CP22 Affordable Housing   |
|                | CP23 Efficient use and retention of existing housing                |
|                | CP24 Special needs and specialist 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 Spaces              |
|                | CP31 Biodiversity   |
|                | 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   |
| 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                                 |

|       |   |
|-------|---|
| DEV12 | Management of Demolition and Construction   |
| DEV13 | Landscaping and Tree Preservation   |
| DEV14 | Public Art  |
| 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  |
| DEV22 | Contamination Land  |
| DEV24 | Accessible Amenities and Services   |
| DEV25 | Social Impact Assessment  |
| DEV27 | Tall Buildings Assessment   |
| 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   |
| OSN2  | Open Space  |
| PS1   | Noise   |
| PS2   | Residential Waste refuse and recycling provision                                      |
| PS3   | Parking   |
| PS4   | Density Matrix  |
| PS5   | Lifetime Homes  |

#### 5.4 Supplementary Planning Guidance/Documents

Residential Space  
 Designing out crime 1 and 2  
 Landscape requirements

#### 5.5 Spatial Development Strategy for Greater London (Consolidated London Plan 2008)

|       |  |
|-------|--|
| 2A.1  | Sustainability Criteria  |
| 3A.1  | Increasing London's Supply of housing  |
| 3A.3  | Maximising the potential of sites  |
| 3A.5  | Housing choice   |
| 3A.7  | Large Residential Developments   |
| 3A.8  | Definition of affordable housing   |
| 3A.9  | Affordable Housing targets   |
| 3A.10 | Negotiating affordable housing in individual private residential and mixed use schemes |
| 3A.11 | Affordable housing thresholds  |
| 3B.1  | Developing London's economy  |
| 3B.2  | Office demand and supply   |
| 3B.5  | Supporting Innovation  |
| 3B.6  | Improving London's ICT infrastructure  |
| 3B.7  | Promotion of e-London  |
| 3B.8  | Creative Industries  |
| 3A.17 | Addressing the needs of London's diverse population                                    |
| 4B.1  | Design principles for a compact City   |
| 4B.2  | Promoting world class architecture design  |

|       |   |
|-------|---|
| 4B.3  | Enhancing the quality of the public realm           |
| 4B.5  | Creating an inclusive environment                   |
| 4B.6  | Safety, security and fire prevention and protection |
| 4B.8  | Respect and local character and communities         |
| 4B.9  | Tall buildings location                             |
| 4B.10 | Large scale buildings-design and impact             |
| 4B.11 | London's built heritage                             |
| 4A.12 | Heritage Conservation                               |
| 4A.1  | Historic Conservation led regeneration              |
| 4A.3  | Sustainable design and construction                 |
| 4A.4  | Energy Assessment                                   |
| 4A.5  | Provision of heating and cooling                    |
| 4A.6  | Decentralised energy, heating, cooling and power    |
| 4A.7  | Renewable energy                                    |
| 4A.14 | Sustainable drainage                                |
| 4A.17 | Water Quality                                       |
| 4A.19 | Improving air quality                               |

**5.6 Spatial Development Strategy for Greater London Supplementary Planning Guidance/Documents**

Children and Young People's Play and Informal Recreation  
(March 2008)

**5.7 Government Planning Policy Guidance/Statements**

|       |                                    |
|-------|------------------------------------|
| PPG13 | Transport                          |
| PPG24 | Planning and Noise                 |
| PPS1  | Delivering Sustainable Development |
| PPS3  | Housing                            |
| PPS22 | Renewable Energy                   |

**5.8 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 & Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

The following were consulted regarding the application:

6.2 LBTH Highways Department

The Transport Assessment Plan were assessed by LBTH highway Officers and the following conclusions were made:

- The applicant has indicated a reduction from 207 spaces to 195 spaces which is acceptable
- The 193 new build units have been allocated zero parking provision, the applicant has indicated these units would be designated as "car free" and residents would be prohibited from applying for any additional on street parking permits.
- Details of the parking management plan should be submitted for comments/approval
- The location and design of the parking areas meet the requirements of Tower

Hamlets and is therefore considered sufficient to serve the proposal and would be acceptable.

- To encourage the use of sustainable transport measures the applicant is required to meet the standard set out in the Tower Hamlets “Local Development Framework” and provide cycle stands at 1 per unit.
- The applicant should provide a car club scheme as part of this application. This would be of benefit to both the proposed and existing dwellings.

**(Officers comment: The applicant will be required to submit a parking management plan by way of condition. In addition, the applicant is required to submit details of cycle parking by way of condition. A car club scheme will be secured in the S106 Agreement)**

### 6.3 LBTH Environmental Health Department

- The Daylight/Sunlight Assessment by Calford Seaden dated November 2007 is satisfactory.
- Details on soil contamination to be submitted prior to development

**(Officers comment: The application will be required to submit a detailed soil contamination assessment which will be secured by way of condition)**

- The Council is satisfied that with the scope and methodology of the noise assessment. The developer must confirm in writing, specific and acceptable noise mitigation measures for each of the noise exposure category (C& D)

**(Officers comment: The above will be secured by way of condition)**

### 6.4 **Primary Care Trust**

A capital contribution of £262,941 to mitigate the demand of the additional population on health care facilities.

### 6.5 **LBTH Education**

The proposed development will require a contribution towards the provision of 24 additional primary school places @ £12,342 = £296,208 The school places will be provided as part of the borough\*s overall strategy for meeting the increased need for places.

### 6.6 **Cleansing Officer**

No response received

### 6.7 **English Heritage Archaeology**

No comments received

### 6.8 **Environmental Agency**

- The applicant is required to submit a Flood Risk Assessment
- The applicant is required to submit a desktop study report to demonstrate that the risk of pollution to controlled waters is acceptable.

**(Officers comment: The applicant has submitted the above information to the**



**Environmental Agency who is currently assessing the reports. The comments received will be recorded in the addendum report on the 29<sup>th</sup> May 2008)**

## 6.9 Transport for London

- The application site is bounded to the south by A1203 The Highway which forms part of the TfL Road Network (TLRN).
- No additional car parking is proposed for the new 193 residential units. TfL requests that the development be bound by Section 106 'Car Free' Agreement with the exclusion of the new residents from eligibility for on-street car parking in surrounding CPZ
- The reduction in the number of car parking spaces from 207 to 195 is supported by TfL
- TfL requests details of the proposed disabled car parking spaces, with bays clearly marked on a layout plan and they must be comply with the Disability Discrimination Act (DDA) 1995 requirements

**(Officers comment: Details of disabled parking spaces need to be submitted and approved prior to commencements of work on site. This will be addressed by way of condition. In addition, a 'car free' agreement will be included in the S106 to restrict the occupiers of the new build units from applying for residents parking permits in the area).**

- 104 cycle parking spaces are proposed for the 193 new residential units. This is inconsistent with the London Plan recommendations
- The new residential block needs to accord with TfL cycle parking standards, which states that there should be 1 secure cycle park for every unit, preferably at ground floor level. This requires a minimum of 193 spaces.

**(Officers comment: This will be secured by way of condition)**

- TfL recommends submission of a servicing management strategy which should seek to rationalise servicing with the aim to avoid critical times on the road network and reduce the total number of trips made.

**(Officers comment: This will be secured by way of condition)**

## 7. LOCAL REPRESENTATION

7.1 A total of 1023 neighbouring properties within the area shown on the map appended to this report were notified about the outline and full application and invited to comment. The applications have also been publicised in East End Life and on site. The number of representation received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses: 38      Objecting: 38      Supporting: 0  
No of petitions received: 1      129 signatures

7.2 Of the 38 objection letters received, 25 were identical response with individual signatures received from residents at George Leybourne House. 1 petition (3 separate sections) with 129 signatures was also received. The following issues were raised in representations that are material to the determination of the application, and they are addressed in the next

section of this report:

### 7.3 Design

- The infill at Noble Court & Brockmer House will create a continuous wall of flats along Cable Street and along Cannon Street Road in the fashion of the fortress architecture of past times.
- The towers at Noble Court and 2 at Brockmer House of would block fire emergency access and light and dwarf the existing buildings
- Development of the tower has an adverse effect on the skyline and will interrupt views
- Insensitive to the character of the surrounding area in terms of its design, bulk and scale and will result in over development and poor space standards.
- Its scale and its unsympathetic design are not sensitive to the context or development capacities of the site and will result in overdevelopment and poor space standards
- The infill development within Noble Court will create a disproportional concentration of new high rise concentration within Noble Court along Cable Street.
- The proposal does not take account of existing building lines, roof lines and street patterns.

**(Officers comment: The above issues will be addressed in paragraphs 8.46-8.59 in the report)**

### 7.4 Land use

- It will result in the increase of the built area

**(Officers comment: The above issues are addressed in paragraph 8.35-8.39 in the report)**

### 7.5 Amenity

- Loss of privacy to adjoining buildings
- Deterioration of daylighting and sunlighting
- The infill development adjacent to existing blocks of flats will have a detrimental effect on the noise situation for existing and new
- Loss of sunlight, daylight and outlook through the overbearing, overshadowing and massing of the proposed blocks on the Strangers Rest Building.
- The development on site 1 will mean the entire rear and east of the building is overlooked.

#### Objection specific to Strangers Rest building

- No analysis for the large chapel window seems to be undertaken
- The daylight and sunlight reports do not really deal with overshadowing at all.
- The proposed development on site 10 will overshadow the garden terrace associated with the flat
- The scale and development of site 10 will result in a sense of enclosure

**(Officers comment: The above issues are addressed in the paragraphs 8.79- 8.97)**

### 7.6 Housing

- The demand in the borough is for two to six bedroom properties. The proposal does not give any thought into the current housing needs in the Borough in their planning application.

**(Officers comment: The proposal does make adequate provision for 2- 5 bed units. Housing issues are addressed in sections 8.26-31 of the report)**

#### 7.7 Amenity space

The proposed development will occupy existing open and amenity space

**(Officers comment: The proposal will not result in the net loss of open space on site. Amenity space is examined in section 8.60-8.67 of the report)**

#### 7.8 Environment concerns

An EIA should be required for this proposed development.

**(Officers comment: Having considered the information provided in the full planning application, the Council confirmed that the proposed development is an 'Urban Development Project' within Schedule 2, category 10 (b) under the Environmental Impact Assessment Regulations. After taking into account the selection criteria set out in Schedule 3 to the Regulations and having regard to Circular 2/99, the proposed development did not require an Environmental Impact Assessment as it is not located within a sensitive area or thought to have significant urbanising effects)**

The effect of the proposal on microclimate, wind turbulence and telecommunication interference have not been considered.

**(Officers comment: The applicant will be required to undertake a wind impact assessment and telecommunication study. This would be secured by way of condition).**

#### 7.9 Transport

- The proposed development does not ensure that land use and transport policies and investment are co-ordinated. Due to its proximity to the City of London and the congestion charge area, the site is unsuitable for the volume of housing proposed by the development.
- The proposed housing development is not adequately served by public transport provision
- Lack of car parking spaces on site.
- The planned change to the exit from the underground car park in Himdmarsh Close to existing on Fletcher Street and Wellclose Square. Such an exit as planned can be safely managed.
- The proposed development does not ensure that land use and transport policies and investment are co-ordinated

**(Officers comment: The above issues are examined in paragraph 8.73- 8.78)**

#### 7.10 Infrastructure

- The proposal housing development is not adequately serviced by social and physical infrastructure
- Pressure on existing medical facilities
- Existing local medical centres are struggling to cope with the current population. The present transport links are struggling to cope with the existing development in the local area of congestion at peak hours
- The proposed development does not maintain or enhance street markets

**(Officers comment: To mitigate against the development, the developer will be making a contribution of £262,941 to mitigate the demand of the additional population on local health care facilities. In addition, the developer will make a contribution of £296,208 to mitigate the demand of the additional population on local education facilities. The proposal should not have an adverse impact on existing street markets in the area)**

#### 7.11 Other objections

- The proposal will result in more crime
- Reduce security and increase rubbish
- Result in more anti social behaviour
- Increase in residential properties in the area will reduce the value of existing properties

**(Officers comment: There is no evidence to suggest the proposal will result in further anti social behaviour within the estate. On the contrary, the design of the proposal can relieve certain problems with the development particularly with the proposed removal of the walkway area around Stockholm House, which opens up views to/from the surrounding park/green areas. In addition, it is proposed to have CCTV and extra lighting within the development. This can be secured by way of condition)**

### 8. MATERIAL PLANNING CONSIDERATIONS

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

1. Housing
2. Land use
3. Density
4. Design
5. Amenity space
6. Access and transport
7. Residential amenity
8. Sustainability

#### **Housing**

##### Principle of estate regeneration

8.2 Under the Housing Choice transfer programme, Saint Georges and is considered as an estate regeneration site. A significant level of investment is required to bring homes up to a Decent Homes *plus* standard and in accordance with guidance; the residents were consulted on new build options. It was made clear to residents that cross-subsidy generated from building new properties for sale would be reinvested in the estates to fund improvements over and above minimum Decent Homes standards. The objective of the redevelopment of the estate is to achieve improvements over and above minimum Decent Homes standards across the entire estate.

##### Particular situation for St. Georges

8.3 This planning application for the St. Georges Estate Choice transfer proposes refurbishment of all the existing buildings and the erection of new housing, including private units. The regeneration of the estate to achieve the Decent Homes plus standard will rely in part on the sale of 161 of the 193 new build homes. The scheme delivers a target level of cross subsidy of £10.555m.

##### Proposal

8.4 The regeneration proposal can be summarised as follows:

- Refurbishment of 502 existing units in the red blocks to Decent Homes *plus* standards;
- provision of an additional 23 affordable housing units;
- introduction of 23 new intermediate units,
- provision of additional 161 private units

8.5 The principles and objectives set out in regional and local policies for estate regeneration proposals are achieved in the St Georges estate through a comprehensive redevelopment scheme. All the homes would be brought up to Government's decent homes plus standard and the proposal maximises the development potential of the site without a net loss of housing provision or net loss of affordable housing provision. In addition, the scheme proposes associated provision of new community facilities and environmental improvements across the entire site. As such, the proposed estate renewal proposal is in accordance with the policies 3A.7, 3A.8 and 3A.12 of the London Plan, policies CP19, CP23, HSG3, HSG4 and HSG5 of the IPG and GLA Housing SPG.

8.6 Further assessment of the housing provision and relevant issues are set out below.

#### Affordable Housing

8.7 Policy 3A.9 of the consolidated London Plan (1998) sets out a strategic target that 50% of the new housing provision should be affordable. Policy CP22 of the IPG document states that the Council will seek to maximise all opportunities for affordable housing on each site, in order to achieve a 50% affordable housing target across the Borough, with a minimum of 35% affordable housing provision being sought.

8.8 Policy HSG3 of the IPG Oct 2007 seek to secure that the maximum amount of affordable housing on new schemes. The policy states that the Council will have regard to:

- The Borough's overall affordable housing target, and the expected minimum requirements for affordable housing on sites proposing 10 new dwellings or more;
- the economic viability of the proposal, including individual site costs;
- the availability of public subsidy to support affordable housing on site;
- other site requirements, including other planning contribution requirements; and
- the need to ensure new housing development contributes to creating sustainable communities, including being responsive to housing needs.

8.9 Policy HSG5 of the IPG Oct 2007 supports the principle of the estate regeneration proposal subject to the following criteria:

*"Where proposed housing on estate regeneration sites includes market housing, the Council may consider varying its requirement for contributions towards additional affordable housing where it can be sufficiently demonstrated that the provision of market housing on the estate regeneration site is necessary in order to cross subsidise the works being undertaken to bring existing dwellings on site up to a decent homes plus standard".*

8.12 The proposal results in no net loss of affordable housing and refurbishes the existing affordable housing stock. As illustrated in table 1 below, the existing percentage of affordable housing on site is 53.7% by habitable rooms. In addition, the proposed new development includes 25.5% of the total additional habitable rooms constructed on the estate as additional affordable housing (as demonstrated by the applicant to be the maximum if this proposal is to remain viable). Although the newly proposed affordable housing does not meet the 35% affordable housing as sought in the Councils Interim Planning Guidance (2007), the overall provision for affordable housing on site (including existing and proposed) would be 46.3% by

habitable rooms (refer to table below). This exceeds the Council's target of 35% and is therefore considered acceptable.

| Unit Size    | Total units | Total Hab Rooms | Total %age(Units) | Social     |            |              | Leaseholder |           |            |
|--------------|-------------|-----------------|-------------------|------------|------------|--------------|-------------|-----------|------------|
|              |             |                 |                   | Unit No.   | Hab Rooms  | %age (hab)   | Unit No.    | Hab Rooms | %age (hab) |
| Studio       | 11          | 11              | 2.2%              | 11         | 11         | 0.7%         | 0           | 0         | 0%         |
| 1 Bed        | 93          | 186             | 18.7%             | 77         | 154        | 9.9%         | 16          | 32        | 2.1%       |
| 2 Bed        | 239         | 717             | 48.0%             | 152        | 456        | 29.3%        | 87          | 261       | 16.8%      |
| 3 Bed        | 136         | 544             | 27.3%             | 51         | 204        | 13.1%        | 85          | 340       | 21.9%      |
| 4 Bed        | 18          | 90              | 3.6%              | 2          | 10         | 0.7%         | 16          | 80        | 5.0%       |
| 5 Bed        | 1           | 7               | 0.2%              | 0          | 0          | 0%           | 1           | 7         | 0.5%       |
| <b>Total</b> | <b>498</b>  | <b>1555</b>     | <b>100%</b>       | <b>293</b> | <b>835</b> | <b>53.7%</b> | <b>205</b>  |           |            |

Table 1

| Occupation   | Existing No. Hab Rooms | Proposed No. Hab Rooms | Total Hab Rooms | Percentage Habitable Rooms |
|--------------|------------------------|------------------------|-----------------|----------------------------|
| Private      | 720                    | 409                    | 1129            | 53.7%                      |
| Affordable   | 835                    | 140                    | 975             | 46.3%                      |
| <b>Total</b> | <b>1555</b>            | <b>549</b>             | <b>2104</b>     | <b>100%</b>                |

Table 2

8.15 The financial viability of the proposal has been assessed by the applicant using the GLA's 'Three Dragons' financial viability model. The applicant has provided details of the scheme with costs, and values for the proposed new housing. This has been tested and verified by officers from the Council's Housing Department.

8.16 In the light of the viability assessment produced for the regeneration of the estate as a whole, the proposed affordable housing provision and additional regeneration benefits arising from the proposal, the failure to provide a minimum of 35% affordable housing on the new build is considered acceptable. As such, the proposed development is in accordance with policy 3A.12 of the London Plan and policies HSG3 and HSG5 of the IPG Oct 2007.

#### Housing tenure and mix

8.17 As noted previously, the development not only brings the existing affordable units up to decent homes standard, it also increases the affordable housing by 32 units (18 social rented and 14 intermediate). The development also provides 161 additional new homes for outright sale.

8.18 The proposal has been devised in order to reflect the mix of the accommodation to be replaced, the needs of the local area for larger family units and the market for sale.

#### 8.19 **Total new scheme ( including existing and new build = 695 units)**

| Units        | social     | intermediate | private    | Total      |
|--------------|------------|--------------|------------|------------|
| bedsits      | 11         |              | 13         | 24         |
| 1 bed        | 77         | 1            | 82         | 160        |
| 2 bed        | 156        | 13           | 151        | 320        |
| 3 bed        | 55         | 0            | 103        | 158        |
| 4 bed        | 25         | 0            | 2          | 27         |
| 5 bed        | 5          | 0            | 1          | 6          |
| <b>Total</b> | <b>329</b> | <b>14</b>    | <b>352</b> | <b>695</b> |

Table 3

8.20 In light of the proposal's financial viability and site requirements, the proposed dwelling type and mix is considered acceptable as it accords with local and London-wide policy and need requirements set out for mixed tenure developments. As such, the estate regeneration proposal is in accordance with policies 3A.4 and 3A.12 of the London Plan 2004 and relevant GLA SPG on Housing, policy HSG7 of the UDP 1998 and policies CP21 and HSG2 of the IPG Oct 2007, 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.

8.21 As mentioned, the outline proposal includes the erection of 193 new residential units. The housing mix for this phase is set out in table 3.

8.22

|              |                       | affordable housing |     |          |              |       |          | market housing |      |          |
|--------------|-----------------------|--------------------|-----|----------|--------------|-------|----------|----------------|------|----------|
|              |                       | social rented      |     |          | intermediate |       |          | private sale   |      |          |
| Unit size    | Total Units in scheme | units              | %   | target % | units        | %     | target % | units          | %    | target % |
| Studio       | 13                    |                    |     | 0        |              |       | 25       | 13             | 8.0  | 25       |
| 1 bed        | 67                    | 0                  |     | 20       | 1            | 7.1   | 25       | 66             | 41   | 25       |
| 2 bed        | 79                    | 2                  | 11  | 35       | 13           | 92.85 | 25       | 64             | 40   | 25       |
| 3 bed        | 22                    | 4                  | 22  | 30       |              |       | 25       | 18             | 11.8 | 25       |
| 4 bed        | 7                     | 7                  | 39  | 10       |              |       |          |                |      |          |
| 5 Bed        | 5                     | 5                  | 28  | 5        |              |       |          |                |      |          |
| <b>TOTAL</b> | <b>193</b>            | <b>18</b>          | 100 | 100      | <b>14</b>    | 100   | 100      | <b>161</b>     | 100  | 100      |

Table 4

Social rented/intermediate ratio

8.23 Against London Plan policy 3A.9 affordable housing target is 70% should be social rent and 30% should be intermediate rent.

8.24 Policy CP22 of the IPG states that the Council will require a social rented to intermediate housing ratio split of 80:20 for all grant free affordable housing. A summary of the affordable housing social rented/ intermediate split is provided below:

8.25 As noted previously, the proposal new development provides 25% habitable rooms as affordable housing. The proposed tenure split is 70/ 30% (social rented/intermediate). As such, it accords with London Plan policy and is considered to be acceptable.

Housing mix

8.26 Policy CP21 'Dwelling Mix and Type' of the Interim Planning Guidance governs the ratio of social rented units to those of intermediate tenures.

- 8.27 The Council's Interim Planning Guidance (2007) requires:
- 45% of social rented units to be suitable for family accommodation (3 bed or more);
  - 25% of shared ownership units to be suitable for family accommodation
  - 25% of private units to be suitable for family accommodation
  - Overall provision for family units within an entire scheme should be 30%
- 8.28 The existing development on site makes provision for 18% family units in the social rented tenure and 50% family units in the private tenure. The overall provision for family units on site is 31%
- 8.29 The proposed new development makes provision for 89% family units within the social rented tenure which far exceeds policy requirement. The proposal does not make provision for family units in the intermediate tenure and 10.3% in the private tenure which does not meet policy requirement. On balance, the shortfall of family units in the intermediate and private tenure is acceptable given that the overall provision for family units on site is 32% which exceeds policy requirement of 30%.
- 8.30 In addition, when the number of existing and proposed family units are added together, the proposal makes provision for 27% (191/695) against the Council's target of 30%. This is broadly in line with the Council's aspirations.
- 8.31 Whilst the proposed dwelling mix, if taken in isolation does not fully accord with local and London-wide policy, it is considered that in conjunction with the larger estate renewal, it provides for an appropriate residential type, tenure and mix.

#### Standard of accommodation

- 8.32 Policy 3A.4 of the London Plan states that developments should cater for a range of housing sizes and types and should be built to lifetime homes standards and provide 10% wheelchair accessible units. Policy HSG9 of the IPG Oct 2007 continues this objective and seeks to ensure that new developments consider existing and changing needs of all residents. Furthermore, policy HSG13 of the UDP and HSG9 of the IPG Oct 2007 require that all new developments have adequate provision of internal residential space in order to function effectively and should take into account the Council's supplementary guidance on residential space.
- 8.33 100% of the new housing stock (4193 units) is to be built to lifetime homes standards and 10% of these are to be wheelchair accessible. The detailed plans submitted indicate that the flat and room sizes are all above the minimum figures as set out in the Supplementary Planning Guidance Note 'Residential Space' and the layouts would provide for an acceptable standard of accommodation. The proposal provides sufficient refuse storage and it is recommended that further information is submitted by way of condition. Overall, the standard of accommodation is considered acceptable and in accordance with the above mentioned policies and guidance.
- 8.34 **Land use**
- 8.35 The site is unallocated on the proposals map of both the UDP and the Interim Planning Guidance. The proposed residential use is in line with the existing land use on site.
- 8.36 The site currently contains 502 residential units and there are no specific site land use designations in any of the Council's planning documents. The new development has been concentrated in two general locations. The first is along the Cable Street frontage, where new buildings are to be 'inserted' into the void spaces between the existing elements of Noble Court. The second primary location for new development is on the southern boundary adjacent to the highway.
- 8.37 Policies 2A.1 and 3A.15 of the London Plan 2004, policy SCF11 of the UDP and policy SCF1



of the IPG Oct 2007 require the Council to consider the need for social and community facilities within redevelopment proposals.

- 8.38 The applicant has advised that the existing community centre (OAP Club) adjacent to Swedenborg Gardens will be refurbished and integrated into the regeneration estate. In addition, a new community centre of approximately 510 sq.m will be provided at ground level on the site's frontage to The Highway as part of the development of site 10. This aspect of the proposal supports the Borough's planning objectives to secure community infrastructure to respond to the additional needs of the local community and help achieve a sustainable residential development (Policies CP5, CP19, and SCF1 of the IPG). The provision of the additional community centre will be secured by way of S106 agreement
- 8.39 It is considered that the community facility for the residents is welcomed and is appropriate to the proposed density increase. It is recommended that a condition be attached which will require the applicant to provide a full management plan which sets out the detailed information regarding the size, access, accessibility, procedures and general operation of the proposed community facility.

### **Density**

- 8.40 The site lies in PTAL 3 (Central), which permits a density range of 300-650 HRs/ Ha. The net proposed density is 572, which is acceptable.
- 8.41 The application site benefits an 'Urban' setting and has a PTAL level 3 (in a range of 1-6, where 6b is the highest). The site has a net residential area of approximately 0.63 hectares. The scheme is proposal comprises 193 new units or 549 habitable rooms.
- 8.42 According to TABLE 4b.1 of the London Plan, the site is best described as 'urban' and therefore has a suggested density range of 200-450 habitable rooms per hectare (hr/ha) in accordance with the 'Density location and parking matrix'. The proposed density is 572 hrph which exceeds the density matrix guidance. The existing density is 419 hr/hectare.
- 8.43 In general numerical terms, the proposed density would appear to be an overdevelopment of the site. However, the intent of the London Plan and Council's IPG is to maximise the highest possible intensity of use compatible with local context, good design principles and public transport capacity. In addition, it could be anticipated that the improvements to the East London Line currently underway and due to be completed by 2010, will take the PTAL rating to a level 4 where a density of 450 to 750 hrph would be suitable.
- 8.44 Residents have considered that this application results in an unacceptable increase in density and is therefore an overdevelopment of the site. However it should be remembered that density only serves an indication of the likely impact of development. Typically high density schemes may have an unacceptable impact on the following areas:
- Access to sunlight and daylight;
  - Lack of open space and amenity space;
  - Increased sense of enclosure;
  - Loss of outlook;
  - Increased traffic generation; and
  - Impacts on social and physical infrastructure

The proposal has not of these impacts.

- 8.45 To mitigate against the demand of the additional population, the applicant will be required to provide £262,941 towards the provision of health contributions and £296,208 towards the provision of education facilities. This will be secured by way of a S106 agreement. In addition, the proposed scheme will retain and refurbish the existing community centre and

children's play area on site. A new community centre (510 sqm) will be provided which represents a value of £806,677. This will be secured in the Section 106 agreement This complies with policy SF1 of the adopted UDP and policy SCF1 of the IPG as it ensures that all residents will have access to social facilities.

## Design

- 8.46 Good design is central to all the objectives of the London Plan. Policy 4B.1 of the consolidated London Plan (2008) refers to 'Principles and specifics of design for a compact city' and specifies a number of policies aimed at achieving good design. These principles are also reflected in policies DEV1 and 2 of the UDP and the IPG.
- 8.47 Policy CP4 of the Interim Planning Guidance (2007) states that LBTH will ensure the development creates buildings and spaces of high quality design and construction that are sustainable, accessible, attractive, safe and well integrated with their surroundings. Policy DEV2 of the IPG reiterates DEV1 of the UDP and states that developments are required to be of the highest quality design, incorporating the principles of good design.
- 8.48 Policy DEV27 of the Interim Planning Guidance provides a suite of criteria that applications for tall buildings must satisfy. In consideration of the above comments and policy requirements, the proposal is considered to satisfy the relevant policy criteria as follows:
- The architectural quality of the new proposed development is considered to be of a high design quality, demonstrated in its scale, form, massing, footprint, materials & relationship to other buildings
  - Presents a human scaled development at the street level.
  - Demonstrates consideration of sustainability throughout the lifetime of the development, including the achievement of high standards of energy efficiency, sustainable design, construction and resource management
  - The scheme will contribute positively to the social and economic vitality of the surrounding area at the street level through its proposed mix of uses.
  - Incorporates principles of inclusive design.
  - The site is located in an area with good public transport access.
  - Takes into account the transport capacity of the area, and ensure the proposal will not have an adverse impact on transport infrastructure and transport services.
  - Improves permeability with the surrounding street network and open spaces.
  - The scheme provides publicly accessible areas, including the ground floor non residential uses and public realm.
- 8.49 Policies CP1, CP4, DEV1 and DEV2 of the IPG Oct 2007 and policies 4B.1, 4B.7 and 4B.9 of the London Plan 2004 seek to ensure that new development take into account and respect the local character and setting of the development within the site. In particular, it seek to ensure that the siting, scale and bulk of the buildings in relation to the plot size and street patterns integrate effectively whilst the design details and elevations enhance the development and public realm in which it is located.

The new buildings (Site 1-7) will adjoin as infill and integrate with the existing buildings on Noble Court. There will be nine new blocks of between 6 and 9 storeys in height, seven will front Cable Street and two will front The Highway.

- 8.50 The height and massing respects the scale and form of the existing and adjoining buildings. Particular care has been taken at the western and eastern boundaries, where the site has interface with existing residential development and a conservation area (east). In these locations, the proposed new buildings have been kept to a maximum height of 6 storeys and are of a massing consistent with the existing adjacent development.
- 8.51 The proposed height and massing of the blocks are acceptable as they broadly in context the

existing form with the development. The existing estate is characterised by a mix of building heights i.e.:

- Noble Court (5 stories)
- Brockmer House (6 stories)
- Betts House 6 stories
- Swedenborg House (1 storey)
- Stockholm House (17 storeys)
- Shearsmith House (27 storeys)
- Hatton House (22 storeys)

8.52 Along Cable Street, the existing buildings on Noble Court are 6 storeys. The proposed infill blocks along the street are 9 storeys.

The proposed infills comprise of:

- the new building to the west of Noble Court (Site 1) – 6 storeys
- the 2 archway infill buildings (Site 2 & 3)- 9 storeys
- the 2 infill buildings (site 4, 5)- 9 storeys
- the building at the eastern end (site 6)- 9 storeys
- the building at the north end of Brockmer House (Site 7)- 6 storeys
- site 9: 1 storey
- site 10: 9 storeys

site 11: 1 storeys

8.53 The building in site 1 and site 7 are 6 storeys in height. The proposed 6 storeys on the western and eastern boundaries are of a massing consistent with the adjacent development.

8.54 The variety of building heights of both the existing and proposed adds to the visual interest of the site and the design greatly enhances the appearance of the site along Cable Street. In addition, the proposed infill developments will result in efficient use of land in line with PPS1.

8.55 The other buildings in the St. Georges estate are three and four storey residential buildings grouped around the towers

8.56 The adoption of taller buildings is confined to the two principal areas of the site identified for development. The southern section along the Highway (Site 10) and the northern edge along Cable Street (sites 1-7).

8.57 In accordance with DEV1 of the Interim planning Guidance, the development enhances the appearance of the area. Whilst residents have objected that the design of the proposed infill blocks on the grounds of poor design quality and because they consider they do not relate to the existing buildings, it is important to note that, on balance, the scheme provides an important vehicle through which the improvement of existing substandard housing is achieved.

8.58 Policies CP1, CP4, DEV1 and DEV2 of the IPG Oct 2007 and policies 4B.1, 4B.7 and 4B.9 of the London Plan 2004 seek to ensure that new development take into account and respect the local character and setting of the development within the site. In particular, it seek to ensure that the siting, scale and bulk of the buildings in relation to the plot size and street patterns integrate effectively whilst the design details and elevations enhance the development and public realm in which it is located.

8.59 Overall, it is considered that the proposal would enhance the character of the local street scene through good design and quality finishing. The development creates an accessible and inclusive environment and provides opportunities to create quality open space. As such, the development is considered acceptable and in accordance with the above mentioned policies. It is recommended that conditions require submission of further information, to ensure quality finishing.

## Amenity space

- 8.60 Policy HSG16 of the adopted UDP states that all new housing developments should include an adequate provision of amenity space. Core Strategy CP25 of the IPG Oct 2007 continues this objective and states that all new housing developments should provide high quality, useable amenity space, which includes private and communal amenity space for all. Policy OSN2 of the IPG Oct 2007 states that planning permission will not be normally given for any development which results in the loss of public or private open space having significant recreation or amenity value. This is further reinforced by CP25 which seek to ensure innovative opportunities to protect, improve and increase access to all types of open spaces to a standard of 1.2 hectares per 1000 population.
- 8.61 The other area of development on the site is the extension of the landscaped podium over the existing car parking in the open roadway of Hindmarsh Close. The podiums is to be extended to create a further 1,597 m<sup>2</sup> of amenity space as hard and soft landscaping. There will be some demolition of the podium (338m<sup>2</sup>) to enable the existing ramped access to be made more gradual with a compliant gradient of 1:20 rather than 1:10
- 8.62 The total loss of open space on site is 1344 sq.m. However, the total gain of new open space is 1558sq.m. Therefore, the proposal provides a total gain of open space of 214sqm

### Private amenity space

- 8.63 A minimum housing amenity space of 6sqm, 10sqm, 25sqm and 50sqm for 1, 2, 3 and larger bedroom units respectively are required under policy HSG7 of the IPG Oct 2007.
- 8.64 The total amount of private amenity space proposed is approximately 1962 sqm and the policy requirement is 1833 sqm. The proposal therefore exceeds the policy requirement and as such is considered acceptable and is in accordance with policy HSG17 of the UDP.

### Child Playspace

- 8.65 HSG7 of the IPG 2007 informs the Council on the amount of child playspace that should be provided on site as outlined in the table below:

| Unit            | No of units | No. of child bed spaces | Total area (3sqm per child bed space) |
|-----------------|-------------|-------------------------|---------------------------------------|
| <b>Existing</b> |             |                         |                                       |
| Studio          | 11          | 0                       | 0                                     |
| 1 bed           | 93          | 0                       | 0                                     |
| 2 bed           | 241         | 241                     | 723                                   |
| 3 bed           | 136         | 272                     | 816                                   |
| 4 bed           | 20          | 60                      | 180                                   |
| 5 bed           | 1           | 4                       | 12                                    |
| <b>Total</b>    | <b>502</b>  | <b>577</b>              | <b>1731</b>                           |
| <b>New</b>      |             |                         |                                       |
| Studio          | 13          | 0                       | 0                                     |
| 1 bed           | 67          | 0                       | 0                                     |
| 2 bed           | 79          | 79                      | 237                                   |
| 3 bed           | 44          | 44                      | 132                                   |

|       |     |     |             |
|-------|-----|-----|-------------|
| 4 bed | 21  | 21  | 63          |
| 5 bed | 20  | 20  | 60          |
| Total | 193 | 164 | 492         |
|       |     |     |             |
| Grand | 695 | 741 | <b>2223</b> |

Table 5

- 8.67 The estate will provide 2253 sq.m of play area which adheres to the Council's policy requirements by 30 sqm and is therefore welcomed by the Council.

### **Access and Transport**

- 8.68 Policy T16 of the UDP and policies DEV17, DEV18 and DEV19 of the IPG Oct 2007 require new development to take into account the operational requirements of the proposed use and the impact (Transport Assessment) of the traffic that is likely to be generated. In addition, policy objectives seek to ensure that the design minimizes possible impacts on existing road networks, reduce car usage and where necessary provide detailed mitigation measures, to enable the development to be acceptable in planning terms.

#### Access

- 8.69 The applicant is proposing to access the site from the existing access at the junctions of Cable Street, Crowder Street and Hindmarsh Close. A change is proposed to the access at Cable Street / Hindmarsh Close. The applicant proposes restricted vehicle access via site number 2. These will provide access for refuse, collection and servicing vehicles only. The access and exit to the Podium Car Park would be retained. In addition, it is proposed to allow vehicles to exit the site via a new ramped access from Wellcome Square.
- 8.70 Pedestrians can access the site from several accesses (5 on Cable Street), (2 on The Highway). The existing accesses at Cable Street / Hindmarsh Close and site number 2 will be predominately pedestrian access only and vehicle access will be restricted to refuse, collection and servicing vehicles only. A new pedestrian access will be provided from Infill Building 7, along with improvements to the pedestrian access point at the junction of Crowder Street and the highway and would be acceptable.
- 8.71 Service vehicles would be able to enter the site via Crowder Street and the Cable Street. Crowder Street and Hindmarsh Close accesses would serve both Hatton and Shearsmith House. These accesses will provide access for refuse, collection and servicing vehicles and will be controlled via a gated system. A turning head has been provided to the north of Stockholm House. These new refuse points have been provided to service Noble Court, Shearsmith House, Hatton House and Betts House and would be acceptable.
- 8.72 The applicant has provided swept path analysis to demonstrate that refuse vehicles would be able to enter and leave the site in forward gear and as such, the location and design of refuse storage as well as the collection thereof, meet the requirements of Tower Hamlets and is therefore considered sufficient to serve the proposal and would be acceptable.

#### Parking

- 8.73 There will be no additional car parking provision for the new developments on the estate for which a S106 car free agreement is proposed. The intention is that parking will be by permit only, and will be managed by Eastend Homes.
- 8.74 It is proposed that the overall car parking on the estate will be reduced from 207 spaces to 195 spaces and that some of the existing on street parking will be moved to an extended parking area beneath the new podium between Shearsmith House and Hatton House. This will much improve the street environment of the estate. The new residential units will not be

allocated car parking spaces; all parking except for necessary disabled spaces, 20 in total, will be retained for existing dwelling units. Overall, this equates to 28% of the Council's adopted maximum standard of 1:1 spaces per unit and as such is policy compliant. It is recommended that the S106 agreement include a clause to ensure that the development is 'car free', ensuring that no controlled parking permits are issued to the new residential of the development and thus alleviating additional pressure on the surrounding streets. Overall, the car parking provisions support current Government guidance on encouraging trips by means.

- 8.75 LBTH supports car free development and the total reduction of 12 car parking spaces on the estate.

#### Cycle parking

- 8.76 Bicycle stores have been incorporated into the design of all new build blocks. The Interim Planning Guidance (2007) standard is 1 cycle parking space per unit. TfL have also advised that their standard is 1 cycle space per unit. The proposed cycle parking spaces therefore does not comply with relevant policies. Consequently, an amending condition will be applied to ensure details of acceptable cycle parking are provided.
- 8.77 The proposal makes provision for 104 secure and sheltered cycle spaces. However, the applicant will need to make provision for 193 cycle spaces in line with council policy. It is recommended that an amending condition to require full details of the layout, access, security and management be added.
- 8.78 It is recommended that a condition to require full details of the layout, access, security and management be added.

#### **Daylight and sunlight**

- 8.79 DEV 2 of the UDP seeks to ensure that the adjoining buildings are not adversely affected by a material deterioration of their daylighting and sunlighting conditions. Supporting paragraph 4.8 states that DEV2 is concerned with the impact of development on the amenity of residents and the environment.
- 8.80 Policy DEV1 of the Interim Planning Guidance states that development is required to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm. The policy includes the requirement that development should not result in a material deterioration of the sunlighting and daylighting conditions of surrounding habitable rooms.

#### Daylight Assessment

- 8.81 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.
- 8.82 British Standard 8206 recommends ADF values for residential accommodation. The recommended daylight factor level for dwellings are:
- 2% for kitchens;
  - 1.5% for living rooms; and
  - 1% for bedrooms.
- 8.83 The windows to the rooms of the following properties were assessed as they could be affected by the development.

### Cannon Streets Road

8.84 Flat numbers 44 46 48 50 52 54 passed the VSC tests

### Brockmer House

8.85 The following properties adhere to the BRE standards were assessed and all adhere to the BRE standards: Flats 12 13 14 15 16 17 18 36 39 40 41 62, 12, 3, 4, 5, 6, 7, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 31, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 63, 64, 65, 66, 65, 67, 68, 69, 8, 9, 10, 11, 32, 33, 34, 35, 36, 57, 58, 59.

### Swedenborg Gardens

8.86 The following residential units comply with BRE standards: flats no 71, 70, 69, 68, 64, 63, 62, 46, 47, 48, 4, 5

8.87 67 Swedenborg gardens falls both VSC and ADF. The ADF results show that the ground floor of 67 Swedenborg Gardens is a technical failing losing 23% of the existing, the resulting value is only 0.65. Although windows do not achieve BRE compliance, the council considers this to be acceptable given the urban context of the site. In addition, a refusal based on the loss of daylight to windows at 67 Noble Court could not be sustained.

### Noble Court

#### Site 3

8.88 A property which appears to be altered, adjacent to site 3, and under Noble Court, has a reduced ADF of 0.6 to what is assumed to be an entrance hall and not therefore critical. 57 Noble Court is affected both front and rear with ADFs reduced to 0.8 and 0.7 for the rooms/ areas closest to site 2. Although windows do not achieve BRE compliance, the council considers this to be acceptable given the urban context of the site. In addition, a refusal based on the loss of daylight to windows at 57 Noble Court could not be sustained.

#### Site 4

8.89 The following residential units comply with BRE standards:  
Flats number 35, 36, 37, 38, 39, 1, 2, 3, 35, 36, 37, 39, 39, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86 & 87

#### Site 6

8.90 The following properties comply with BRE minimum daylight standards

- Flats nos 1- 34 at Noble Court.

8.91 Betts House

- Flat number 17 meets the minimum criteria and therefore complies with BRE guidelines.

8.92 Strangers Rest

8.93 There are two habitable rooms facing the site. The largest is the living room, which has two

windows on opposing elevations. This room passes the ADF test. The smaller room is a bedroom. The ADF minimum requirement for bedrooms is 1%. The bedroom will have an ADF value of 0.84. As such, the ADF will be below the recommended standard by 16%. However, given the urban context of the site and bearing in mind the overall benefits of the proposal, a refusal based on the loss of daylight to a bedroom at Strangers Rest building could not be sustained. A daylight and sunlight assessment to the chapel windows was not undertaken as the BRE tests relate to residential development only. The applicant was therefore not required to carry out a BRE assessment on the chapel.

#### Sunlight and shadow Assessment

- 8.94 The sunlight availability before and after development was calculated as a measure of the impact of the proposal on sunlight. The BRE Report recommends that the annual probable sunlight hours in the proposed case should be at least 25% of the annual total including at least 5% in winter. Where the proposed values fall short of these then the diminution should not be greater than 20% in either case. Only those windows that face within 90 degrees of south should be considered.
- 8.95 The sunlight results reveal that the following properties will have an annual reduction greater than 20%
- Numbers 1, 57 and 75 Noble Court and 12 Brockmer House
  - Number 1 and 3 Brockmer House and 4 and 5 Swedenborg Gardens will suffer a loss of sunlight greater than 20% during the winter months although 4 and 5 Swedenborg Gardens receive more than the annual guidance level for sunlight.
- 8.96 The sunlight availability to the Strangers Rest flat is impaired although the living rooms will retain its original more than the annual guidance level of sunlight, being overshadowed by the existing structure. Whilst there is a loss of sunlight levels to the above mentioned properties, the vast majority of properties meet the BRE guidelines. As such, the scheme is considered compliant in these terms.
- 8.97 In addition, the proposed is likely to overshadow the garden terrace associated with the flat at certain times of the day. Given the urban context of the site and bearing in mind the overall benefits of the proposal, a refusal based on increased overshadowing to Strangers Rest building and the above mentioned properties (listed paragraph 8.95) can not realistically be sustained.

#### Privacy

- 8.98 According to Policy DEV2 of the UDP, new developments should be designed to ensure that there is sufficient privacy for residents. A distance of about 18 metres (60 feet) between opposite habitable rooms reduces inter-visibility to a degree acceptable to most people. This figure is generally applied as a guideline and is interpreted as a perpendicular projection from the face of the habitable room window. The objections relating to loss of privacy are made by residents from George Leybourne House. However, the six storey development on site 1 will not result in direct overlooking of these properties. At an oblique angle, the distance between site 1 & George Leybourne House is 17.5 metres. At a 45% angle, the distance between the 2 buildings is 22 metres. The closest possible distance is approximately 15.9 metres. In view of these distances, the proposal is therefore not considered to result in undue loss of privacy given the orientation of windows will not face into the windows of residents at George Leybourne House. The Council considers these distances to be acceptable given that the distance between the two buildings broadly complies with the recommended distance of 18 metres.

#### **Sustainability**

##### Energy



- 8.99 Policies 4A.2, 4A.4, 4A.6 and 4A.7 of the London Plan (2008) 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. The latter London-wide policies are reflected in policies CP3, DEV5 and DEV6 of the IPG Oct 2007. 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 20% of the predicted energy requirements on site.
- 8.100 The existing homes on site use centralised heating boilers. The refurbishment of the site intends to remove the old heating systems and central boilers, together with old heating mains which are failing. The existing and new apartments will include the use of new condensing boilers with new controls together with heat recovery and ventilation in the new development and low energy lighting. This together with the replacement of single glazed, with double glazed windows and improved insulation to the existing buildings will provide carbon savings.
- 8.101 The Energy Statement concludes that the improvements to the existing residential units on the estate will save 293,980 KgC/year from the current emissions of 915, 750 kgC/year, a reduction in carbon emissions of some 32%. When the savings of the new is combined with the savings of the existing, the total is 44, 908 kgC/year less than the current carbon emissions, or a total savings for the estate of 5%.
- 8.102 Although the scheme overall does not achieve a reduction in carbon emissions by 20%, the council considers this to be acceptable given the particular situation of this estate regeneration scheme. Overall, the Council is satisfied that the proposed new development of 193 dwellings will provide large carbon savings over the current operating scheme on the existing development

### **Air quality**

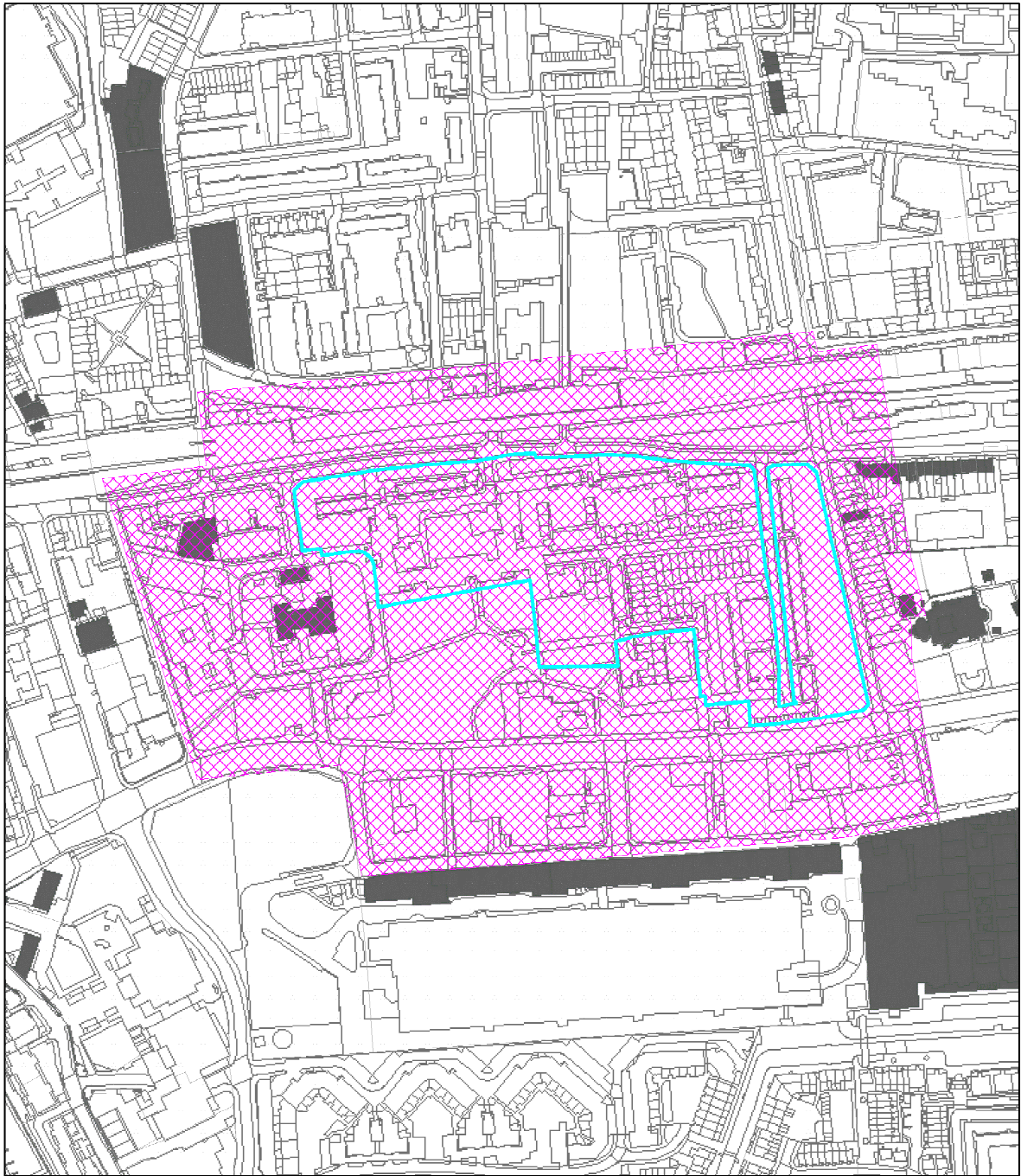
- 8.103 Policy 4A.6 of the London Plan 2004 and policies CP3 and DEV11 of the IPG Oct 2007 set out specific air quality strategies and objectives. They seek to ensure that air quality assessments are undertaken at the planning application stage. The Council's Air Quality Action Plan provides key actions 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.
- 8.104 Enviro Consultancy Limited was commissioned by Eastend Homes to assess the impact of air emissions from road traffic and other sources at the site of a proposed residential development at St. Georges Estate.
- 8.105 The impact of the additional road traffic as a result of the development is forecast to be insignificant.
- 8.106 During the construction phase of the development at St Georges Estate dust is likely to be generated. This is likely to have no more than a short term moderate impact on the surrounding environment. This impact can be further reduced by the use of appropriate mitigation measures. The applicant will be required to submit an Air Quality Management Plan by way of condition. .
- 8.107 The scoping opinion 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.





The submitted air quality statement was reviewed and the methodology is considered acceptable. However, it is considered that further investigation and mitigation measures should be conducted to ensure that the development provides for an acceptable and sustainable development. This will be addressed by way of condition

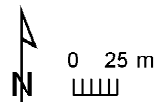
## **9 Conclusions**

- 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.

# Planning Application Site Map



-  Planning Application Site Boundary
-  Other Planning Applications
-  Consultation Area
-  Land Parcel Address Point



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 Stationary Office (c) Crown Copyright. London Borough of Tower Hamlets LA086568

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## Addendum report- St George's estate

### Strategic Development Committee 29/05/2008

|                            |  |
|----------------------------|--|
| <b>Agenda Item number:</b> | 7.3  |
| <b>Reference number:</b>   | PA/05/1866   |
| <b>Location:</b>           | St Georges estate  |
| <b>Proposal:</b>           | Refurbishment of existing buildings and erection of nine buildings ranging from 6 to 9 storeys in height to provide 193 dwellings (13 x studios, 67 x 1 bed; 79 x 2 bed, 22 x 3 bed, 7 x 4 bed and 5x5 bed). Erection of four townhouses and erection of a community centre of 510 sq.m and landscaping. |

#### 1. AMENDMENTS

- 1.1 There are some minor changes to some of the figures reported in the committee report. These include the following:
- 1.2 Paragraph 3.1B should read the following: " total of 32 new affordable units"
- 1.3 Paragraph 3. A should be omitted as the application is not GLA referable.
- 1.4 Paragraph 4.2 should read the following: " It is proposed to refurbish the existing 498 homes and introduce 193 new dwellings in twelve new buildings. These additional units will raise the density of the estate from 419 to 565 habitable rooms per hectare. And the density of estate currently is 415 rising to 561 hab rooms per ha"
- 1.5 The last sentence in paragraph 8.3 should read the following: "The scheme delivers a target level of cross subsidy of £10.155m
- 1.6 In paragraph 8.4 the:
- first bullet point should read: "refurbishment of 498 existing units".
  - second bullet point should read: "provision of an additional 18 affordable housing units
  - third bullet point should read: "introduction of 14 new intermediate units".
- 1.7 There have been some minor changes to the figures to the table in paragraph 8.19. The table should now read the follows):

Total new scheme (including existing and new build = 691 units  
(changed figures are underlined)

| Units   | Social     | Intermediate | Private   | Total      |
|---------|------------|--------------|-----------|------------|
| Bedsits | 11         | 0            | 13        | 24         |
| 1 bed   | 77         | 1            | 82        | 160        |
| 2 bed   | <u>154</u> | 13           | 151       | <u>318</u> |
| 3 bed   | 55         | 0            | 103       | 158        |
| 4 bed   | <u>9</u>   | 0            | <u>16</u> | <u>25</u>  |

|       |            |    |            |            |
|-------|------------|----|------------|------------|
| 5 bed | 5          | 0  | 1          | 6          |
| Total | <u>311</u> | 14 | <u>366</u> | <u>691</u> |

- 1.8 The second sentence in paragraph 8.29 should read: 'the proposal does not make provision for family units in the intermediate tenure and 11.2% in the private tenure'
- 1.9 In paragraph 8.30, the latter part of the first sentence should read: "the proposal makes provision for 27% family accommodation (189/691) against the Councils target of 30%".
- 1.10 The first sentence in paragraph 8.36 should read: " The site currently contains 498 residential units".
- 1.11 The second sentence in paragraph 8.40 should read: "the net proposed density is 561 hrph, which is acceptable",
- 1.12 The second and third sentence in paragraph 8.42 : "the proposed density is 572 hrph which exceeds the density matrix guidance. The existing density is 419 hr/hectare"
- 1.13 The last sentence in paragraph 8.44 "the proposal has none of these impacts"
- 1.14 In paragraph 8.52 site 9 should read as 2 storey's (not 1 storey) and site 11 should read as 9 storey's
- 1.15 The second sentence in paragraph 8.61 should read: "the podiums is to be extended to create a further 1, 597m2 of amenity space as hard and soft landscaping".
- 1.16 Paragraph 8.98 should read the following: " According to Policy DEV2 of the UDP, new developments should be designed to ensure that there is sufficient privacy for residents. A distance of about 18 metres (60 feet) between opposite habitable rooms reduces inter-visibility to a degree acceptable to most people. This figure is generally applied as a guideline and is interpreted as a perpendicular projection from the face of the habitable room window. The objections relating to loss of privacy are made by residents from George Leybourne House. However, the six storey development on site 1 will not result in direct overlooking of these properties. At an oblique angle, the distance between site 1 & George Leybourne House is 17.5 metres. At a 45% angle, the distance between the 2 buildings is 22 metres. The closest distance is 15.9 metres. The proposal is therefore not considered to result in undue loss of privacy. Given the urban context of the site, the Council believes that a distance of 15.9 meters is acceptable and broadly complies with the recommended distance of 18 meters.

#### Conditions

- 1.17 In Section 3.4, conditions 3, 5, 9, 10, 15, 18 & 22 are not required and are therefore deleted.
- 1.18 Since the publication of the report, the following conditions are to be included:  
 -Foul and surface drainage systems  
 -Storage facilities for oil, fuels or chemicals

- Surface water source control measures

1.19 In paragraph 3.4 (2): the sentence should read: " Details of the following required: material, CCTV, external landscaping including semi mature trees"

#### Additional Section 106 contribution

1.19 A contribution of 10.155 million to secure the upgrade of existing upgrade units to decent home standards

## **2. ADDITIONAL INFORMATION**

### Environmental Agency

2.1 EA have no objection to the proposed development subject to conditions

### English Heritage

2.2 According to Councils records, comments from English Heritage were not received. However as the site is located in an area of archaeological importance, the applicant will be required to undertake an Archaeology investigation study.

### Additional objections

2.3 The proposal will result in the loss of 2 trees as a result of the development on site 1.

**(Officers response: The Council has not placed a tree preservation order on the two trees in question. Given that the trees are not protected and the proposal site is not located within a conservation area, the applicant does not require planning permission to remove the trees. Nevertheless, to mitigate against the loss of these trees, the proposal includes extensive improved landscape works to the overall site. There will be additional tree and shrub planting on:**

- **The podium**
- **Noble Court**
- **Swedenborg gardens communal garden square**
- **Brockmer House Communal green and frontage**
- **Betts House**

**The applicant will be required to plant mature and semi mature trees at the above sites and particularly within the vicinity of site 1.**

2.4 The proposal will impact on the setting of the grade II listed St. Paul's school and other grade ii listed buildings in the area.

**Officers comments: The Council does not believe that the proposal will have a negative impact on the setting buildings. On the contrary, the proposal will**

**enhance the character and appearance of the area and will not adversely impact or encroach upon the setting of the nearby listed buildings).**

2.5 The construction and operation of the development expected to increase traffic in the local area.

**(Officers comment: Construction is for a limited period only. As noted in the committee report, there are no new car parking spaces proposed. In addition, there will be a reduction in the number of existing car parking spaces from 207 to 195 spaces.)**

2.6 Loss of light to the meeting room to the strangers rest mission building will be encroached upon.

**(Officers comment: As the meeting room is not a habitable room, it is unnecessary to undertake BRE tests on this room. Given the urban context of the site, a refusal based on the loss of daylight to this window could not be sustained).**

2.7 Little or no space within the development is provided for motor vehicles

**Officers comment: There are no additional car parking spaces proposed which will help alleviate any problems associated with development and its impact on congestion)**

2.8 The construction could severely affect the use of the church buildings during the regular services

**(Officers comment: The construction period will be for a limit time only. Limit hours of power /hammer driven poling/breaking bout to between 10.00 hours to limit 16.00 hours Monday to Friday. In addition, the hours of construction can be limited to between 8.00 hours to 18.00 hours, Monday to Friday to 13.00 hours on Saturdays)**

### **Letter of support**

2.9 One letter of support written 'on behalf of the St Georges Estate Board' was received which stated: " This application represents a once in a lifetime opportunity to completely transform both the estate and the surrounding neighbourhood".

### **3.0: RECOMMENDATION**



3.1: The issues raised in the additional objection as well as some of the issues raised in the consultation responses have been addressed within the scope of the committee report and were found to be acceptable.

2.2 However my recommendation is amended as follows:

**ADD** a condition for implementation of a programme of archaeological work.

**ADD** an informative for detailed proposals in the form of an archaeological project design in accordance with appropriate English Heritage Guidelines.

**ADD** a condition on details of foul and surface drainage systems

**ADD** a condition on details of Storage facilities for oil, fuels or chemicals

**ADD** a condition on details of surface water source control measures

**ADD** a condition on further landscaping details (including planting of mature and semi mature trees)

**AMEND** the S106 agreement to include a contribution of 10.155 million to secure the upgrade of existing upgrade units to decent home standards

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# Agenda Item 7

|   |  |  |                             |
|---|--|--|-----------------------------|
| <b>Committee:</b><br>Strategic Development                      | <b>Date:</b><br>10 <sup>th</sup> July 2008 | <b>Classification:</b><br>Unrestricted             | <b>Agenda Item No:</b><br>7 |
| <b>Report of:</b><br>Corporate Director Development and Renewal |  | <b>Title:</b> Planning Applications for Decision   |                             |
| <b>Originating Officer:</b><br>Michael Kiely                    |  | <b>Ref No:</b> See reports attached for each item  |                             |
|   |  | <b>Ward(s):</b> 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. Although the reports are ordered by application number, the Chair may reorder the agenda on the night. If you wish to be present for a particular application you need to be at the meeting from the beginning.
- 1.2 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 Addendum 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 comprises the development plan and other material policy documents. The development plan is:
  - the adopted Tower Hamlets Unitary Development Plan (UDP)1998 as saved September 2007
  - the adopted London Plan 2004 (as amended by Early Alterations December 2006)
- 3.2 Other material policy documents include the Council's Community Plan, Interim Planning Guidance (adopted by Cabinet in October 2007 for Development Control purposes) Planning Guidance Notes and government planning policy set out in Planning Policy Guidance & Planning Policy Statements.
- 3.3 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. Section 70(2) of the Town and Country Planning Act 1990 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. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Committee to make its determination in accordance with the Development Plan unless material planning considerations support a different decision being taken.

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**LOCAL GOVERNMENT ACT 2000 (Section 97)**  
**LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THE REPORTS UNDER ITEM 7**

|  |                                     |                                   |
|--|-------------------------------------|-----------------------------------|
| Brief Description of background papers:                                    | Tick if copy supplied for register: | Name and telephone no. of holder: |
| Application, plans, adopted UDP, Interim Planning Guidance and London Plan | ✓                                   | Eileen McGrath (020) 7364 5321    |

- 3.4 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.
- 3.5 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.
- 3.6 Whilst the adopted UDP 1998 (AS SAVED) 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. As the replacement plan documents progress towards adoption, they will gain increasing status as a material consideration in the determination of planning applications.
- 3.7 The reports take account not only of the policies in the statutory UDP 1998 but also the emerging plan and its more up-to-date evidence base, which reflect more closely current Council and London-wide policy and guidance.
- 3.8 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.

#### **4. PUBLIC SPEAKING**

- 4.1 The Council's constitution allows for public speaking on these items in accordance with the rules set out in the constitution and the Committee's procedures. These are set out at Agenda Item 5.

#### **5. RECOMMENDATION**

- 5.1 The Committee to take any decisions recommended in the attached reports.

# Agenda Item 7.1

|   |  |  |                               |
|---|--|--|-------------------------------|
| <b>Committee:</b><br>Strategic Development  | <b>Date:</b><br>10 <sup>th</sup> July 2008 | <b>Classification:</b><br>Unrestricted   | <b>Agenda Item No:</b><br>7.1 |
| <b>Report of:</b><br>Corporate Director of Development and Renewal<br><br><b>Case Officer:</b> Jason Traves |  | <b>Title:</b> Planning Application for Decision<br><br><b>Ref No:</b> PA/08/00305<br><br><b>Ward(s):</b> Whitechapel |                               |

## 1. APPLICATION DETAILS

**Location:** Site at Bishop Challoner School House, Christian Street, E1 1SE  
**Existing Use:** School (Class D1) and Community Centre (Class D2)  
**Proposal:** Demolition of existing buildings on site. Redevelopment to provide 214 residential units including affordable housing, in two buildings ranging between 4 to 14 storeys in height, together with the provision of a replacement community centre; public open space extending to 4,546 m<sup>2</sup> incorporating a new public square, sports pitch provision and an extension to Ropewalk Gardens; car parking; landscaping and associated infrastructure works

**Drawing No's:**

Plan No's:

2865-PL 001A, 002A, 003A, 101K, 102K, 103J, 104D, 105E, 106D, 107D, 108D, 109D, 110D, 111D, 112D, 113D, 114D, 115D, 120D, 121D, 122C, 123D

Documents:

Planning Statement  
Design and Access Statement  
Transport Assessment  
Travel Plan  
Energy Statement  
Code for Sustainable Homes Preliminary Assessment  
Flood Risk Assessment  
Daylight and Sunlight Assessment  
Noise and Vibration Assessment  
Air Quality Assessment  
Site Preparation and Construction Report  
Wind Assessment  
Ground Investigations Report  
Archaeological Assessment  
Landscape Analysis and Design Proposals  
Addendum to the Planning and Design and Access Statements  
Addendum to the Daylight and Sunlight Assessment

**Applicant:** Bellway Homes (Thames Gateway North)  
**Owner:** LBTH  
**Historic Building:** No  
**Conservation Area:** No

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### 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<br>LDF and London Plan |                                    | Eileen McGrath<br>020 7364 5321   |

## 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, Interim Guidance, associated supplementary planning guidance, as well as the London Plan and Government Planning Policy Guidance and has found that:

- (a) The proposed land use is in accordance with the Interim Planning Guidance Proposals Map in proposing a scheme comprising residential units (Class C3), a community facility (Class D1) as well as the re-provision of the 4,546sqm of open space. As such the proposal is in line with council Policy CP19 which seeks to provide housing in appropriate locations.
- (b) The proposed density falls within the range specified for sites with a Public Transport Accessibility Level (PTAL) 4-6. Therefore, the scheme is within the capacity of the site and area in accordance with the guidance on density pursuant to Policies 3A.3 'Maximising the Potential of Sites' of The London Plan, Policies CP20 'Sustainable Residential Density' and HSG1 'Determining Residential Density' of the LBTH Interim Planning Guidance (2007), which seek to ensure that development is sustainable and in an appropriate location.
- (c) The scheme provides significantly in excess of the total required amenity open space, including the re-provision of 4,546sqm publicly accessible open space. Therefore, the proposal addresses the amenity needs of future occupiers pursuant to policies HSG 16 'Housing Amenity Space' and 'Residential Space SPG' of the LBTH adopted UDP 1998 and CP25 'Housing Amenity Space' of the LBTH Interim Planning Guidance (2007).
- (d) The scheme provides for 35.2% affordable housing with a 70:30 split between the social rent and shared ownership tenures. The scheme also provides 32% family housing. This accords with the requirement of schemes to cater for housing need pursuant to Policies CP22 'Affordable Housing', 3A.7 'Affordable Housing Targets', CP21 'Dwelling Mix and Type' of the LBTH Interim Planning Guidance (2007).
- (e) The design is considered to be high quality. As such, the scheme complies with LBTH Policy DEV1 'Design Requirements' and CP4 'Good Design' which indicate a need for a development to be sensitive to the area and that buildings and spaces should be high quality, attractive, safe and well integrated.
- (f) The scheme satisfies the criteria for the consideration of tall buildings in being:
  - Of high architectural quality and contributing positively to the skyline,
  - Sensitive to and integrated with the local context,
  - Proposing high quality and safe public spaces

Therefore, the proposal accords with London Plan Policies Policy 4B.1 'Design Principles for a Compact City', Policy 4B.10 'Large-Scale Buildings – Design and Impact' and Policy 4B.9 'Tall Buildings – Location' which requires schemes, amongst other criteria, to enhance the public realm, respect local context / character, be attractive to look at and act as a "catalyst" for regeneration. Moreover, it complies with Council Policy CP48 'Tall Buildings' and CABA / English Heritage 'Guidance on Tall Buildings' in this respect.

- (g) The scheme provides for the amenity of future occupiers in making adequate provision for waste/recycling storage, cycle, car and disabled parking plus a car club,

and addressing potential noise and vibration impacts through the building design. Therefore the scheme is in accordance with Policies 4B.1 'Design Principles for a Compact City', 4B.5 'Creating an Inclusive Environment', 4A.3 'Sustainable Design and Construction', 4B.10 'Large-scale Buildings – Design and Construction' of The London Plan (Consolidated 2008), Policies CP1 'Creating Sustainable Communities' of the Interim Planning Guidance as well as PPS1 and PPS3 which seek to ensure a high quality environment and the amenity of future occupiers.

- (h) The scheme has taken into consideration the relationship with neighbours and any potential impact posed. Amendments to Block B, to increase its separation distance to Walford House have reduced its daylight and sunlight impact. In addition, the scheme has paid particular regard to future residential development south of Block B. Notwithstanding this, testing indicates that rooms within Walford House will remain adequately lit. The scheme has maximised separation distances where possible in order to mitigate any loss of outlook, without compromising the rest of the design. Therefore the scheme has appropriately addressed its relationship and potential impact with neighbours in accordance with Policies 4B.1 'Design Principles for a Compact City', 4B.5 'Creating an Inclusive Environment', 4A.3 'Sustainable Design and Construction', 4B.10 'Large-scale Buildings – Design and Construction' of The London Plan (Consolidated 2008), Policies CP1 'Creating Sustainable Communities' of the Interim Planning Guidance as well as PPS1 and PPS3 which seek to ensure the amenity of the adjacent area is protected.
- (i) The scheme has been considered and poses no significant transport impact to the area. Furthermore, the parking and servicing arrangements for the development as well as the stopping up of Golding Street are acceptable. Therefore the scheme accords with Policies PPG13 'Transport' as well as Policies 2A.1 'Sustainability Criteria', 3A.7 'Large Residential Developments', 3C.1 'Integrating Transport and Development' of The London Plan (Consolidated 2008), Policies ST25, ST28, ST30, of the adopted UDP 1998 and Policies CP1 'Creating Sustainable Communities', CP41 'Integrating Development with Transport' CP43 'Better Public Transport', DEV16 'Walking and Cycling Routes and Facilities' of the LBTH Interim Planning Guidance 2007. These policies seek to ensure the scheme adequately provides for the needs of the future development as well as considering potential impacts on the surrounding area.
- (j) Measures incorporated into the scheme including green roofs and Combined Heat and Power (CHP) system, have satisfactorily addressed the policy requirement for reduce carbon dioxide emissions as well as providing for a component of energy production by renewable means. The scheme therefore accords with Policies CP3 'Sustainable Environment', CP38 'Energy Efficiency and Production of Renewable Energy', DEV5 'Sustainable Design', DEV6 'Renewable Energy' of the LBTH Interim Planning Guidance 2007 as well as Policies 4A.4 'Energy Assessment', '4A.6 Decentralised Energy: Heating, Cooling and Power', 4A.7 'Renewable Energy' of the London Plan (Consolidated 2008). These policies seek to tackle climate change by reducing the reliance on non-renewable energy resources and reducing pollution, thereby, making schemes more energy efficient and sustainable.
- (k) The scheme provides s106 planning contributions package of £1,070,000.00 to mitigate impacts on transport, health and education. The contributions are appropriate and satisfy the tests of the Circular 05/2005 on contributions. It is noted that the contributions are in addition to the £1,23m community facility and £250k multi-sports pitch that will be delivered as part of the scheme. This equates to £2,550,000.00 of investment in the development and regeneration of the area.

### 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 secure the following planning obligations:

- a) A proportion of 35.2% on habitable rooms of the proposed units to be provided as affordable housing with the socially rented mix as specified in the table attached in Section 8;
- b) Provide **£122,000** towards transport improvements;
- c) Provide **£370,260** towards education to mitigate the demand of the additional population on education facilities;
- d) Provide **£300,417** towards medical facilities to mitigate the demand of the additional population on medical facilities;
- e) Provide **£257,323** towards community facilities (in addition to delivery of the community centre building)
- f) **£20,000** for DAISY boards; and
- g) Car free, travel plan, car club, TV reception monitoring/mitigation, local employment initiatives

3.2 That the Corporate Director Development & Renewal be delegated authority to negotiate the legal agreement indicated above.

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

#### **Conditions:**

- 1) Time limit for Full Planning Permission
- 2) Details of the following are required:
  - External appearance and materials board
  - Balcony details
  - Landscape plan for private gardens and ground floor public realm improvements including children's playspace and sports pitch.
- 3) Parking maximum cars comprising 2 x accessible spaces and 3 x car club spaces
- 4) Hours of construction limits (0800 – 1800, Mon-Fri: 0800 – 1300 Sat)
- 5) Piling hours of operation limits (10am – 4pm Mon-Fri)
- 6) Wheel cleaning facility during construction
- 7) 10% renewables required.
- 8) Full land contamination study required to be undertaken with remediation certificate
- 9) Method of piling as required by EA
- 10) No soakaways in contaminated land as required by EA
- 11) Oil bypass interceptors prior to discharge into any watercourse as required by EA
- 12) Program of archaeology as required by EH
- 13) Construction in accordance with the noise and vibration report.
- 14) Full details of the recycling facilities
- 15) Details of green roofs
- 16) Lifetimes homes standards and 10% wheelchair accessible required
- 17) Sustainable homes standard required
- 18) Full CHP details
- 19) Condition requiring s278 agreement
- 20) Any other conditions required by the Director



## **Informatives**

- 1) Subject to s106 agreement
  - 2) Consult the Environment Agency in terms of conditions 9-11
  - 3) Consult Metropolitan Police in terms of conditions 2
  - 4) Consult Network Rail in respect of demolition, plant/scaffolding/cranes locations, excavations and footings, drainage, fencing, landscaping and Party wall Act 1996 matters and secure any necessary permissions in writing prior to commencement of works on site
  - 5) Consult English Heritage in respect of the retention of the granite sets in Golding Street.
  - 6) Site notice specifying the details of the contractor required
  - 7) EA prior approval for dewatering
  - 8) Obtaining consent under the pollution act prior to commencement
  - 9) Submission of an archaeological project design and consult EH Archaeology
  - 10) S278 highways agreement
  - 11) Drainage provision
  - 12) Water supply provision.
  - 13) Details submitted in respect of landscaping (condition 3) to have regard for the recommendations of the microclimate study
- 3.4 That, if within 3-months of the date of this Committee the legal agreement has not been completed, the Corporate Director Development & Renewal be delegated authority to refuse planning permission.

## **4. PROPOSAL AND LOCATION DETAILS**

### **Proposal**

- 4.1 The application is for the demolition of existing buildings on site and the redevelopment of the site to provide:
- 214 residential units (21 x studio, 68 x 1bed, 56 x 2 bed, 64 x 3bed, and 5 x 4bed);
  - 35.2% affordable housing;
  - Two buildings ranging between 4 to 14 storeys in height;
  - A new 512sqm community centre;
  - Multi-sports pitch measuring 60m x 34m;
  - A total of 4,546 m<sup>2</sup> of public open space, incorporating a new public square, new children's play area and improvements to Ropewalk Gardens.

In addition, car parking and landscaping and associated infrastructure works also form part of this application.

- 4.2 The details of the development are as follows:

- The provision of 18,805sqm of residential floorspace (Class C3) and a 512 sqm Community Centre use (Class D2).
- Density of 459 habitable rooms per hectare.
- Affordable housing provision which equates to 35.2% of total habitable rooms.
- A social rent to shared ownership split of 70:30
- 4,546sqm of publicly accessible amenity space (Excluding Ropewalk Gardens) incorporating:
  - 335sqm landscaped children's playspace and;
  - a 60m x 34m multi-sport pitch to replace the existing football pitch.
- 1600sqm of private amenity space.
- 2 x accessible spaces for people with a disability and 3 x car club spaces.
- 244 cycle parking spaces including spaces and power-points for mobility devices for people with a disability.

- Residential design that achieves level 4 Sustainable Homes standards;
- Incorporation of energy efficient and sustainable measures into the scheme including a Combined Heat and Power (CHP) plant, producing 29% of the developments energy needs and CO2 reduction of 37%.
- The provision of refuse and recycling facilities at ground floor level.

4.3 It should be noted that the site plan (red line) was amended during the course of the application to include Ropewalk Gardens. This was to facilitate the integration of the proposal with Ropewalk Gardens as part of the landscaping and public open space design. Full re-notification with the public as well as internal and external consultees was undertaken in respect of this change to the application.

### **Site and Surroundings**

- 4.4 The application site is within the Whitechapel Ward and Local Area Plan (LAP) boundary No. 3. The site is 1.3Ha in size and is located to the north of Network Rail track and to the south of Ropewalk Gardens. The application site is subdivided in two land parcels by Golding Street.
- 4.5 Part of the site is occupied by the former Bishop Challoner School. This Victorian, 3-4 storey building has been vacant since 1999. An application for listing the school building was considered by English Heritage in 2007. However, the building was not considered of sufficient special interest to be listed (English Heritage Ref 164507 decision 16 November 2007).
- 4.6 Between Golding Street and Walford House, the application site is occupied by a tarmac football pitch and The Berner Community Centre.
- 4.7 Bordered by Network Rail land and the application site is a land parcel fronting Golding Street. It has permission for residential use (see history for details) but, to date, this land has not redeveloped.
- 4.8 The immediate area is characterised by residential flats in the LBTH Berner Estate (Class C3). This includes Walford House immediately to the east of the site and Haliday House to the north-west. It is noted that commercial premises are located to the east of the site along Christian Street, as well as in the railway arches of Golding Street. The Markazi Masjid mosque is also located to the east of the site along Christian Street.

### **Planning History**

#### Application site

- 4.9 On 15 December 2005, application PA/04/1431 was withdrawn. The application proposed demolition of the school and its redevelopment to create 257 residential units, 62 car parking spaces in the basement and 1735sqm of D1/D2 uses (community facilities), plus 2 x artificial surface sports pitches with lighting and a public open space.
- 4.10 On 16 November 2007, PA/07/1556 was withdrawn. The application was for demolition of the existing buildings and redevelopment to provide 213 residential units in two buildings ranging between 4 to 14 storeys in height, together with the provision of a replacement community centre (including a new community café), public open space (4,546 m2), a new public square, sports pitch and extension to Ropewalk Gardens.
- 4.11 On 16 November 2007, English Heritage resolved not to list the former Bishop Challoner School.

#### Adjoining site – Land bound by Network rail track, Golding St and the sports pitch

- 4.12 On 27 May 2004, planning permission was granted for the erection of a 3 storey, two-bedroom house with a double garage (PA/01/01412).
- 4.13 On 13 June 2006, planning permission was granted for the construction of a 4 storey, three-bedroom house with integral garage, basement and roof terraces (PA/05/00723).
- 4.14 In February 2008, an application for the erection of 6 storey building and 6 two-bedroom flats was withdrawn (PA/08/00335).

Adjoining site – Ropewalk Gardens

- 4.15 On 10 July 1991, permission was granted for the refurbishment & development of existing gardens, children’s play & sports area (WP/91/00102).

**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 1998 (as saved September 2007)**

Proposals: Within an area of archaeological importance

|           |        |  |
|-----------|--------|--|
| Policies: | ST23   | Housing                                    |
|           | DEV1   | Design Requirements                        |
|           | DEV2   | Environmental Requirements                 |
|           | DEV3   | Mixed Use Developments                     |
|           | DEV4   | Planning Obligations                       |
|           | DEV8   | Protection of Local Views                  |
|           | DEV9   | Control of Minor Works                     |
|           | DEV12  | Provision Of Landscaping in Development    |
|           | DEV43  | Protection of Archaeological Heritage      |
|           | DEV44  | Preservation of Archaeological Remains     |
|           | DEV50  | Noise                                      |
|           | DEV51  | Contaminated Soil                          |
|           | DEV55  | Development and Waste Disposal             |
|           | DEV56  | Waste Recycling                            |
|           | DEV69  | Efficient Use of Water                     |
|           | HSG7   | Dwelling Mix and Type                      |
|           | HSG13  | Internal Space Standards                   |
|           | HSG 14 | Provision for Special Needs                |
|           | HSG15  | Development Affecting Residential Amenity  |
|           | HSG16  | Housing Amenity Space                      |
|           | T10    | Priorities for Strategic Management        |
|           | T16    | Traffic Priorities for New Development     |
|           | T18    | Pedestrians and the Road Network           |
|           | T21    | Pedestrians Needs in New Development       |
|           | OS9    | Children’s Playspace                       |
|           | U2     | Development in Areas at Risk from Flooding |
|           | U3     | Flood Protection Measures                  |

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

Proposals: City Fringe AAP, Site CF17 (Residential C3, Community D1 and open space), Area of Archaeological Importance

Core Strategies: CP1 Creating Sustainable Communities  
 CP2 Equality of Opportunity

|           |       |  |
|-----------|-------|--|
|           | CP3   | Sustainable Environment                              |
|           | CP4   | Good Design  |
|           | CP5   | Supporting Infrastructure                            |
|           | CP19  | New Housing Provision                                |
|           | CP20  | Sustainable Residential Density                      |
|           | CP21  | Dwelling Mix and Type                                |
|           | CP22  | Affordable Housing                                   |
|           | CP24  | Special Needs and Specialist Housing                 |
|           | CP25  | Housing and Amenity Space                            |
|           | CP28  | Healthy Living                                       |
|           | CP29  | Improving Education Skills                           |
|           | CP37  | Flood Alleviation                                    |
|           | CP38  | Energy Efficiency and Production of Renewable Energy |
|           | CP39  | Sustainable Waste Management                         |
|           | CP41  | Integrating Development with Transport               |
|           | CP43  | Better Public Transport                              |
|           | 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                                    |
|           | 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 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                                    |
|           | DEV25 | Social Impact Assessment                             |
|           | DEV27 | Tall Buildings Assessment                            |
|           | HSG1  | Determining Housing Density                          |
|           | HSG2  | Housing Mix  |
|           | HSG3  | Affordable Housing                                   |
|           | HSG4  | Ratio of Social Rent to Intermediate Housing         |
|           | HSG7  | Housing Amenity Space                                |
|           | HSG9  | Accessible and Adaptable Homes                       |
|           | HSG10 | Calculating Provision of Affordable Housing          |
|           | CON5  | Protection and Management of Important Views         |

#### **Supplementary Planning Guidance/Documents**

Residential Space Standards  
 Archaeology and Development  
 Design Out Crime

## **(Consolidated with Alterations since 2004) 2008**

Located within the Central Activities Zone of North East London

|         |       |  |
|---------|-------|--|
| Polices | 2A.1  | Sustainability Criteria  |
|         | 2A.7  | Areas for Regeneration   |
|         | 3A.1  | Increasing London's Supply of Housing  |
|         | 3A.2  | Borough Housing Targets  |
|         | 3A.5  | Housing Choice   |
|         | 3A.7  | Large Residential Developments   |
|         | 3A.9  | Affordable Housing Targets   |
|         | 3A.10 | Negotiating Affordable Housing in Individual Private Residential and Mixed use Schemes |
|         | 3A.17 | Addressing the Needs of London's Diverse Population                                    |
|         | 3A.18 | Protection and Enhancement of Social Infrastructure and Community Facilities           |
|         | 3A.20 | Health Objectives  |
|         | 3A.23 | Health Impacts   |
|         | 3A.24 | Education Facilities   |
|         | 3A.23 | Community Strategies   |
|         | 3A.24 | Meeting Floor Targets  |
|         | 3C.1  | Integrating Transport and Development  |
|         | 3C.2  | Matching Development with Transport Capacity   |
|         | 3C.23 | Parking Strategy   |
|         | 3D.11 | Open Space Provision in DPDs   |
|         | 4A.22 | Spatial Policies for Waste Management  |
|         | 4A.3  | Maximising the Potential of Sites  |
|         | 4A.4  | Energy Assessment  |
|         | 4A.6  | Decentralised Energy: Heating, Cooling and Power                                       |
|         | 4A.7  | Renewable Energy   |
|         | 4A.16 | Water Supplies and Resources   |
|         | 4A.17 | Water Quality  |
|         | 4A.18 | Water and Sewerage Infrastructure  |
|         | 4A.20 | Reducing Noise and Enhancing Soundscapes   |
|         | 4A.33 | Bringing Contaminated Land into Beneficial Use   |
|         | 4B.1  | Design Principles for a Compact City   |
|         | 4B.2  | Promoting World Class Architecture and Design  |
|         | 4B.3  | Enhancing the Quality of the Public Realm  |
|         | 4B.5  | Creating an Inclusive Environment  |
|         | 4A.3  | Sustainable Design and Construction  |
|         | 4B.9  | Tall Buildings – Location  |
|         | 4B.10 | Large Scale Buildings – Design and Impact  |
|         | 5C.1  | The Strategic Priorities for North East London   |

### **Government Planning Policy Guidance/Statements**

|       |                                    |
|-------|------------------------------------|
| PPS1  | Delivering Sustainable Development |
| PPS3  | Housing                            |
| PPG16 | Archaeology and Planning           |
| PPS22 | Renewable Energy                   |
| PPS23 | Planning and Pollution Control     |
| PPG24 | Noise                              |
| PPS25 | Flood Risk                         |

**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

## **Other Guidance**

Guidance on Tall Buildings (CABE/EH)  
By Design (CABE)

## **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:

### **Greater London Authority (Statutory Consultee)**

- 6.2
- No objection in principle.
  - Design generally supported, but suggests dwellings could be larger and the layout of the blocks could be improved.
  - Further justification for the proposed affordable housing, energy, air quality and noise offer is required;
  - Contributions for DIASY boards (£20k), a travel plan, improvements to Shadwell DLR and pedestrian links (£75k) were requested; and
  - More details in respect of the community centre, community café and measures to secure local training and employment were requested.

*(Officer Comment):*

- *The acceptability of housing, affordable housing contribution, energy, air quality, noise and design is discussed in section 8 of this report;*
- *The planning contributions to DAISY, Travel Plan, and local training/employment initiatives will be secured as part of the planning agreement. Discussions with GLA confirm that the Shadwell DLR improvements were not required; and*
- *The community café has been removed as part of revisions to the scheme. The alternative community centre is proposed to replace the existing centre which is to be demolished as part of the application. It is noted that the operation and management of the facility is not a planning consideration under the Town and Country Planning Act 1990.)*

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

6.3 No objection to the scheme and recommends standard conditions:

- Piling method of foundations to be agreed;
- No soakaways in contaminated ground; and
- Oil bypass interceptors prior to discharge into the watercourse

*(Officer Comment: appropriately worded conditions are recommended.)*

### **TFL (Statutory Consultee)**

6.4 No comments received.

### **BBC**

6.5 No comments received.

### **English Heritage (Statutory Consultee)**

- 6.6
- The railway viaduct to the south house a distinct historical character. This includes surviving granite sets of the carriageway which should be retained in accordance with English Heritage 'Streets for All' guidance and;
  - Notes that the school did not fulfil the criteria for listing when the previous application for listing was considered. Nevertheless, they noted that the building makes a significant contribution to the character of the area, is the most attractive building in

the area and is of strong local interest.

- Opportunities for the re-use of the building should be considered.
- The application does not appear to assess the impact of the proposed 14 storey structure against CABE/EH Guidance on Tall Buildings.

*(Officer Comment: The potential reuse of the building has been evaluated. However, it is not suitable in this case. In summary, the existing window/opening locations and layout detrimentally impact on the unit numbers that can be achieved. Necessary additions to achieve modern high quality accommodation, including balconies for amenity space, would alter the appearance and potentially detract from its character.*

*An indicative layout has been prepared which achieves 31 units as compared with the 153 unit proposed in Block A. The schemes low density would be contrary to Central Government, London Plan and Council planning policies which seeks to maximise the development of brownfield sites. Such a reduced scheme, along with the expense of converting the building, would have implications for viability and the ability to provide affordable housing and the other necessary regeneration benefits including, the community centre and sports pitch. Moreover, it would necessitate changes to the building which would alter its appearance and potentially detract from its character. Consequently, on balance, the retention of the building would not be an efficient use of the site.*

*In respect of the suitability and appropriateness of retaining the granite sets in proximity to the railway arch of Golding Street, an appropriately worded informative is recommended to ensure EH are consulted prior to works commencing on site.*

*In respect of the CABE/EH 'Guidance on Tall Buildings', the importance of design quality as a planning consideration has been a key element of this design. The scheme is considered to have suitably addressed the guidance. Section 8 of this report details the reasons for this view.*

#### **English Heritage (Archaeology)**

- 6.7 EH Archaeology recommends a condition to secure a program of investigation and recording prior to development.

*(Officer Comment: An appropriately worded condition is recommended.)*

#### **London City Airport (Statutory Consultee)**

- 6.8 No objection.

#### **National Air Traffic Services Ltd (NATS) (Statutory Consultee)**

- 6.9 No objection to the proposal.

#### **Thames Water Authority**

- 6.10 No comments received.

#### **Crime Prevention Officer (Metropolitan Police)**

- 6.11
- Pleased that the crime prevention issues have been addressed; and
  - Notes views into and out of the central square are maximised.
  - Considers the proposed trees, shrubs and hard landscaping are acceptable.

#### **London Fire Emergency Planning Unit (LFEPA)**

- 6.12 The Unit is satisfied with the general fire precautionary arrangements for access.

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

- 6.13 Requests a capital contribution of £300,417.00 and revenue contribution of £1,052,219.00 towards healthcare to offset the impact of the development on local facility and service provision (total requested £1,352,636.00).

*(Officer Comment: Healthcare contributions are discussed in section 8 of this report)*

## **DLR**

6.14 No comments received.

## **Network Rail**

- 6.15
- *Demolition* - Approval must be obtained from Network Rail Outside Parties Engineer before construction commences;
  - *Plant, Scaffolding & Cranes* - plant and scaffolding must be positioned so that, in the event of debris from the site, it will not fall on to Network Rail land;
  - *Excavations of footings* - Network Rail will need to be consulted on any alterations to ground levels noting a history of instability. Network Rail is concerned about excavations within 10m of the boundary. A full method statement must be agreed prior to works commencing;
  - *Drainage* - soakaways should not be constructed within 10m of the boundary with the operational railway;
  - *Fencing* - 1.8m high perimeter fencing around Block B is recommended to mitigate trespassing and vandalism and provide acoustic insulation for the residential units;
  - *Site Layout* - all buildings and structures should be set back at least 2m from the boundary of the operational railway and at least 5m for overhead power lines.
  - *Landscaping* – recommends consultation with Network Rail on appropriate landscaping along the railway corridor; and
  - *Party Wall Act 1996* - Developer to consult with NRIL at an early stage of the preparation of their Party Wall matters. Covenants may exist which require approval from Network Rail.

*(Officer Comment: Appropriately worded informatives are recommended for consultation and/or approvals, where applicable, to be sought from Network Rail prior to commencement. It is noted that buildings are set back well in excess of the minimum 2m requirement from Network Rail Land.)*

## **The Environment Trust**

- 6.16
- LBTH refused developers offer to improve Ropewalk Gardens;
  - Concerns about new public square;
  - Concern about take-up of the community café;
  - Concern about the affordable housing proposed;
  - Concern about the treatment and liveability of the ground floor;
  - Concern about the impact on the built environment and considers there is an overprovision of housing; and
  - Recommends ground and first floor workspace and other non-residential uses,
  - The scheme should be redesigned to allow more daylight into the central square
  - Dialogue between the Council and developer to improve the open space within Ropewalk Gardens should be undertaken.

*(Officer Comments:*

- *The application site has been amended to include Ropewalk Gardens. The revised Landscaping Plan has considered the overall design of this space in consultation with the Council's Parks and Open Spaces team as well as LBTH Accessibility officer and Metropolitan Police Crime prevention Officer.*
- *The public square and ground floor treatment has been the subject of extensive consultation with the architect, landscape designer and developer. The scheme has been reviewed and influenced by the LBTH Design and Conservation Team, Environmental Health Daylight and Sunlight Officer, Accessibility Officer, Parks and Landscape Team, Housing Officer, as well as the Metropolitan Police Crime Prevention Officer. The overall design, amenity and relationships between public and*



*private spaces is considered acceptable and supported as being a high quality and successful design solution;*

- *The Community café has been deleted.*
- *The housing offer is considered in section 8 of this report; and*
- *The mix of uses on the site is considered appropriate and in accordance with policy. The relevant issues are covered in Section 8 of this report.)*

### **The Victorian Society**

6.17 Objects to the demolition of the existing building because:

- The building is a fine example of the work of architect T J Bailey
- The internal spaces are interesting and features typical characteristic of schools
- The building makes a contribution to the area which is deprived of historic buildings
- Suggests the building is well-suited for re-use and conversion.

*(Officer Comment: Whilst the architecture of the building is interesting, it was not of such significance that it warranted listing. Moreover, the re-use of the school is unviable (see under English Heritage comments). Consequently, whilst the existing building makes a contribution to the varied architectural character of the area, its demolition would not be a sustainable reason refusal.*

### **Save Britain's Heritage**

6.18 No comments received.

### **LBTH landscape**

6.19 Reprovision of open space including the general layout, public square and facilities including the children's play area and new football pitch are acceptable.

### **LBTH Highways**

6.20 No objections in principle on highways grounds and as such the proposed scheme is acceptable.

Notes separately The applicants proposed part stopping up of Golding Street under Section 247 of the T/CP&A 1994 which is acceptable.

Planning contributions are recommended for the following transport related works. The total contribution requested is £122,000.00 which comprises the following improvements:

- Raised table at junction of Christian Street and Pinchin Street
- Raised table adjacent to pedestrian access to Ropewalk Gardens
- Upgrade of footway west of Christian Street
- Resurfacing works on the carriageway of Christian Street in the vicinity of the site
- Improvements to Golding Street through the viaduct to Cable Street

*(Officer Comment: The full contribution requested will be secured in the planning agreement)*

### **LBTH Energy Efficiency Unit**

6.21

- The revised energy strategy satisfies the energy efficiency and renewable energy policy.
- The development is an exemplar scheme as it achieves Sustainable Homes Code Level 4, whilst the current 'best practice' guideline standard is Code Level 3. A "prior to occupation" condition is recommended to satisfy the Local Authority that the completed development achieves the proposals made.

*(Officer Comment: An appropriately worded condition of approval is recommended.)*

## **LBTH Environmental Health**

### 6.22 *Land Contamination*

Satisfied with the site investigation report for the scheme.

*(Officer comment: An appropriately worded condition is recommended for the further assessment and any necessary remediation measures to be agreed in writing.)*

### *Noise and Vibration*

Satisfied with the noise and vibration assessments of the scheme

*(Officer comment: an appropriately worded condition is recommended to ensure construction in accordance with the details agreed in the noise and vibration report.)*

### *Daylight and Sunlight*

They considered the impact of the scheme on future occupiers as well as neighbours. In respect of the impact on Walford House, amendments to Building B have reduced the impact such that only the ground to third floors are slightly impacted. The fourth floor is no longer affected. This lessening of the impact is welcomed.

Overall, it was considered that the amount and quality of light provided to all properties was sufficient in view of the urban context of this site to justify support of this scheme, particularly in view of the regeneration benefits this scheme also creates.

*(Officer Comment: See section 8 for discussion.)*

## **LBTH Education**

- 6.23 An education contribution of £370,260.00 was requested to offset the impact of the scheme on local facilities.

*(Officer Comment: The full education contribution is secured as part of the planning agreement.)*

## **LBTH Waste**

- 6.24 The waste storage and collection arrangements are acceptable.

## **LBTH Youth & Community Services**

- 6.25 The provision of the community facility is welcomed and a much needed improvement to the Berner Estate.

## **The Whitechapel Centre**

- 6.26 The existing community facilities are very poor so the proposals to provide new community facilities and public open space are welcome.

## **7. LOCAL REPRESENTATION**

- 7.1 A total of 1934 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:

### **Initial notification**

- 7.2 - No. of individual responses: 540 (Includes 531 identical pro-forma letters)

- Against: 540.
- In Support: 0.

The following issues were raised in representations that are material to the determination of the application, and they are addressed in sections 6 and 8 of this report:

#### Land Use

- Reduction in sports pitch size
- Loss of the sports pitch and open space
- Loss of the existing community hall and concern about the size of the proposed community hall and whether it will be an improvement and cater for the range of uses of the current facility.
- Loss the school building in terms of impact to historical character
- Introduction of a community café
- Request for more youth facilities
- Affordable housing and play area should be prioritised.
- Impact on education and medical facilities

#### Housing

- The provision of sufficient proportion of housing as affordable.

#### Design

- Building height, massing and density (overcrowding) concerns.
- Built form quality and relationship to the surrounding area concerns.
- Loss of the school building.
- The affordable housing provided does not justify the proposed tall building.

#### Amenity

- Potential for increased anti-social behaviour due to the new public square and loss of the existing pitch.
- Overshadowing and loss of light of adjacent occupiers
- Concern about the developments relationship with neighbours
- Increased noise and vibration and worsening microclimate (wind) conditions.

#### Transport

- Parking impact
- Recommends scheme be car-free
- The stopping up of Golding Street is unacceptable.

#### Sustainability

- Recommends zero carbon scheme with wind turbines and solar panels.
- Impact of cars on air pollution
- Demolition of a useable building is wasteful

#### Section 106 matters

- Impact on the availability of healthcare and education facilities for local residents
- S106 monies should be spent on Wilton's Music Hall and not a community centre.

*(Officer Comment: The community facility is to be re-provided in an enlarged and improved form as part of the land disposal contract and does not rely on planning contributions for its funding. In general, the priorities for the available planning contributions are outlined in section 8. Furthermore, no justification has been provided as to why the funding of Wilton's Music Hall is necessary, nor directly related to the scheme. Therefore, it is not established that this would satisfy the tests of the planning contributions circular 05/2005.)*

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

- Preference for what sports should be catered for on the multi-sports pitch.
- The existing community centre usage would be interrupted and compensation should be provided to address this.
- The Council benefits unduly from the sale of the site.
- Walford House, adjacent to the site, should be demolished and replaced.

The following issues were raised in representations, and are addressed below:

- Development and site description (*Officer Comment: The description of the development and site is considered to correctly describe the extent and location of the proposed development proposed. Furthermore, full documentation is available on the council's website and at LBTH offices for interested parties to look at the development in detail.*)
- Consultation with the community was inadequate (*Officer Comment: The application has been subject to extensive consultation in accordance with the Council's Statement of Community Involvement. This includes a newspaper advertisement in East End Life, site notices as well as letter notification to 1934 properties in the immediate area.*)
- Impact on Telecommunications equipment.  
(*Officer Comment: The planning agreement requires telecommunications monitoring and mitigation to address any potential impact upon reception.*)
- Noise and disturbance will be created by the location of sports pitch because of its proximity to Walford House.  
(*Officer Comment: the sports pitch has now been relocated away from Walworth House.*)
- The development creates social segregations (*Officer Comment: Whilst the majority of affordable housing is located in Block B, some affordable housing will nevertheless be found in Block a. Furthermore, the size of flats and external appearance is equivalent in both blocks, thereby mitigating any sense of segregation of exclusion.*)

#### **Further notification following amendments to increase the floor area of the community centre and create a single larger multi-use sports pitch**

- 7.3 - No. of individual responses: 587 (includes 583 identical pro-forma letters)  
- Against: 587  
- In Support: 0.

The following issues were raised in representations that are material to the determination of the application, and they are addressed in the sections 6 and 8 of this report:

#### Amenity

- Potential for antisocial behaviour, noise and disturbance created by the sports pitch

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

- Ice-cream selling vehicles will cause children to cross busy streets without due care and attention to oncoming traffic
- The sports pitch will cause more people to gather which will lead to more road accidents
- Consider that Bellway Homes have not listened to the community.
- It is suggested that the proposed rose garden be deleted and replaced with a car parking

- Local residents should be compensated by providing back gardens to existing ground floor flats in the surrounding housing estate blocks
- Crime, health and quality of life in the area have deteriorated in recent years due to a lack of space and insecurity.

The following issues were raised in representations, and are addressed below:

- LBTH did not provide a response to the objections previously submitted (*Officer Comment: LBTH sent letters acknowledging receipt of objections to the proposal.*)
- Revised drawings do not give the existing football pitch size (*Officer comment: All drawings can be scaled for planning purpose to confirm the size of the sports pitch*)
- Uses and amenity of Ropewalk Gardens affected by the football pitch (*Officer Comment: The scheme has considered the redesign of Ropewalk Gardens and provides a variety of spaces to serve different functions to cater for a range of activity, not just sports. For example, the existing community facility will be replaced by a rose garden which could offer an alternative area for activities like sunbathing, reading and eating. The space is set away from and therefore will be less disturbed by the activity on the multi-sports pitch*)
- Traffic safety from the pitch (*Officer Comment: An appropriately worded condition requiring details of the fencing treatment for the sports pitch will mitigate any potential safety impact.*)
- Loss of Golding Street parking spaces (*Officer Comment: Golding Street is a single lane road with no parking spaces in the area where it will be stopped up.*)
- Floodlights will cause disturbance (*Officer Comment: No floodlighting is proposed.*)

## 8. MATERIAL PLANNING CONSIDERATIONS

8.1 The main planning issues raised by the application are:

1. Landuse
2. Housing
3. Design
4. Amenity
5. Transport Impacts
6. Sustainability
7. S106 Contributions

### Landuse

#### Principle

8.1 Pursuant to the LBTH Interim Planning Guidance (2007), the Proposals Map identifies The former Bishop Challoner Christian Street and the adjacent sports pitch as a potential development site (Site ID No. CF17). The uses nominated are residential (Class C3), Community Facility (Class D2) and Open Space. The subject application proposes residential and community uses as well as re-provides the existing 4,546 m<sup>2</sup> of open space. The Scheme is consistent with Policy and therefore acceptable in principle, subject to the further considerations of section 8 of this report.

#### *The Community Facility*

8.2 The application includes provision of a new 512sqm community facility on the ground and first floor of Block B. This facility will provide a larger and improved venue for activities that would otherwise have been accommodated in the existing Berner Estate community centre which is to be demolished as part of the application. It should be noted that the existing centre is required to be retained for use until such time as the new facility can be occupied for use. This arrangement, along with the delivery of the new facility, is a requirement in the

contract for the sale of the land.

#### Demolition

- 8.3 The potential reuse of the former school building has been evaluated and is not considered viable. See discussion in section 6 under English Heritage comments. Therefore, the demolition of the school building is acceptable.

#### Density

- 8.4 In addition to the general guidance of Policies 3A.3 'Maximising the Potential of Sites' of The London Plan, Policies CP20 'Sustainable Residential Density' and HSG1 'Determining Residential Density' of the LBTH Interim Planning Guidance (2007) outline the standards for maximising intensity and efficient use of sites.

- 8.5 The site has a Public Transport Accessibility Level (PTAL) of 5. Therefore, the indicative density provisions based on habitable rooms per hectare are as follows:

- London Plan: 650-1100 habitable rooms per Hectare
- Interim Guidance: 650-1100 habitable rooms per Hectare

- 8.6 The scheme is for a density of 459 habitable rooms per hectare. As such, the scheme is not in excess of the density range. Moreover, the scheme shows none of the characteristics that are typically associated with an overdeveloped site. These include:

- Loss of privacy and overlooking
- Loss of light
- Sense of enclosure
- Insufficient rooms sizes
- Poor mix of units; and
- Lack of amenity space

- 8.7 The scheme is further justified on the basis of its quality as well as the regeneration benefit for the area. For example, the scheme achieves the following benefits:

- Code level 4 Sustainable Homes when the requirement is level 3,
- Exceeds the required carbon reduction as well as the required percentage of energy production by renewable means;
- The improved design to Ropewalk Gardens, the public square, new multi-sports pitch, and additional children's play areas;
- The scheme re-provides the 4,546 m<sup>2</sup> open space as currently exists;
- The provision of an enlarged 512sqm community centre;
- Provision of affordable and family housing in excess of policy requirements; and
- A planning contributions package including transport, health and education.

- 8.8 Maximising the efficient use of sites is further reinforced by Interim Planning Guidance Policy CP20 'Sustainable Residential Density' which states:

*"The council will resist any proposed housing development that results in an inefficient use or under-development of a site."*

- 8.9 Overall the density of the scheme complies with policy and is acceptable.

#### **Housing**

- 8.10 The application is for a total of 214 residential (Class C3) units which are set out in the table below with the following mix when split into market, social-rent, shared-ownership tenures:

| <b>Units</b><br><i>(Habitable rooms)</i> | <b>Market Sale</b>  | <b>Social Rent</b> | <b>Shared Ownership</b> |
|--|---------------------|--------------------|-------------------------|
| Studios                                  | <b>21</b><br>(21)   | <b>0</b><br>(0)    | <b>0</b><br>(0)         |
| 1 Bedroom flat                           | <b>51</b><br>(102)  | <b>10</b><br>(20)  | <b>7</b><br>(14)        |
| 2 Bedroom flat                           | <b>39</b><br>(117)  | <b>7</b><br>(21)   | <b>10</b><br>(30)       |
| 3 bedroom flat                           | <b>39</b><br>(156)  | <b>20</b><br>(80)  | <b>5</b><br>(20)        |
| 4 Bedroom flat                           | <b>0</b><br>(0)     | <b>5</b><br>(30)   | <b>0</b><br>(0)         |
| <b>Total Units</b>                       | <b>150</b><br>(396) | <b>42</b><br>(151) | <b>22</b><br>(64)       |
| <b>Total Affordable Units</b>            |                     | <b>64</b>          | <b>(215)</b>            |

8.11 The acceptability of the housing provision is assessed in terms of affordable housing provision, provision of family sized units, wheel chair housing, lifetime homes, floorspace standards and provision of amenity space.

#### Affordable Housing

8.12 The LBTH Interim Planning Guidance requires affordable housing on schemes greater than the 10 ten units pursuant to Policy HSG3.

8.13 Based on habitable rooms, Policy CP22 'Affordable Housing' requires 35% affordable housing. The scheme exceeds this by providing 35.2% affordable housing based on habitable rooms.

8.14 Policy HSG10 'Calculating Provision of Affordable Housing' requires that the disparity between habitable room (the primary indicator) and floorspace is only 5%. The subject scheme proposes 34% based on floor area which therefore complies with the Policy.

8.15 The requirement for affordable housing provision is further split into social rented and shared ownership tenures. A split of 80:20 is required pursuant to Policy HSG 4 'Loss of Housing' in the interim Planning Guidance whilst The London Plan 2004 indicates a region wide requirement of 70:30 split pursuant to Policy 3A.7 'Affordable Housing Targets'. The subject scheme provides 70:30 split and is considered acceptable and in line with policy. Overall, the proportion of affordable housing provision is acceptable

#### Family Housing

8.16 Family sized housing is a requirement in all three housing tenures (market, social-rent, and shared-ownership), although varying amounts are required in each.

8.17 CP21 'Dwelling Mix and Type' requires family housing in all three tenures. For intermediate housing the policy requires 25% family housing and the scheme provides 26%. In the social-rent housing 45% is required and 60% is provided. In the market housing, 25% is required and 23% is provided. This corresponds to a total provision of 32% family housing provision across the whole scheme for which the Policy aspiration is 30%.

8.18 It is considered that the overall provision of affordable housing including family sized units accords with policy aspirations. Also, the application exceeds the amount of family housing

otherwise achieved across the borough based on the most recently published LBTH Annual Monitoring Report. Therefore, it is a positive step towards LBTH achieving key housing targets and better catering for housing need as shown in the table below.

**Table: Family housing provision comparison**

| Tenure                          | % LBTH Policy | % PA/08/305 | % LBTH Annual Monitoring Report 2006/7 |
|---------------------------------|---------------|-------------|--|
| Social-rented                   | 45            | <b>60</b>   | 17.5                                   |
| Intermediate (Shared ownership) | 25            | <b>23</b>   | 2.5                                    |
| Market                          | 25            | <b>26</b>   | 4                                      |
| Total                           | 30            | <b>32</b>   | 7                                      |

Wheelchair Housing and Lifetime Homes

- 8.19 Policy HSG9 ‘Density of Family Housing’ of the Interim Planning Guidance requires housing to be designed to Lifetime Homes Standards and for 10% of housing to be wheelchair accessible or “*easily adaptable*”. 10% of units are accessible in accordance with Lifetime Homes Standards and will be secured by an appropriately worded condition.

Amenity Space

- 8.20 All flats meet the minimum floorspace pursuant to Policy HSG 16 ‘Housing Amenity Space’ and ‘Residential Space SPG’ of the LBTH adopted UDP 1998.
- 8.21 In respect of outdoor amenity space, the application proposes 6571sqm (Excluding Ropewalk Gardens) amenity space comprising the following:
- 1600.5sqm is private amenity space including private gardens and balconies;
  - 425sqm private communal space in the form of rooftop terraces (Comprising Block A communal garden at 4th floor of 343sqm, and Block B communal garden at 6th floor of 82sqm)
  - 4,546sqm publicly open space (Excluding Ropewalk Gardens);
  - 335sqm designated children’s playspace (This is in addition to the existing children’s play area in Ropewalk Gardens)

The Policy requirements are summarised in the tables below



Residential Space SPG 1998 requirements (Excl Site B)

| Tenure           | Proposed | SPG Requirement                                       | Total (m <sup>2</sup> ) |
|------------------|----------|---|-------------------------|
| Family Units     | 69       | 50sqm of private space per family unit                | 3450                    |
| Non-family units | 145      | 50sqm plus an additional 5sqm per 5 non-family units; | 195                     |
| Child Bed spaces | 67.5     | 3sq.m per child bed space                             | 202.5                   |
| <b>Total</b>     |          |   | <b>3847.5</b>           |

Interim Planning Guidance

| Units  | Total      | Minimum Standard (sqm)   | Required Provision (sqm) |
|--|------------|--|--------------------------|
| Studio   | 18         | 6  | 108                      |
| 1 Bed  | 66         | 6  | 396                      |
| 2 Bed  | 55         | 10   | 550                      |
| 3 Bed  | 55         | 10   | 550                      |
| 4 Bed  | 0          | 10   | 0                        |
| 5 Bed  | 0          | 10   | 0                        |
| <b>TOTAL</b>                                   | <b>194</b> |  | <b>1604</b>              |
| <b>Ground Floor Units</b>                      |            |  |                          |
| Studio   | 3          | 25   | 75                       |
| 1 Bed  | 2          | 25   | 50                       |
| 2 Bed  | 1          | 25   | 25                       |
| 3 Bed  | 9          | 50   | 450                      |
| 4 Bed  | 5          | 50   | 250                      |
| 5 Bed  | 0          | 50   | 0                        |
| <b>Total</b>                                   | <b>20</b>  |  | <b>850</b>               |
| <b>Grand Total</b>                             |            |  | <b>2454</b>              |
| <b>Communal amenity</b>                        |            | 50sqm for the first 10 units, plus a further 5sqm for every additional 5 units | <b>254</b>               |
| <b>Total Housing Amenity Space Requirement</b> |            |  | <b>2708</b>              |

8.22 The general amenity space provision across the scheme significantly exceeds the total required provision of the Adopted UDP 1998 and the Interim Planning Guidance. It is therefore considered acceptable on balance as meeting the needs of future occupiers.

*The sports pitch replacement*

8.23 As part of the open space provision, the existing sports pitch will be replaced by a new facility. The existing tarmac football pitch is of approximate dimensions 73m x 28m with an area of 2044sqm. It is in a poor state of repair, is not well maintained and does not conform to the standard dimensions for football pitches. In contrast, the replacement multi-sports pitch will be a high quality artificial surface. The dimensions 60m x 34m (total area 2040sqm) which conforms with standard dimensions for small football pitches. Whilst there is a reduction in the area of the pitch, the improved facility is considered to enhance the recreational opportunities for the area and is therefore acceptable.

## Design

- 8.24 Pursuant to regional Policy contained within The London Plan (Consolidated 2008), Policy 4B.1 'Design Principles for a Compact City' requires schemes, amongst other criteria, to create/enhance the public realm, respect local context/character and be attractive to look. Policy 4B.9 'Tall Buildings – Location' outlines related Plan policies and considerations for the siting of tall buildings which includes tall buildings as a “*catalyst*” for regeneration. Policy 4B.10 'Large-Scale Buildings – Design and Impact' provides further guidance on design considerations including context, attractiveness and quality. CABI and English Heritage Guidance on tall buildings as previously discussed in section 6, also informs the consideration of tall buildings.
- 8.25 In consideration of Local Policy and the saved policies of the adopted UDP 1998, Policy DEV1 'Design Requirements' indicates a need for a development to be sensitive to the area, the capabilities of the site, consideration of street frontages, as well as providing for safety and security for example. Within the Interim Planning Guidance CP4 'Good Design' buildings and spaces should be high quality, attractive, safe and well integrated. Policy CP48 'Tall Buildings' confirms that tall buildings can be considered anywhere when accompanied by the appropriate justification. Generally, all proposals should seek, amongst other things, to contribute to a high quality, attractive environment, respond to context and contribute to vitality.
- 8.26 The design is considered acceptable for the following reasons:
- The tall element of the scheme is located to the south of the site adjacent the railway and is much reduced in scale compared to the existing towers of the LBTH estate to the south;
  - The scheme, including the 14-storey tower and public square, are of high design quality. They offer a positive addition to the varied architecture pattern of urban development in this area. It is also noted that the site is not within or adjacent a conservation, nor are any listed buildings close by;
  - The building will be constructed from durable materials which will have a high quality finish and a pleasing appearance, offering visual interest and enhancement of the area;
  - The ground floor treatment, including the new public square and changes to Ropewalk Gardens, has been the subject of extensive consultation with the architect, landscape designer and developer. The scheme has been reviewed and influenced by the design by the LBTH Design and Conservation Team, Environmental Health Daylight and Sunlight Officer, Accessibility Officer, Parks and Landscape Team, Housing Officer, as well as the Metropolitan Police Crime Prevention Officer. Within the overall design, specific attention has been paid to the amenity for neighbours and future occupiers as well as the relationships between public and private areas at the ground floor. In addition, treatment of the public spaces, connectivity between them as well as the links through the site and with the surrounding area are welcomed. The scheme is supported as being a high quality and successful design solution;
  - The scheme successfully provides for the access and servicing needs of the development including refuse storage, refuse collection, bicycle storage and parking for people with a disability and car club parking. The level of provision complies with requirements and is appropriately located within the site. The area is also accessible with a Public Transport Accessibility Level of 5; and
  - Energy efficient and renewable measures have been incorporated into the scheme including green roofs and a Combined Heat and Power (CHP) system. This means the proposal exceeds the required carbon reduction percentage, as well as the percentage of energy to be generated by renewable means.
- 8.27 Overall, the design is considered to be of high quality and will contribute positively to regeneration of this area.

## **Amenity for Future Occupiers and Users**

- 8.28 The consideration of amenity for future occupiers is identified in Policies 4B.1 'Design Principles for a Compact City', 4B.5 'Creating an Inclusive Environment', 4A.3 'Sustainable Design and Construction', 4B.10 'Large-scale Buildings – Design and Construction' of The London Plan (Consolidated 2008), Policy ST23 Housing of the adopted Unitary Development Plan 1998, Policies CP1 'Creating Sustainable Communities' of the Interim Planning Guidance as well as PPS1 and PPS3.
- 8.29 Amenity is also considered in the 'Housing' section of this report. In addition, the following details further demonstrate how the scheme provides for the amenity;
- The provisions of waste and recycling storage is in accordance with Policy Dev15 'Waste and Recyclables Storage';
  - The provision of secured cycle parking for residents and visitors is in accordance with Policy DEV16 'Walking and Cycling Routes and Facilities';
  - The provision of car parking, including spaces for people with a disability, is in accordance with Policy DEV3 'Accessibility and Inclusive Design' and DEV19 'Parking for Motor Vehicles';
  - A window to window separation distances range between 19.5m to 43m between Blocks A and B, exceeding the minimum 18m separation distance of the adopted UDP; and
  - A building design that addresses potential noise and vibration impacts in accordance with PPG24.
  - A building design that addresses microclimate (wind) impacts it being noted that:
    - The ground level pedestrian conditions entrances will remain safe for all users; and
    - The provision of soft landscaping will ensure suitable amenity of ground level recreational activity in square and ground floor amenity spaces of the Block B.
- 8.30 Overall, the amenity of future occupiers is satisfactorily addressed in accordance with Policy.

## **Neighbour Impacts**

### *Privacy, overlooking, noise & general disturbance*

- 8.31 No significant impacts are posed to neighbours, in particular, the following points should be noted:
- In respect of privacy/overlooking, the scheme provides adequate window-to-window separation distances in excess of 18m to neighbours including Walford House to the east in accordance with the LBTH adopted Unitary Development Plan 1998;
  - Where neighbouring buildings are in close proximity, for example, the future dwelling to the south of Block B, there are no directly facing windows or balconies between buildings. Therefore, there is no significant privacy/overlooking posed; and
  - In respect of noise and general disturbance, the additional residential units are not considered to give rise to any significant noise or general disturbance impacts to the surrounding area. Notwithstanding the change in location, any potential noise and disturbance associated with the new sports pitch and community centre are not considered to pose any significantly new or different impact in comparison to the existing facilities. Furthermore, it should be noted that any unreasonable or excessive noise and general disturbance from the future residential units, sports pitch and community use is controlled by the Environmental Protection Act 1990.

### *Loss of light*

- 8.32 In considering the impact of light on surrounding properties, a daylight and sunlight report has been submitted in support of the application. Overall, it proves that there is no significant impact to neighbouring properties, other than to Walford House to the East.

- 8.33 In terms of the BRE (Building Research Establishment) guide to sunlight and daylight levels, the detailed analysis is summarised below:
- In terms of the initial Vertical Sky Component (VSC) test, Building B intersects the 25 degree line projected from Walford House. Therefore, a more detailed VSC and Average Daylight Factor (ADF) assessment was provided;
  - The detailed VSC test shows more than 27% reduction in light reaching the east facing windows of Walford House at ground floor to third floor. Amendments to increase the setback of Block B mean that the fourth floor of Walford House is not significantly affected. As such an ADF test was required to test the quality of light received by adjacent properties;
  - The Average Daylight Factor (ADF) test confirmed that all rooms, including living rooms, remain lit to a higher level than the minimum criteria.
- 8.34 Consequently, whilst the scheme poses some impact, it is not considered to be a significant enough deterioration to warrant refusal of the application on these grounds.
- 8.35 It is also important to recognise that Walford House currently enjoys a very open aspect with existing levels of light being almost as high as is possible to record. If Block B was designed to meet the initial VSC test for Walford House, it could only be a couple of storeys high. This is inappropriate given the following circumstances:
- The scale and character of development in the immediate area,
  - The central London location,
  - The public transport accessibility; and
  - The regeneration benefits of the scheme.
- 8.36 In terms of overshadowing of open space, it should be noted that the intervening area between Block B and Walford House is merely an open grassed area. It does not comprise private gardens nor a formal public space. Therefore, any shadowing of this space is not a significant issue in the assessment of the application.

#### *Loss of outlook*

- 8.37 The development will not result in a significant reduction to the outlook of neighbours, other than for the future dwelling on land bound by Network Rail track, Golding Street and the existing sports pitch. See section 4 of this report for details. The outlook from the north facing habitable room windows will be altered as a consequence of Block B. However, Block B has been designed with an awareness of this future building. Separation and openness in its relationship to the future dwelling have been maximised. The future dwelling will also benefit from the outlook and openness created by the public square. In addition, the consideration of the impact to outlook for one dwelling must be balanced by the regeneration benefits of this scheme to the area as a whole. It is considered that a suitable and appropriate balance has been achieved without an unreasonable loss of outlook.

#### **Transport**

- 8.38 Transport provision and impact is considered in PPG13 'Transport' as well as Policies 2A.1 'Sustainability Criteria', 3A.7 'Large Residential Developments', 3C.1 'Integrating Transport and Development' of The London Plan (Consolidated 2008), Policies ST25, ST28, ST30, of the adopted UDP 1998 and Policies CP1 'Creating Sustainable Communities', CP41 'Integrating Development with Transport' CP43 'Better Public Transport', DEV16 'Walking and Cycling Routes and Facilities' of the LBTH Interim Planning Guidance 2007.
- 8.39 No significant traffic, parking and servicing impacts are identified as part of this scheme. The scheme provides for the following:
- 2 x accessible parking spaces for people with a disability;
  - 3 x car club parking spaces;
  - 244 cycle parking spaces including spaces and power-points for mobility devices for people with a disability;

- Access and turning for service/waste vehicles to the satisfaction of the LBTH Highways Team;
- Planning contributions which will improve the pedestrian links and connectivity to the surrounding area; and
- A car free agreement which will prevent future residents from applying for parking permits, thereby impact to parking pressure.

8.40 The scheme involves the stopping up of Golding Street. The Council's Highway Team has considered this matter in detail and considers it is acceptable. It is noted that the dwelling to the south of Block B as well as the commercial premises in the railway arches will retain vehicular access through the viaduct to Cable Street to the south. This access will be improved with monies secured as part of the s106 planning contributions.

8.41 The scheme is therefore considered acceptable on these grounds.

### **Environmental Assessment (EA)**

8.42 A screening opinion was sought for this site and confirmed that an Environmental Impact Assessment was not required. Nevertheless, the application is supported by a range of technical reports identified in section 1. Sections 6 and 8 of this report outline the relevant considerations. Appropriately worded conditions have been recommended where they are applicable.

### **S106 Planning Contributions**

8.43 Circular 05/2005 outlines, among other things, the broad principles of Planning Obligations. Obligations can take the form of private agreements or unilateral undertakings given by a developer and are *'intended to make acceptable development which would otherwise be unacceptable in planning terms'*.

8.44 Planning obligations can be used in the following three ways: -

- (i) They may be used to *prescribe* the nature of the development to ensure it is suitable on planning grounds. For example by requiring a given proportion of housing is affordable;
- (ii) Secondly they may require a contribution to *compensate* against loss or damage that will result from a development. For example loss of open space;
- (iii) Thirdly obligations may be used to *mitigate* against the impact of a development. For example through increased public transport provision.

8.45 Planning Obligations should only be sought where they are found to meet the 5 key tests of the Secretary of States policy. The tests should be considered in conjunction with the guidance contained within the circular and can be summarised as follows: -

- (i) Relevant to planning;
- (ii) Necessary to make the proposed development acceptable in planning terms;
- (iii) Directly related to the proposed development;
- (iv) Fairly and reasonably related in scale and kind to the proposed development; and
- (v) Reasonable in all other respects.

8.46 Circumstances may arise where it is not feasible for a development scheme to be both economically viable and compliant with all local, regional and national planning policy requirements. Guidance within the circular states that in such cases, *"where the development is needed to meet the aims of the development plan, it is for the local authority and other public sector agencies to decide what the balance of contributions should be"*.

- 8.47 Similarly the circular states that decisions on the amount of contributions “*should be based [on] negotiation with developers over the level of contribution that can be demonstrated as reasonable to be made whilst still allowing development to take place*”.
- 8.48 Policy DEV4 of the adopted UDP and Policy IMP1 of the Interim Planning Guidance clearly indicate that the Council will seek to enter into planning obligations with developers where appropriate and where necessary for a development to proceed.
- 8.49 Following LBTH negotiations, the agent has agreed to contribute £5,000.00 per unit as well as the 35.2% affordable housing provision. The breakdown is discussed in more detail below. Note that the provision of the £1,230,000.00 community centre and £250,000.00 multi-sports pitch are in addition to the planning contributions and are separately secured as part of the contract for sale. This equates to £2,550,000.00 of capital investment in the development and regeneration of the area.
- 8.50 In respect of a healthcare contribution, the Primary Care Trust (PCT) requested the developer contribute £1,352,636.00 (Capital = £300,417.00, Revenue = £1,052,219.00) towards primary care needs of future residents. Given the range of contributions being sought for this site and the five tests of the Circular 05/2005 as well as recent planning appeals, it is considered that seeking only the capital component can be readily justified as discussed below in more detail.
- 8.51 Doubt has been cast over the consistency of the HUDU model and its application in Tower Hamlets, the detail of which has been considered in two recent Appeal cases as follows:
- Appeal made by Bernard Construction (Stepney) Ltd against the Council of the London Borough of Tower Hamlets (Former Police Station and Magistrates Court, East Arbour Square and West Arbour Square, London E1 0PU) – 29 March 2007; and
  - Appeal made by Virsons Ssas against the Council of the London Borough of Tower Hamlets (10 – 22 Dunbridge Street, London, E2 6JA) – 18 June 2007.
- 8.52 In summary, the Planning Inspectorate found that:
- The HUDU model has little current policy backing for its use as yet; and
  - There is a lack of in-depth information provided regarding the inputs in the spreadsheet; ie:
    - There are no details of capacity of health services in an area, need or slack in the system;
    - The model does not have a geographical or functional link to the proposal. The exact nature or location of any revenue spent/ improvement of healthcare is not identified; and
    - With regard to revenue, the HUDU model relies on the timing of development relative to a 2/3 year funding cycle. However, the harm that is sought to be mitigated may only appear on occupancy, which could occur much later.
- 8.53 Whilst the Planning Inspectorate indicated that healthcare obligations were reasonable requests in most instances, they felt the appeal examples (and this application) do not fully justify the healthcare contributions required by the PCT. As such, the inspectors concluded that, in these particular circumstances, the health contributions would not accord with all the tests in the Circular 05/05. The Circular states that planning obligations can only be sought where they meet all of the five tests.
- 8.54 The Inspectors found that the healthcare obligations had not been shown to be necessary to make the proposed development acceptable in planning terms. Similarly, the obligations had neither been demonstrated to be directly related to the proposed development, nor to be fairly related in scale and kind to the proposed development.
- 8.55 The request from the PCT shows no real evidence of the capacity, need or slack of existing

health facilities in the area which might serve the appeal site, nor any indication as to whether or not additional provision would be necessary to meet the demands made by the development. Moreover, the exact nature, location or timing of the proposed new service has not been identified. In line with the Appeal decisions mentioned above, and recent Planning Committee decisions, the proposed development is similar in that there is insufficient evidence to convince the Planning Department that the requested obligation is directly related to the proposed development, necessary to make it acceptable in planning terms, or fairly and reasonably related in scale and kind to the proposed development.

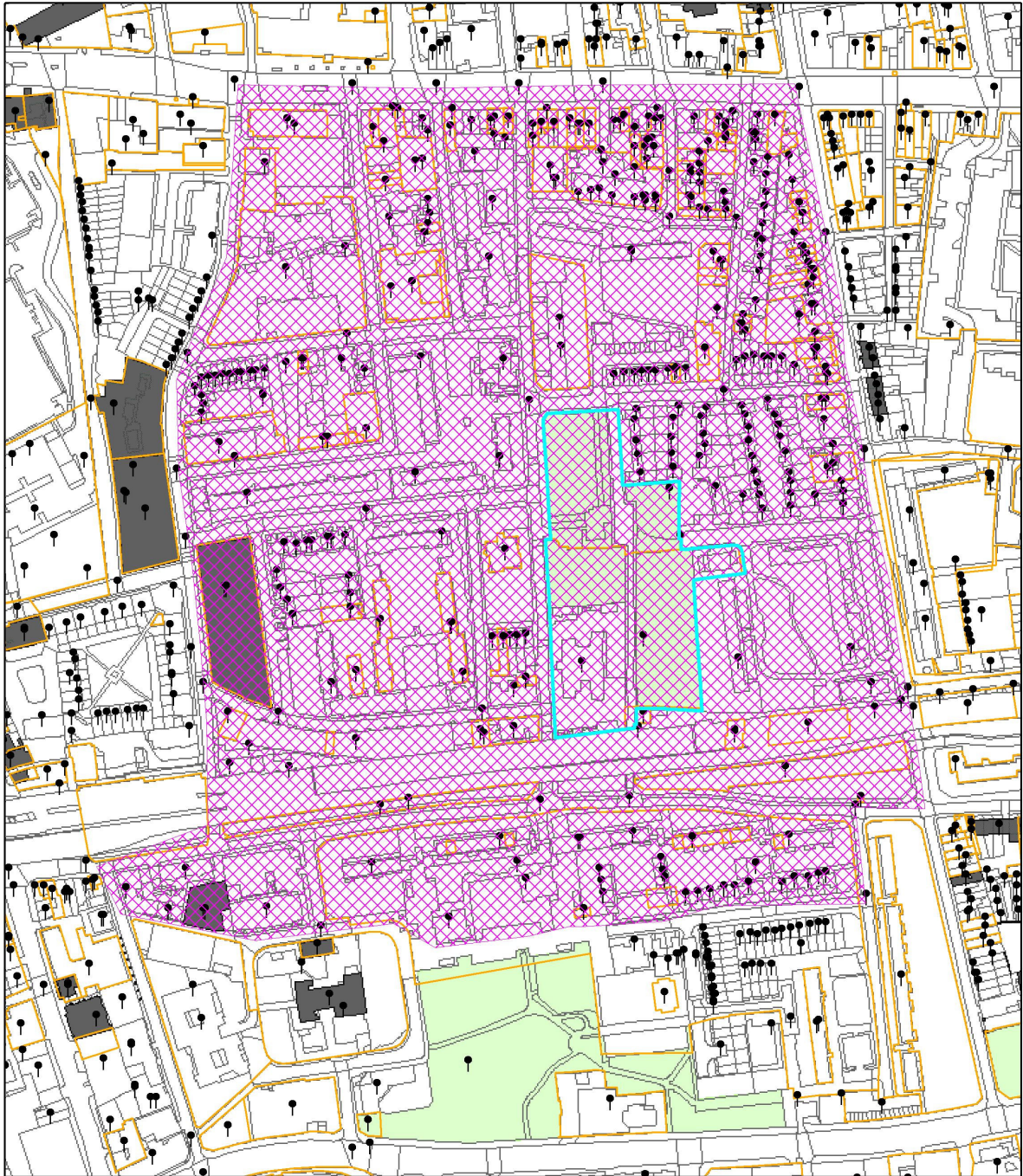
- 8.56 The request for the financial revenue contribution in this instance is therefore considered to be unreasonable where it may fail to comply with Circular 05/05. The capital contribution sought however is considered to be satisfactory. Given these matters and the overall monies available, **£300,417.00** can be allocated to healthcare.
- 8.57 In respect of an education contribution, the LBTH Education section indicates that the proposed development will generate the need for an additional 30 school places. The developer will be asked to contribute **£370,260.00** towards the education needs of future residents not covered by existing provisions. This represents the full contribution requested by LBTH education.
- 8.58 In respect of affordable housing, the scheme comprises of 35.2% affordable residential units, and includes 1, 2, 3, 4 bedroom apartments, with a split of 70:30. A summary table as well as discussion of the provision is provided previously under 'Housing'.
- 8.59 In respect of transport, the Traffic and Transportation Team advises **£122,000.00** is needed for works to improve the connectivity of the site. In addition, TFL/DLR has also identified the need for DAISY information system which requires a contribution of **£20,000.00**.
- 8.60 In addition to the community centre, the scheme provides **£257,323.00** capital funding for community initiatives. The funding would be administered by a group including representatives of the developer, LBTH, the Local Area Partnership (LAP) as well as representatives of the community facility.
- 8.61 There will also be standard S278 highway improvements/ modifications, including: new access points, modification of existing access points and general repaving as required.
- 8.62 A 'Car Free' agreement is recommended restrict the occupants from applying for residents parking permits in the area.
- 8.63 Other heads of terms include Transport Assessment, TV reception monitoring and impact mitigation, employment/training initiatives.
- 8.64 Overall, the contributions package is considered to be acceptable, in line with the guidance of the Circular and will mitigate the impacts of the development.

## **9.0 Conclusions**

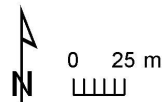
- 9.1 All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.



# Planning Application Site Map



-  Planning Application Site Boundary
-  Other Planning Applications
-  Consultation Area
-  Land Parcel Address Point



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 Stationary Office (c) Crown Copyright. London Borough of Tower Hamlets LA086568



# Agenda Item 7.2

|  |  |   |                               |
|--|--|---|-------------------------------|
| <b>Committee:</b><br>Strategic Development                         | <b>Date:</b><br>10 <sup>th</sup> July 2008 | <b>Classification:</b><br>Unrestricted          | <b>Agenda Item No:</b><br>7.2 |
| <b>Report of:</b><br>Corporate Director of Development and Renewal |  | <b>Title:</b> Planning Application for Decision |                               |
| <b>Case Officer:</b><br>Tim Porter                                 |  | <b>Ref No:</b> PA/07/3277                       |                               |
|  |  | <b>Ward(s):</b> Bow East                        |                               |

## 1. APPLICATION DETAILS

- 1.1 **Location:** Roman Place, London
- 1.2 **Existing Use:** Former Safeway store (retail) and ancillary car parking.
- 1.3 **Proposal:** Demolition of the existing buildings occupying the site and its redevelopment to provide five buildings of between four and ten storeys in height accommodating 2,687sqm retail floorspace (Class A1) and 208 residential units (comprising 2 x studio, 81 x 1 bed; 76 x 2 bed; 39 x 3 bed; 4 x 4 bed; 6 x 5 bed), 104 parking spaces and landscaped public, communal and private amenity space.
- 1.4 **Drawing Nos:** PA(20)01 Rev. D, PA(20)02 Rev. D, PA(20)03 Rev. D, PA(20)04 Rev. C, PA(20)05 Rev. C, PA(20)06 Rev. C, PA(20)07 Rev. C, PA(20)08 Rev. B, PA(20)09 Rev. B, PA(20)10 Rev. B, PA(20)11 Rev. B, PA(20)12 Rev. B, PA(20)20 Rev. D, PA(20)21 Rev. D, PA(20)22 Rev. B, PA(20)30 Rev. D, PA(20)31 Rev. C.
- 1.5 **Applicant:** Goldquest Investment Ltd c/o Stock Woolstencroft
- 1.6 **Owner:** London Borough of Tower Hamlets
- 1.7 **Historic Building:** N/A
- 1.8 **Conservation Area:** N/A (Note: No part of the 'development' falls within the Roman Road Conservation Area. Whilst the north part of Gladstone Place forms part of the Conservation Area, it is an existing highway. Any proposed work to Gladstone Place constitutes highway improvement works, not development as defined under the Planning Acts).

## 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 Plan (Consolidated with Alterations since 2004), the London Borough of Tower Hamlets Unitary Development Plan 1998 and associated supplementary planning guidance, the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, and Government Planning Policy Guidance and has found that:
- 2.2
- The proposal is in line with the Mayor and Council's policy, as well as government

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### 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<br>LDF and London Plan |                                    | Eileen McGrath<br>020 7364 5321   |

guidance which seek to maximise the development potential of sites. As such, the development complies with policy 3A.3 of the London Plan (Consolidated with Alterations since 2004) and HSG1 of the Council's Interim Planning Guidance (2007) which seeks to ensure this.

- 2.3 • The retail uses (Class A1) are acceptable in principle as they will provide a suitable provision of jobs in a suitable location and amongst other things contribute to the regeneration of the Roman Road District Centre. As such, the use is in line with policies 2A.8, 3D.1 and 3D.3 of the London Plan (Consolidated with Alterations since 2004), ST34, ST35, DEV1 and DEV3 of the Council's Unitary Development Plan 1998 and policies DEV1, DEV2, DEV4 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to ensure services are provided that meet the needs of the local community and strengthen designated shopping centres.
- 2.4 • The proposal provides an acceptable amount of affordable housing and mix of units overall. As such, the proposal is in line with policies 3A.5, 3A.9 and 3A.10 of the London Plan (Consolidated with Alterations since 2004), policy HSG7 of the Council's Unitary Development Plan 1998 and policies CP22, HSG2, HSG3 and HSG4 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to ensure that new developments offer a range of housing choices.
- 2.5 • The density of the scheme would not result in the overdevelopment of the site and any of the problems that are typically associated with overdevelopment. As such, the scheme is in line with policy 3A.3 of the London Plan (Consolidated with Alterations since 2004), policies DEV1 and DEV2 of the Council's Unitary Development Plan 1998 and policies CP5, HSG1, DEV1 and DEV2 of Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to provide an acceptable standard of accommodation.
- 2.6 • The development would enhance the streetscape and public realm through the provision of a public realm, public open space and improved pedestrian linkages. Further, the quantity and quality of housing amenity space and the communal/child play space strategy is also considered to be acceptable. As such, the amenity space proposed is acceptable and in line with PPS3, policies 3A.18 and 4B.1 of the London Plan (Consolidated with Alterations since 2004), policies ST37, DEV1, DEV12, HSG16, T18 and OS9 of the Council's Unitary Development Plan 1998 and policies CP30, DEV2, DEV 3, DEV4 and HSG7 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to improve amenity and liveability for residents whilst creating a more attractive environment for those who live and work here.
- 2.7 • The building height, scale, bulk and design is acceptable and in line Planning Policy Guidance 15, policies 4B.1, 2, 3 and 5 of the London Plan (Consolidated with Alterations since 2004), policies DEV1, and DEV2 of the Council's Unitary Development Plan 1998 and policies DEV1, DEV2, DEV3, DEV4, DEV 27, CON 1 and CON2 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to ensure buildings are of a high quality design and suitably located.
- 2.8 • The safety and security of the scheme is acceptable in accordance with policy DEV1 of the Council's Unitary Development Plan 1998 and policy DEV4 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which require all developments to consider the safety and security of development without compromising the achievement of good design and inclusive environments.
- 2.9 • Transport matters, including parking, access and servicing, are acceptable and in line

with policy 3C.23 of the London Plan (Consolidated with Alterations since 2004), policies T16, T18 and T19 of the Council's Unitary Development Plan 1998 and policies DEV18 and DEV19 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to ensure there are no detrimental highways impacts created by the development.

- 2.10 • Sustainability matters, including energy, are acceptable and in line with policies 4A.3 to 4A.7 of the London Plan (Consolidated with Alterations since 2004) and policies DEV 5 to DEV9 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to promote sustainable development practices.
- 2.11 • Contributions have been secured towards the provision of affordable housing, health, education, town centre regeneration, public realm and open space improvements in line with Government Circular 05/05, policy DEV4 of the Council's Unitary Development Plan 1998 and policy IMP1 of the Council's Interim Planning Guidance (2007), which seek to secure contributions toward infrastructure and services required to mitigate the impact of the proposed development.

### 3. RECOMMENDATION

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

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

3.3 B. The prior completion of a **legal agreement**, to the satisfaction of the Assistant Chief Executive (Legal Services), to secure the following:

1. Affordable housing provision of 35% of the proposed habitable rooms with a 69.1/30.9 split between rented/ shared ownership to be provided on site.
2. A contribution of £293,324 to mitigate the demand of the additional population on health care facilities.
3. A contribution of £333,234 to mitigate the demand of the additional population on education facilities.
4. Provide £620,000 towards open space/ public realm improvements, which have been designed into the proposed scheme, though they are located off-site. This contribution is required to relieve the pressure that will arise from the new dwellings on existing open space/ public realm within the area.
5. The provision of £438,442 towards Roman Road district shopping centre regeneration works.

(Officer Comment: During the pre-application process, the LBTH Market Services inquired of the applicant to explore provision of market trader parking spaces within the proposed car parking area to accommodate an identified need. The market currently operates 3 times a week.

The applicant explored a number of options and identified that the scheme could viably provide up to 16 market trader spaces on site as a planning contribution if required, and was designed into the scheme and assessed accordingly. The applicant advised that if the Council determined that these spaces were no longer required the spaces could be allocated and sold to the residents of the development. The capital receipt (valued at approximately £400,000) would then be transfer to the Council as a s106 financial contribution towards Roman Road district shopping centre regeneration improvement works.

Upon submission of the application, further investigation was undertaken to evaluate the appropriateness of on-site market trader spaces. The LBTH Market Services has advised that a more suitable solution in meeting the needs of market traders is to identify opportunities for on-street trader parking spaces within the local area. This was considered to be a more appropriate solution than providing trader spaces within the Gladstone Place development.

In accordance with the Council's Strategic Plan and the London Plan, in terms of improving existing town centres, the Council is currently preparing a program of delivery works that will assist in the regeneration the Roman Road district shopping centre. The LBTH Development Implementation Team, who is tasked with the role of pushing forward the regeneration of the Roman Road, has advised that a financial contribution is imperative in securing much needed capital to deliver this programme that will assist in mitigating any negative impacts that additional residential and retail uses may bring to the immediate environs, including the proposed development.

This regeneration program is essential to help sustain and improve the town centre for new residents and businesses. This funding will allow for a multi - faceted approach to regenerating the town centre, rather than addressing trader parking alone. As such, in consideration of the schemes viability assessment, a financial contribution of £438,442 towards the regeneration of Roman Road district shopping centre is considered reasonable).

6. A contribution of £135,000 towards highway improvement works on Cardigan Road which will include, resurfacing works to the carriageway, upgrade of the eastern footway and a raised table at the junction of Cardigan Road and Anglo Road (including the proposed access to the site).
7. Exclusion of delivery traffic from the locality of the store until the appropriate delivery times conditioned by the planning permission.
8. The provision of a north-south and east west-public walkway through the site
9. Completion of a car free agreement to restrict occupants applying for residential parking permits.
10. TV reception monitoring and mitigation;
11. Commitment towards utilising employment initiatives in order to maximise the employment of local residents.
12. Commitment towards Code of Construction Practice.

That the Head of Development Decisions be delegated authority to impose conditions on the planning permission to secure the following:

### 3.4 **Conditions**

1. Permission valid for 3 years.
2. Details of the following are required:
  - Samples for all external materials to be submitted with detail specifications.
  - 1:10 scale details for typical elevation conditions including balconies, window reveals, roof parapet, glazing
  - Cardigan Road elevation – including the treatment of the parking and service access and shutter if proposed. This will include details of signage, lighting and a green wall.

- All landscaping (such as roof level brown and/or green roof systems, courtyard area, and ground floor play space, open space and public realm works) including lighting and security measures, play equipment, planting, finishes, levels, walls, fences, gates and railings, screens/ canopies, entrances, seating and litter bins. The landscaping detail should mitigate any resultant wind environment at ground floor and podium levels; and
  - The design of the lower floor elevations of commercial units including shopfronts;
3. No exit/entry doors are permitted to open outwards over the public highway.
  4. Landscape Maintenance and Management Plan. Native species should be implemented, including green/brown roofs.
  5. Parking – maximum of 74 residential car parking spaces (including 7 disabled spaces and 2 car club spaces), 30 commercial car parking spaces (including 4 disabled spaces), 10 residential and 4 commercial motor cycle spaces, and a minimum of 208 residential and 21 non-residential bicycle parking spaces.
  6. Archaeological investigation.
  7. Investigation and remediation measures for land contamination (including water pollution potential).
  8. Full particulars of the following:
    - Surface/ foul water drainage plans/ works; and
    - Surface water control measures.
  9. Construction Environmental Management Plan, including dust monitoring
  10. Submission of details of the sustainable design measures and construction materials, including details of energy efficiency and renewable measures.
  11. Details of the operating hours for the A1 use/s to be submitted and approved prior to the date of occupation.
  12. No deliveries to the A1 use/s shall be received other than on Sundays between the hours of 10.00hrs and 14.00hrs with a maximum of two lorries, nor on Bank Holidays other than between the hours of 8.00hrs and 14.00hrs with a maximum of two lorries, nor on Monday to Saturday other than between the hours of 07.30hrs and 18.00hrs.
  13. No noise nuisance to be caused to neighbouring residents. Permissible noise levels are as follows: 08:00-18:00 Monday to Friday Max Leq 75dB (A) Leq 10 hour at the nearest premises and 08:00-13:00 Saturday Max Leq 75dB (A) Leq 5 hour at the nearest premises. These noise limits apply at 1 metre from the façade of any occupied building.
  14. 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 and no working on Sundays or Public Holidays
  15. Limit hours of power/hammer driven piling/breaking out to between 10.00 Hours to 16.00 Hours, Monday to Friday.
  16. Sound insulation mitigation measures to be implemented in accordance with the Noise and Vibration Assessment and LBTH Environmental Health advice.
  17. During the demolition and construction phases of the proposed development, a programme of on-site vibration monitoring is required to demonstrate compliance with London Borough of Tower Hamlets standards. Measured ground borne vibrations should not exceed a peak particle velocity of 1 mm/s at any occupied residential property and 3 mm/s at any other property.
  18. All residential accommodation to be built to Lifetime Homes standard, including at least 10% of all housing being wheelchair accessible.
  19. Submit a Green Travel Plan, for both the commercial and residential elements, to be maintained for the duration of the development.
  20. Delivery and Service Management Plan, including management details for the car park and service/delivery area, including details of the car club spaces and security point adjacent to the car park entrance). Also, management details of the refuse and recycling facilities are required.
  21. Submit Secure by Design Statement to address the design of the ground floor pocket park and north-south route, lighting and planting details along Gladstone Walk, lighting along the north and south elevations of Block E, and the use of CCTV cameras

- throughout the site.
22. Provision of electrical charging points for vehicles.
  23. Details of the highway works surrounding the site
  24. Any other condition(s) considered necessary by the Head of Development Decisions

### 3.5 Informatives

1. Section 106 agreement required.
  2. Section 278 (Highways) agreement required.
  3. Site notice specifying the details of the contractor required.
  4. Construction Environmental Management Plan Advice.
  5. Environmental Health Department Advice.
  6. English Heritage Advice
  7. Parking Services Advise – Traffic Management Order
  8. Metropolitan Police Advice.
  9. Transport Department Advice.
  10. Contact the GLA regarding the energy proposals.
  11. Contact Thames Water for water and sewage infrastructure advice
- 3.6 That, if by 10<sup>th</sup> October 2008 the legal agreement has not been completed to the satisfaction of the Chief Legal Officer, the Head of Development Decisions be delegated authority to refuse planning permission.

## 4. PROPOSAL AND LOCATION DETAILS

- 4.1 The full description of the proposed development submitted to the Planning Authority was as follows:
- 4.2 *“Application for full planning permission for the demolition of existing buildings occupying the site and redevelopment to provide five buildings of between four/five and ten storeys providing 2,633sqm retail floorspace and 221 x no. studio, one, two three and five bedroom residential units (C3), plus associated car and cycle parking, public space and landscaped amenity space”*
- 4.3 However, following issues raised by the public regarding the impact of the development upon the Roman Road Conservation Area, the applicant has made amendments to the scheme reducing the height along Cardigan, Anglo and Vernon Roads resulting in a total reduction of 13 units. The current description of development is as follows:
- 4.4 *“Demolition of the existing buildings occupying the site and redevelopment to provide five buildings of between four and ten storeys accommodating 2,687sqm retail floorspace and 208 residential units (comprising 2 x studio, 81 x 1 bed; 76 x 2 bed; 39 x 3 bed; 4 x 4 bed; 6 x 5 bed), 104 parking spaces and landscaped, public, communal and private amenity space”.*
- 4.5 An EIA screening opinion was sought by the applicant. The proposed development falls within the description at paragraph 10 (b) and Column 2 of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. However, taking account of the criteria in Schedule 3 of the Regulations; the Council’s Environmental Impact Assessment officer did not considered the development would have significant effects on the environment by virtue of factors such as nature, size or location. Accordingly, the proposal is not EIA development.
- 4.6 The development consists of 5 buildings. Buildings A to D are set around a podium level communal courtyard space, whilst the buildings Ei and Eii form two blocks within the western section of the site. The following provides an overview of the proposed buildings:

- *Building A:* A ten storey block at the centre of the site with two small, flexible units of retail floorspace at ground floor level (170sqm and 127sqm) and 71 residential units in the floors above. The proposed retail units will be accessed from Gladstone Place, whilst the residential entrance will be on the southern side of the building.
- *Building B:* A five storey building, plus recessed upper floor, occupying the northern section of the site. The building will include the 2,390sqm supermarket unit at ground floor and basement level and 48 residential units above. The main entrance to the supermarket will be at its north western corner of the building, whilst the residential entrance will be from Cardigan Road to the east.
- *Building C:* A three storey building, plus recessed upper floor fronting the western side of Cardigan Road. The building will accommodate the delivery/servicing bay for the supermarket at ground floor level and 27 residential units in the floors above. Vehicles will access the delivery bay via an entrance at the southern end of the building and will exit the bay further north. The vehicle entrance will also provide access to the car parking areas at basement and ground floor level. The residential entrance to the building will be situated within its south eastern corner and will include a concierge's office.
- *Building D:* An L-shaped residential building of between four and six storeys within the southern and south western sections of the site. The southern section of the block will comprise a four storey building, plus recessed upper floor fronting Anglo Road. The building will step up to five storeys, plus a set back level fronting Gladstone Place. It will accommodate 37 residential units, including eight double height family units with front garden spaces at ground floor level and private gardens at podium level to the rear. The residential units above will be accessed via an entrance from Anglo Road at the south western corner of the block.
- *Building E:* Two adjoining blocks within the western section of the site. The westernmost block will rise to a height of six storeys, whilst the eastern block will step down to five storeys. The building will accommodate 25 residential units which will be accessed via entrances from the pedestrian route west from Gladstone Place on the southern side of the building. The ground floor level units will be served by private gardens.

### **Site and Surroundings**

- 4.7 The application site covers an area of approximately 0.75ha. It is currently occupied by a former supermarket building with a footprint of ca. 3,000sqm, including ancillary service area off Cardigan Road and two areas of pay and display car parking, which have been vacant since November 2005.
- 4.8 The site is located immediately to the south and west of the Roman Road Conservation Area, though no part of the development is within a conservation area. The site does not include any listed or locally listed buildings, though a neighbouring building (Passmore Edwards Public Library, No. 564 Roman Road) is grade II listed. The site is located in an area of archaeological significance.
- 4.9 The application site is located to the south of the Roman Road district shopping centre and ancillary markets. It is bounded by Gladstone Place to the north, Cardigan Road to the east, Anglo Road to the south, Cruden House to the south west and the Bow Neighbourhood Office/Ideas Store to the west. The predominant land uses to the north of the site are retail and commercial uses flanking Roman Road, whilst the areas to the south, east and west are principally residential in use.
- 4.10 The former supermarket building occupies the northern part of the site and presents blank unadorned frontages to Gladstone Place/Gladstone Walk and Cardigan Road. It is constructed of pale brick with metal seam upper sections and rises to a height of ca. 10m, stepping up to ca. 14m to the east. The building is adjoined to the south by an open loading bay/storage area which is enclosed by a 4m high brick wall. The supermarket was

formerly accessed by pedestrians from Gladstone Place, whilst servicing was from Cardigan Road. The building relates poorly to neighbouring buildings and creates visually unattractive and intimidating alleyways to the rear of buildings fronting Roman Road and adjacent to the Bow Neighbourhood Office/Ideas Store.

- 4.11 The car parking areas occupy the southern and western sections of the site and together cover an area of ca. 5,000sqm. Parking within these areas is on a pay and display basis, though they appear to suffer from poor management/enforcement. Additionally, the areas are cluttered and visually unattractive. The open spaces also appear to have been subjected to fly tipping.

### **Planning History**

- 4.12 The London Borough of Tower Hamlets planning records reveal that the earliest planning application for development at the site related to the construction of the supermarket and associated car parking areas in May 1978 (TH12789/92/07). Following this consent, a number of applications were submitted to vary the permissible delivery hours. The most recent application, PA/02/674, was approved by the Council permitting the following hours:

- No deliveries to the Store shall be received other than on Sundays between the hours of 10.00hrs and 14.00hrs with a maximum of two lorries, nor on Bank Holidays other than between the hours of 8.00hrs and 14.00hrs with a maximum of two lorries, nor on Monday to Saturday other than between the hours of 07.30hrs and 18.00hrs for a period of 12 months from the date of planning permission.
- In addition, a s106 agreement was entered into to exclude delivery traffic from the locality of the store until the appropriate delivery times.

- 4.13 The Council’s records reveal no other recent applications relating to the site.

## **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:

### **5.2 Unitary Development Plan (as saved September 2007)**

Proposals: Not subject to site specific proposals

Policies: Environment Policies

|       |                                 |
|-------|---------------------------------|
| ST34  | Shopping                        |
| ST35  | Retention of Shops              |
| ST37  | Enhancing Open Space            |
| DEV1  | Design Requirements             |
| DEV2  | Environmental Requirements      |
| DEV3  | Mixed Use development           |
| DEV4  | Planning Obligations            |
| DEV50 | Noise                           |
| DEV51 | Contaminated Land               |
| DEV55 | Development and Waste Disposal  |
| DEV69 | Water Resources                 |
| EMP1  | Encouraging New Employment Uses |
| EMP6  | Needs of Local People           |
| HSG6  | Separate Access                 |
| HSG7  | Dwelling Mix                    |
| HSG15 | Residential Amenity             |
| HSG16 | Amenity Space                   |
| T16   | Impact of Traffic               |



|     |   |
|-----|---|
| T18 | Pedestrian Safety and Convenience       |
| T19 | Pedestrian Movement In Shopping Centres |
| T21 | Existing Pedestrians Routes             |
| S10 | New Shopfronts                          |
| OS9 | Child Play Space                        |

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

Proposals: C12 Development Site (Specific uses have not yet been identified)  
Archaeological Priority Area

Core Strategies: IMP1 Planning Obligations

|      |  |
|------|--|
| CP1  | Creating Sustainable Communities                     |
| CP2  | Equal Opportunity                                    |
| CP3  | Sustainable Environment                              |
| CP4  | Good Design  |
| CP5  | Supporting Infrastructure                            |
| CP7  | Job Creation and Growth                              |
| CP11 | Sites in Employment Use                              |
| CP15 | Range of Shops                                       |
| CP16 | Town Centres   |
| CP18 | Street Markets                                       |
| CP19 | New Housing Provision                                |
| CP20 | Sustainable Residential Density                      |
| CP21 | Dwelling Mix   |
| CP22 | Affordable Housing                                   |
| CP25 | Housing Amenity Space                                |
| CP30 | Improving the Quality and Quantity of Open Space     |
| CP38 | Energy Efficiency and Production of Renewable Energy |
| CP39 | Sustainable Waste Management                         |
| CP41 | Integrating Development with Transport               |
| CP46 | Accessible and Inclusive Environments                |
| CP47 | Community Safety                                     |

Policies: Development Control Policies

|       |  |
|-------|--|
| DEV1  | Amenity  |
| DEV2  | Character & Design                               |
| DEV3  | Accessibility & Inclusive Design                 |
| DEV4  | Safety & Security                                |
| DEV5  | Sustainable Design                               |
| DEV6  | Energy Efficiency & Renewable Energy             |
| DEV10 | Disturbance from Noise Pollution                 |
| DEV11 | Air Pollution and Air Quality                    |
| DEV12 | Management of Demolition and Construction        |
| DEV13 | Landscaping                                      |
| 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               |
| DEV22 | Contaminated Land                                |
| DEV27 | Tall Buildings                                   |
| EE2   | Redevelopment /Change of Use of Employment Sites |
| RT4   | Retail Development                               |

|       |   |
|-------|---|
| HSG1  | Determining Residential Density             |
| HSG2  | Housing Mix                                 |
| HSG3  | Affordable Housing                          |
| HSG4  | Social and Intermediate Housing ratio       |
| HSG7  | Housing Amenity Space                       |
| HSG9  | Accessible and Adaptable Homes              |
| HSG10 | Calculating Provision of Affordable Housing |
| CON1  | Setting of a Listed Building                |
| CON2  | Conservation Area                           |

#### 5.4 **Supplementary Planning Guidance/Documents**

Designing Out Crime  
Residential Space  
Landscape Requirements  
Archaeology and Development

#### 5.5 **The London Plan (consolidated with alterations since 2004) - the Mayor's Spatial Development Strategy**

|       |  |
|-------|--|
| 2A.1  | Sustainability Criteria  |
| 2A.8  | Town Centres   |
| 3A.1  | Increasing London's Supply of Housing  |
| 3A.2  | Borough Housing Targets  |
| 3A.3  | Maximising the potential of sites  |
| 3A.5  | Housing Choice   |
| 3A.6  | Quality of new housing provision   |
| 3A.7  | Large residential developments   |
| 3A.8  | Definition of Affordable Housing   |
| 3A.9  | Affordable Housing Targets   |
| 3A.10 | Negotiating affordable housing in individual private residential and mixed-use schemes |
| 3A.18 | Protection and Enhancement of social infrastructure and community facilities           |
| 3B.11 | Improving Employment Opportunities for Londoners                                       |
| 3C.1  | Integrating Transport and Development  |
| 3C.23 | Parking Strategy   |
| 3D.1  | Supporting Town Centres  |
| 3D.2  | Town Centre Development  |
| 3D.3  | Maintaining and Improving Retail Facilities  |
| 3D.13 | Children and Young People Play Strategies  |
| 4A.4  | Energy Assessment  |
| 4A.7  | Renewable Energy   |
| 4B.1  | Design Principles for a Compact City   |
| 4B.2  | Promoting World Class Architecture and Design  |
| 4B.3  | Enhancing the quality of the public realm  |
| 4B.5  | Creating an Inclusive Environment  |
| 4B.11 | Built Heritage   |
| 4B.12 | Heritage Conservation  |

#### 5.6 **Government Planning Policy Guidance/Statements**

|       |                                       |
|-------|---------------------------------------|
| PPS1  | Delivering Sustainable Development    |
| PPS3  | Housing                               |
| PPG13 | Transport                             |
| PPG15 | Planning and the Historic Environment |
| PPG16 | Archaeology and Planning              |

5.7 **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:

### LBTH Cleansing

6.2 The Design Statement incorporates a waste plan that is based on Planning Standard 2. As such, refuse and recycling provision should be compliant.

6.3 Due to the hauling distances for Blocks A and E, the containers need to be brought to a collection point under a managed scheme. Highway based collections do not appear practical as shown at Anglo Road as this would disrupt traffic flow. There is parking bays currently on the street to the front of the Anglo Road store which would add to the difficulties of the collection service. Collections should be from within the site.

6.4 (Officer Comment: Amendments to the scheme have been made to facilitate refuse collection on Anglo Road, including the introduction of dropped curbs and a managed refuse collection point for Blocks A and E. The applicant has advised that in order to meet the servicing requirements, the current spaces on Anglo Road need to be reshuffled, however their survey confirms that these spaces can continue to be accommodated within Anglo Road without any loss. Council's parking services has advised that they have no objection to this proposal subject to a Traffic Management Order. Further, it is recommended that a condition be included to ensure the adequate management of the refuse and recycling facilities).

### LBTH Education

6.5 The education department identified a contribution towards 27 additional primary school places @ £12,342 = £333,234

6.6 (Officer Comment: The financial contribution will be secured by s106 agreement).

### LBTH Energy Efficiency Unit

6.7 Comments were provided on the energy and sustainability strategy for this site on the 22<sup>nd</sup> of January 2008 raising a number of concerns with the scheme, in particular, the lack of a CHP system. As a result of the comments made by the Energy Efficiency Unit, the energy strategy has been revised. The strategy is now considered to comply with the energy efficiency, renewable energy and sustainable design and construction policies set out in the London plan and LBTH Interim Planning Guidance although the detailed information on the proposals are pending and shall be provided at the detailed design stage, via condition.

6.8 (Officer Comment: The details of the revised energy strategy are provided later in this report. The scheme shall be conditioned appropriately)

## **LBTH Environmental Health**

### 6.9 Contaminated land

6.10 No objection subject to appropriate conditioning.

### Air Quality

6.11 No objection subject to appropriate conditioning.

### Noise

6.12 No objection subject to the following requirements being implemented:

- Parts of the building are expected to be exposed to external noise levels falling into Noise Exposure Category (NEC) “B” of PPG 24. As such, sealed thermal double glazing with sound attenuating ventilators are required to provide a noise reduction of approximately 25 dBA
- A higher degree of sound insulation would be required between the residential units and the commercial units. This must be at least 60 Dntw.
- Deliveries should only be allowed between 0700 and 2300 hrs – Monday to Friday, 0800 and 2200hrs – Saturdays and 1000 – 1600 hrs- Sundays, provided lorries are not permitted to wait in the road with engines or refrigeration units running at any time.
- Construction work to be only carried out within the following hours: 8a.m.- 6p.m. Monday-Friday, 8a.m.-1p.m. Saturdays and no working on Sundays or Public Holidays
- No noise nuisance to be caused to neighbouring residents. Permissible noise levels are as follows: 08:00-18:00 Monday to Friday Max Leq 75dB (A) Leq 10 hour at the nearest premises and 08:00-13:00 Saturday Max Leq 75dB (A) Leq 5 hour at the nearest premises. These noise limits apply at 1 metre from the façade of any occupied building.
- During the demolition and construction phases of the proposed development, a programme of on-site vibration monitoring is required to demonstrate compliance with London Borough of Tower Hamlets standards. Measured ground borne vibrations should not exceed a peak particle velocity of 1 mm/s at any occupied residential property and 3 mm/s at any other property

6.13 (Officer Comment: These matters will be address by planning condition or informative, where they can only be enforced by Environmental Health Regulations).

### Sunlight/ Daylight

6.14 *External Impacts (Neighbouring Properties)*

6.15 In assessing the impact of the development on the neighbouring properties the ADF levels of failures are minimal, therefore the impact on surrounding buildings from the proposed scheme is minimal.

### *Internal Impacts (Within the Development)*

6.16 There is a concern regarding the impact of the development upon itself between Blocks A, B, C, D and E where there are some rooms that do not comply with BRE standards for daylight and sunlight. The main considerations given by the applicant where the scheme does not meet the BRE standard are:

- (1) The urban character of the area surrounding the site.
- (2) The high density nature of the scheme.
- (3) Some of the windows are situated beneath balconies.

Whilst this is a concern, the Planning Officer must determine whether the non-compliance with the BRE standard when considering the impact of the development upon itself can be considered acceptable for planning permission to be granted.

6.17 (Officer Comment: This matter has been addressed in detail under the amenity section of this report).

### **LBTH Highways**

6.18 The developers should provide some motorcycle bays.

6.19 (Officer Comment: The development has been amended to provide 10 residential and 4 commercial motorcycle spaces).

6.20 Doors which open outwards over the public highway are forbidden by Section 153 of the Highways Act, 1980. Where an escape door is required to open outwards it must be suitably recessed. The developer should amend those door(s) opening outwards on Cardigan Road.

6.21 (Officer Comment: The scheme has been conditioned to ensure no door opens outwards over the public highway).

6.22 For pedestrian safety reasons, as well as avoiding possible vehicular conflict points, it is advisable that the service access points are separate from the customers and residents vehicular access point/parking area.

6.23 (Officer Comment: The scheme has been conditioned to provide a service management plan. This will ensure personnel are present at the time of deliveries and that any potential impacts with customer vehicles or pedestrians are mitigated. Also, a pedestrian refuge has been provided in the middle of the cross-over to create a safe place for pedestrians. The Highways Officer has confirmed the acceptability of the amendments to address his concerns).

6.24 The development should secure the following highway works:

- i. Closure of the existing access;
- ii. Reconstruction/resurfacing of the carriageway/footway; and
- iii. Removal of existing highway trees.

6.25 (Officer Comment: This matter will be addressed by a s278 agreement).

6.26 The following financial contributions are required:

- Highway improvement works on Cardigan Road, which will include resurfacing works to the carriageway and upgrade of the eastern footways = £100,000
- Raise Table at the junction of Cardigan Road and Anglo Road, including the proposed access to the site = £35,000

### **Greater London Authority (Statutory)**

6.27 The application was referable to the GLA under Category 1B of the Order 2000: *“Development (other than development which only comprises the provision of houses, flats, or houses and flats) which comprises or includes the erection of a building or buildings in Central London (other than the City of London) and with a total floorspace of more than 20,000sq.m”*.

6.28 The application was considered by the Deputy Mayor under Stage 1 referral on the 15<sup>th</sup> May 2008. The Deputy Mayor concluded that *“whilst the principle of the development is*

*acceptable, the application raised serious strategic issues that must be addressed, including the quantum of affordable housing, the proposed mix of social rented units, the provision of children's play space, particularly for older children, design and inclusive design, provision of Lifetime Homes and accessible housing, the sustainability and energy strategy, and transport".*

- 6.29 (Officers Comment: A number of the issues raised are not considered to be strategic issues and have been addressed in detail within the body of this report. The applicant has sought to address the Mayors concerns and has amended the scheme accordingly. Each of the issues raised by the Deputy Mayor has been addressed within the body of this report and are not considered to be grounds for refusal.

It must be noted that the Stage 1 referral response does not represent the final decision of the Mayor. If the committee is minded to approve the application, the application must be referred back to the Major for Stage 2 referral decision, whereby, the Mayor will decide whether or not to direct the Council to refuse planning permission).

### **Transport for London (Statutory)**

- 6.30 TFL comments are addressed within the body of the Deputy Mayors Stage 1 response as raised above. As such, TFL comments have been addressed in detail within the Highways section of this report.

### **English Heritage**

- 6.31 English Heritage did not object or recommend the development for approval. Rather, they advised that the application should be determined in accordance with national and local policy guidance, and on the basis of the Council's specialist conservation advice.

### **English Heritage - Archaeology**

- 6.32 No objection subject to conditions.

### **Metropolitan Police**

- 6.33 The crime prevention officer made the following comments:
- 6.34 • Regarding the east-west link along Gladstone Walk, the following is required: excellent lighting, prickly planting to discourage access where appropriate, no seating, and the building to be flush as possible.
- 6.35 (Officer Comment: The applicant has advised that the lighting and planting matters will be incorporated in the detailed building and landscaping design, which will be conditioned. The seating has been removed from the plans and the building façade has been amended to reduce any insteps).
- 6.36 • The large undercroft to the ground floor car parking access may attract anti-social behaviour
- 6.37 (Officer Comment: This area will be covered by CCTV and a dedicated security point adjacent the car park entrance has been introduced).
- 6.38 • There is a concern over the apparent lack of active frontage to the north and south of Block E. CCTV, fencing and lighting should be incorporated, entrances brought flush to the façade.
- 6.39 (Officer Comment: CCTV, fencing and lighting will be introduced in the design stage to be

conditioned. The entrances have been amended and brought flush to the building).

- 6.40 • The design of the pocket park must ensure mitigation of anti-social behaviour. The play equipment should not form a visual barrier. The play area must be Secure by Design certified.
- 6.41 (Officer Comment: Given the detailed nature of these design comments, the pocket park will be conditioned appropriately to address these concerns).
- 6.42 • The recessed entrances at ground level to Block A and the narrow pedestrian route from the car park may result in safety issues
- 6.43 (Officer Comment: The entrance to Block A is now flush and the car park/bin store access has been rationalised with secure gates to avoid hidden areas. Also, the car park access passage has been doubled in width)
- 6.44 • The recessed entrance to Block D must be removed
- 6.45 (Officer Comment: The recess has been removed).
- 6.46 • Along the north-south route through the site, the seating should not be covered to discourage any potential anti-social behaviour after business hours; CCTV coverage will be required here. Also, there should be no permanent market stalls here.
- 6.47 (Officer Comment: The canopies have been removed from above the seating and CCTV will be installed at the design stage. Further, the applicant has advised that any market stalls would be temporary, but to avoid confusion, have been removed from the plan).
- 6.48 • The planting fronting the entrance to the sub-station should be removed to minimise any potential hiding places
- 6.49 (Officer Comment: The plans have been amended accordingly)

### **Tower Hamlets PCT**

- 6.50 In accordance with the HUDU model, the PCT indicated that the development will generate a required contribution of £1,309,588 towards primary care needs of residents as follows:

| <b>Revenue Planning Contribution</b> | <b>Capital Planning Contribution</b> | <b>Total</b> |
|--------------------------------------|--------------------------------------|--------------|
| £978,269                             | £293,324                             | £1,271,593   |

- 6.51 Doubt has been cast over the consistency of the HUDU model and its application in Tower Hamlets, the detail of which has been considered in two recent Appeal cases as follows:
- 6.52 • Appeal made by Bernard Construction (Stepney) Ltd against the Council of the London Borough of Tower Hamlets (Former Police Station and Magistrates Court, East Arbour Square and West Arbour Square, London E1 0PU) – 29 March 2007; and
  - Appeal made by Virsons Ssas against the Council of the London Borough of Tower Hamlets (10 – 22 Dunbridge Street, London, E2 6JA) – 18 June 2007.
- 6.53 To summaries both cases, the Planning Inspectorate found that:
  - The HUDU model has little current policy backing for its use as yet; and
  - There is a lack of in-depth information provided regarding the inputs in the spreadsheet; i.e.:
    - There are no details of capacity of health services in an area, need or slack in the

system.

- Furthermore, the model does not have a geographical or functional link to the proposal. The exact nature or location of any revenue spent/ improvement of healthcare is not identified; and
- With regard to revenue, the HUDU model relies on the timing of development relative to a 2/3 year funding cycle. However, the harm that is sought to be mitigated may only appear on occupancy, which could occur much later.

6.54 Whilst the Planning Inspectorate indicated that healthcare obligations were reasonable requests in most instances, the appeal examples (and this application) do not fully justify the healthcare contributions required by the PCT. As such, the inspectors concluded that, in these particular circumstances, the health contributions would not accord with all the tests in the Circular 05/05. The Circular states that planning obligations can only be sought where they meet all of the five tests.

6.55 The Inspectors found that the healthcare obligations had not been shown to be necessary to make the proposed development acceptable in planning terms. Similarly, the obligations had neither been demonstrated to be directly related to the proposed development, nor to be fairly related in scale and kind to the proposed development.

6.56 The request from the PCT shows no real evidence of the capacity, need or slack of existing health facilities in the area which might serve the appeal site, nor any indication as to whether or not additional provision would be necessary to meet the demands made by the development. Moreover, the exact nature, location or timing of the proposed new service has not been identified.

6.57 In line with the Appeal decisions mentioned above, and recent Planning Committee decisions, the proposed development is similar in that there is insufficient evidence to convince the Planning Department that the requested obligation is directly related to the proposed development, necessary to make it acceptable in planning terms, or fairly and reasonably related in scale and kind to the proposed development.

6.58 The request for the financial revenue contribution in this instance is therefore considered to be unreasonable where it may fail to comply with Circular 05/05. However, the capital contribution sought is considered satisfactory, particularly in consideration of recent committee decisions.

## **7. LOCAL REPRESENTATION**

7.1 A total of 1372 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.] As mentioned above, the scheme was advertised twice due to the amendments that were made to the scheme. The number of representations received from neighbours and local groups in response to the first round of notification and publicity of the application were as follows:

|                             |                            |               |
|-----------------------------|----------------------------|---------------|
| No of individual responses: | Objecting: 170             | Supporting: 0 |
| No of petitions received:   | Petition 1 34 Signatures   |               |
|                             | Petition 2 649 Signatures  |               |
|                             | Petition 3 1249 Signatures |               |

7.2 The number of representations received from neighbours and local groups in response to the second round of notification and publicity of the application were as follows:

|                             |                |               |
|-----------------------------|----------------|---------------|
| No of individual responses: | Objecting: 279 | Supporting: 4 |
|-----------------------------|----------------|---------------|

7.3 The following issues were raised in representations that are material to the determination of



the application, and they are addressed in the next section of this report:

#### 7.4 Land Use

- The proposed density is too high and will negatively impact on social and physical infrastructure of the area (i.e. roads, open space, Roman Road market, public transport, schooling, medical, etc);
- The development will 'kill off' the Roman Road markets and existing shops;
- Inadequate provision of family housing;
- Insufficient provision of affordable housing;
- The proposed retail development is smaller than the previous Safeway store; and
- The area does not need more residential buildings.

#### 7.5 Design

- The height, bulk, scale and design quality of the development will have a negative impact upon the context of the surrounding area, particularly the Roman Road Conservation Area;
- The development is gated and child play space is not accessible;
- Poor frontage design along Cardigan Road;
- Disruption to TV reception;
- Lack of play space; and
- Increased anti-social behaviour, particularly along Cardigan Road, Gladstone Walk and the proposed pocket park.

#### 7.6 Amenity

- Loss of daylight and sunlight;
- Wind impacts;
- Overshadowing;
- Loss of privacy;
- Increased dust pollution;
- Increased noise;
- Sense of enclosure/ loss of outlook ; and
- Deliveries should only occur after 10am Monday to Saturday and after 12 on Sunday (Officer Comment: The Council's Noise officer has recommended acceptable hours which have been conditioned appropriately).

#### 7.7 Highways

- Impact on the accessibility of Cardigan Road from Roman Road;
- Increased congestion;
- Lack of parking;
- Safety issue with the servicing arrangements;
- Impact of the lorries on the surface treatment of Roman Road (Officer Comment: Neither TFL or the LBTH Highways Department raised objection to the scheme on these grounds);
- Existing parking spaces on adjacent roads should not be removed to meet servicing requirements;
- No taxi drop-off/ pick-up area;
- Inadequate public transport;
- Removal of existing car parking (ex-Safeway site) will have an impact on the success of the Roman Road markets;
- The cycle parking areas will encourage thieves in this area; and
- Servicing of the site should not occur before 7am (Officer Comment: The Council's

Noise officer has recommended acceptable hours which have been conditioned appropriately).

#### 7.8 Other

- No mention of the heat and power source.
- Loss of trees on Anglo Road.

#### 7.9 The following issues were raised in representations, but they are not considered to be material to the determination of the application:

- The motive for the development is to maximise profits;
- Limited scope and duration of the public consultation;
- The development will result in loss of value to surrounding buildings;
- An unconditional agreement for lease of the main retail unit as a supermarket must be obtained before commencement of development (Officer Comment: The applicant has advised that Tesco's will be using the retail unit if planning approval is granted. Notwithstanding, tenants of the retail use cannot be conditioned by planning approval);
- Increase in fly tipping; and
- The Council must review the parking permits allocated to Council officers at the Bow Neighbourhood offices who utilise the existing car park if the scheme is approved.

### 8. MATERIAL PLANNING CONSIDERATIONS

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

- Land Use
- Design
- Amenity
- Highways
- Other

#### **Land Use**

##### Principle of Residential-Led Mixed Use Development

##### *Residential Use*

8.2 The proposed development will provide a range of residential units, including units suitable for smaller households and an appropriate level of family orientated accommodation. The site is moderately well served by public transport and is situated within a mixed-use district centre location, which includes existing residential uses as well as local shops, services and employment opportunities. The site is also reasonably well located in relation to public amenity space. Accordingly, the site is considered appropriate for a mixed use development of the scale, quantum and character proposed.

8.3 In accordance with policies 3A.1, 3A.3 & 3A.5 of the consolidated London Plan (2008), the Mayor is seeking the maximum provision of additional housing in London. The proposed development responds to a defined local and strategic need for new housing and will make a valuable contribution to local and strategic housing objectives. It therefore meets the requirements of the London Plan.

8.4 Further, there is no strategic land use designation over the site, in accordance with the Unitary Development Plan 1998 (UDP) or the Interim Planning Guidance 2007 (IPG), that would prohibit the proposed use.

- 8.5 The current development represents low density use of the site, which does not accord with local and strategic objectives. Whilst there has been public objection to further residential development in the area, the proposed residential element to the scheme represents a more efficient and appropriate use of the site, whilst contributing to strategic and local housing objectives. The residential component of the proposal is also considered acceptable given the character and land use mix of the area surrounding the site, in accordance with policy DEV3 of the UDP.

#### *Retail Use*

- 8.6 The development will comprises 2,687sqm of retail floor space that is proposed to be utilised as a supermarket and two small flexible retail units. The site is located immediately to the south of the Roman Road district shopping centre, which covers the urban blocks on either side of Roman Road.
- 8.7 The main pedestrian access to the site is through Gladstone Place which fronts the district shopping centre. Gladstone Place is currently used to gain access to the Bow Idea Store, which is also located to the rear of the main shopping street. The entrance to the proposed supermarket is located opposite the entrance to the Idea Store, and will be visible from the main street. The applicant proposes public realm improvements to Gladstone Place, providing a permeable route from the main street to the development, the Idea Store, and the existing residential properties to the south of the site.
- 8.8 PPS6 seeks to preserve and enhance the vitality and viability of town centres and to ensure the availability of a wide range of shops, employment, services and facilities to which people have easy access to. It notes that developments which are likely to generate high levels of travel should be located in existing town centres.
- 8.9 Annex A of PPS6 defines the main characteristics of different types of centres. It is to be noted, in particular for district centres, PPS6 states:
- “District centres will usually comprise groups of shops often containing at least one supermarket or superstore, and a range of non-retail services, such as banks, building societies and restaurants, as well as local public facilities such as a library”*
- 8.10 Policy 2A.8 of the London Plan sets out an over-arching approach to support and regenerate town centres. The policy seeks to accommodate economic and housing growth through intensification and selective expansion and sustaining and enhancing the vitality and viability of town centres. Policy 3D.1 identifies Roman Road as a district centre. Whilst the policy discourages retail uses outside the town centres, the policy encourages net additions to town centre capacity where appropriate to their role in the overall network. Further to this, the London Plan policy 3D.3 seeks to resist the loss of retail facilities and paragraph 3.276 states *“the existence of thriving local convenience shopping is important, especially for less mobile people and those on low incomes”*.
- 8.11 According to the Council’s UDP and IPG proposal maps, the site primarily falls outside and borders the district centre designation. However, the Council’s Borough-Wide Retail Capacity Study Appendices (which forms part of the evidence base used in formulating the IPG) paragraphs 1.41 and 1.42, state that the Roman Road District Centre is split into 3 parts, of which the application site is considered to be an ‘anchor’ for the Roman Road East part of the centre designation.
- 8.12 As mentioned earlier the site already contains up to 3000sqm of retail floorspace. Clearly the proposed development is not introducing retail floorspace to a new location, and therefore it is more appropriate to consider the proposal as replacement floorspace. In this respect, there is nothing that would prevent the existing store reopening and trading as a

supermarket. Whilst a number of objections were received over the reduction of retail floor space, the applicant advised that the redevelopment provides the opportunity to create a unit which is better designed and more suitable to the needs of modern retailers.

- 8.13 Further to this, the applicant has undertaken a Retail Statement to assess the need for the development, in accordance with PPS6, at the request of the Council, following objections raised by the public. The assessment identifies that whilst the Roman Road district centre offers a range of goods and services, together with a street market; its role is undermined by the lack of a good supermarket, a high vacancy rate and a lack of national multiples. In the wider area there are no major food stores, and residents are forced to travel significant distances to undertake their main food shop. Given the current lack of a supermarket within the Roman Road district centre, there is a clear need for such a facility, in order for the centre to fulfil its role.
- 8.14 The loss of the former supermarket building has had a detrimental effect on local retail provision and viability in the Roman Road district centre. The Central Area Action Plan (issues and options paper) which was consulted on in April 2007, states that the Roman Road East district centre is one of the key centres suffering from decline, particularly following the loss of its anchor foodstore. It notes that the local community would like to see another large retail provider operating in the centre as soon as possible.
- 8.15 The applicant has identified that the proposed development will generate approximately 149 new jobs in this area which will contribute to the growth and diversification of the local economy and act as a catalyst in the ongoing regeneration of this area, as sought by London Plan policy 3B.11 and UDP Policy EMP1.
- 8.16 A number of people have raised objection to the scheme where they believe the scheme will have a negative impact on the Roman Road markets and existing shops. The Retail Statement identifies that the market stall operators occupy a different role in the provision of convenience goods. As noted in the Council's Borough-Wide Retail Capacity Study, *"these markets provide a mix of convenience and comparison goods and specialise in ethnic foodstuffs"* and *"ethnic goods including textiles and fabric"* (para 1.193). The statement concludes that they *"sell a different range of niche goods which would be available from the proposed foodstore and are therefore unlikely to be directly impacted by it"*. Further, the Statement suggests that the district centre may experience spin-off benefits as a result of the potential to promote 'linked trips'.
- 8.17 Within the Stage 1 report, the GLA have stated that *"given the site's location, and the current loss of retail facilities within the district centre caused by the closure of the previous supermarket, the re-provision of retail floorspace within this development is acceptable"*.
- 8.18 Where the development replaces an existing supermarket which forms a fundamental part of the regeneration of Roman Road district shopping centre, providing a valuable contribution towards local and strategic employment, retail and residential objectives, the scheme is considered acceptable in line with national, regional and local planning policies.

#### Density

- 8.19 The Site has a net residential area of approximately 0.75 hectares. The scheme is proposing 208 units or 614 habitable rooms. The proposed residential accommodation would result in a density of approximately 277 units per hectare and 819 habitable rooms per hectare (hr/ha).
- 8.20 London Plan policy 3A.3 outlines the need for development proposals to achieve the highest possible intensity of use compatible with the local context, the design principles within Policy 4b.1 and with public transport capacity.

- 8.21 The applicant has stated that the site has a public transport accessibility level, or PTAL, of three. However, TfL have advised that the appropriate PTAL level is two. Table 3A.2 of the London Plan suggests a density of 250 to 450 habitable rooms per hectare for sites with a PTAL range of 2 to 3. The proposed density is therefore significantly higher than the GLA guidance and would appear, in general numerical terms, to be an overdevelopment of the site.
- 8.22 However, the density matrix within the London Plan and Council's IPG is a guide to development and is part of the intent to maximise the potential of sites, taking into account the local context and London Plan design principles, as well as public transport provision.
- 8.23 Moreover, it should be remembered that density only serves an indication of the likely impact of development. Typically high density schemes may have an unacceptable impact on the following areas:
- Access to sunlight and daylight;
  - Loss of privacy and outlook;
  - Small unit sizes
  - Lack of open space and amenity space;
  - Increased sense of enclosure;
  - Increased traffic generation; and
  - Impacts on social and physical infrastructure;

These issues are all considered in detail later in the report and were considered on balance to be acceptable.

- 8.24 Policies 3A.1, 3A.2 and 3A.3 of the London Plan encourage Boroughs to exceed the housing targets and to address the suitability of housing development in terms of location, type and impact on the locality. Policies CP20 and HSG1 of the IPG seek to maximise residential densities on individual sites; taking into consideration the local context and character; residential amenity, site accessibility; housing mix and type; achieving high quality, well designed homes; maximising resource efficiency; minimising adverse environmental impacts; the capacity of social and physical infrastructure and open spaces; and to ensure the most efficient use of land within the Borough.
- 8.25 The GLA made the following comment:

*“The built character of the surrounding area is urban, comprising a mix of four and six storey mid rise flatted development. The scheme therefore relates well to its context and does not appear over-scaled. Whilst the PTAL is not high, three bus routes are within walking distance of the site. The development includes a supermarket and is located immediately adjacent to a district centre which comprises shops, an outdoor market, health centre and a dentist surgery. Consequently occupiers of this development will be within walking distance of a range of retail provision and local services. The development is also adjacent to Bow Idea Store, which provides a library, adult learning opportunities and a café. In addition, the proposal includes landscaped residential amenity provision, as well as children’s play space, and the proposal contains a mix of tenures and bedroom sizes.*

*The local context therefore supports a high-density development”*

- 8.26 On review of these issues, a high density mixed use development is justified in this location in accordance with London Plan, UDP and IPG policies. The scheme is considered acceptable for the following reasons:
- The proposal is of a high design quality and responds appropriately to its context.

- The proposal is not considered to result in any adverse symptoms of overdevelopment.
- The provision of the required housing mix, including dwelling size and type and affordable housing, is acceptable.
- A number of contributions towards affordable housing, health, education, town centre, public realm and open space improvements, have been agreed to mitigate any potential impacts on local services and infrastructure.
- The development is located within an area with moderate access to public transport services, open space, town centre and other local facilities, whilst also providing a generous provision of retail space on site.
- A planning condition will look at ways to improve the use of sustainable forms of transport through a travel plan. Also, a section 106 agreement will be implemented to prohibit any overspill parking from the residential development as well as monitor and mitigate any potential impact on TV reception.

## Housing

### *Housing Mix*

8.27 The scheme is proposing a total of 208 residential units.

8.28 Paragraph 20 of Planning Policy Statement 3 states that

*“key characteristics of a mixed community are a variety of housing, particularly in terms of tenure and price and a mix of different households such as families with children, single person households and older people”.*

8.29 Pursuant to policy 3A.5 of the London Plan the development should:

*“offer a range of housing choices, in terms of housing sizes and types, taking account of the housing requirements of different groups, such as students, older people, families with children and people willing to share accommodation”.*

8.30 The GLA housing requirements study identified within the Mayor’s Housing SPG provides a breakdown of housing need based on unit mix. However, according to the Mayors SPG, it is inappropriate to apply the identified proportions crudely at local authority level or site level as a housing mix requirement. Rather, they should be considered in preparing more detailed local housing requirement studies.

8.31 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 UDP does not provide and prescribed targets.

8.32 The following table below summarises the proposed housing mix against policy HSG2 of the Interim Planning Guidance 2007, which seeks to reflect the Boroughs current housing needs:

|              |                       | affordable housing |            |            |              |            |            | market housing |            |            |
|--------------|-----------------------|--------------------|------------|------------|--------------|------------|------------|----------------|------------|------------|
|              |                       | social rented      |            |            | intermediate |            |            | private sale   |            |            |
| Unit size    | Total units in scheme | units              | %          | LDF %      | units        | %          | LDF %      | units          | %          | LDF %      |
| Studio       | 2                     |                    |            | 0          |              |            | 0          | 2              | 1.5        |            |
| 1 bed        | 81                    | 15                 | 38.5       | 20         | 7            | 30         | 37.5       | 59             | 40.5       | 37.5       |
| 2 bed        | 76                    | 2                  | 5          | 35         | 11           | 48         | 37.5       | 63             | 43         | 37.5       |
| 3 bed        | 39                    | 12                 | 31         | 30         | 5            | 22         | 25         | 22             | 15         | 25         |
| 4 bed        | 4                     | 4                  | 10         | 10         | 0            |            |            |                |            |            |
| 5 Bed        | 6                     | 6                  | 15.5       | 5          | 0            |            |            |                |            |            |
| <b>TOTAL</b> | <b>208</b>            | <b>39</b>          | <b>100</b> | <b>100</b> | <b>23</b>    | <b>100</b> | <b>100</b> | <b>146</b>     | <b>100</b> | <b>100</b> |

8.33 A number of residents have raised concern that the scheme does not provide sufficient family housing (+3 bedrooms per p255 of the Interim Planning Guidance). However, policy HSG2 and of the IPG identifies that family housing is needed mostly within social rented housing, which the proposed development exceeds as mentioned above.

8.34 There has been an overall reduction of 13 units from the original submitted scheme, which has had some impact on the proportion of family accommodation. The new proposal introduces 4, four bedroom units into the affordable rented mix, and result in an increase from 50% to 56.5% in the percentage of family accommodation within the affordable rented which includes 25.5% four and five beds, meeting a priority housing need.

8.35 The GLA has raised concern over the provision of 1 and 2 bed units. The Councils Housing Department however has accepted that a consequence of the high proportion of family accommodation is the low percentage of two bedroom units, and finds the mix on balance acceptable.

8.36 The Housing Department also finds the level of family accommodation in the intermediate housing mix (22%) and market housing mix (15%) to be acceptable, and the resultant overall unit mix of approximately 24% family housing.

8.37 It is to be noted that the scheme also exceeds the amount of family housing otherwise achieved across the borough based on the most recently published LBTH Annual Monitoring Report 2006-7. The table below demonstrates that the proposed development is a significant improvement upon what has been achieved across the borough and in terms of aspiration, is a positive step towards LBTH achieving key housing targets and better catering for housing need.

| Tenure        | Borough-Wide % | Proposal %  |
|---------------|----------------|-------------|
| Social-rented | 17.5           | 56.5        |
| Intermediate  | 2.5            | 22          |
| Market        | 4.1            | 15          |
| <b>Total</b>  | <b>7.1</b>     | <b>23.6</b> |

8.39 On balance, the scheme provides a suitable range of housing choices and meets the needs of family housing in the social rented component. As such, the proposed housing mix is considered to comply with national guidance, the London Plan, UDP and the Interim

Planning Guidance in creating a mixed and balanced community.

#### *Affordable Housing*

- 8.40 Policy 3A.9 of the London Plan sets out a strategic target that 50% of the new housing provision should be affordable.
- 8.41 Policy CP22 of the IPG document states that the Council will seek to maximise all opportunities for affordable housing on each site, in order to achieve a 50% affordable housing target across the Borough, with a minimum of 35% affordable housing provision being sought.
- 8.42 The scheme is proposing 35% affordable housing based on habitable rooms.
- 8.43 An evaluation of the schemes viability was prepared by the applicant using the GLA Affordable Housing Development Control Toolkit, where the scheme is proposing less than 50% affordable housing, in line with policy 3A.10 of the London Plan. Whilst the GLA have raised concerns with the toolkit assessment in their Stage 1 report, the applicant has sought to address these. In response the GLA have advised that they broadly support the toolkit assessment and the affordable housing provision. The toolkit assessment has been scrutinised by the Council and its conclusion that 35% affordable housing is the most that is viable for this scheme, on balance, is supported.
- 8.44 Where the scheme is meeting the Council's affordable housing target of 35%, the scheme on balance, is considered acceptable.

#### *Social Rented/ Intermediate Ratio*

- 8.45 Against London Plan policy 3A.9 affordable housing target of 50%, 70% should be social rent and 30% should be intermediate rent.
- 8.46 Policy CP22 of the IPG states that the Council will require a social rented to intermediate housing ratio split of 80:20 for all grant free affordable housing.
- 8.47 The scheme is proposing a housing ratio split of 69.1:30.9 rented/ intermediate (by habitable room). The GLA stage 1 report states that the affordable housing "*tenure mix of the development is acceptable*".
- 8.48 The proposed tenure split falls short on the 80% requirement for social rented within the Council's IPG. However, where the split is generally in line with the London Plan 70/30 target, the provision is considered on balance to be acceptable.

#### **Design**

- 8.49 The site is on the edge of Roman Road Conservation Area and behind Grade II listed Passmore Edwards Public Library. Gladstone Place forms punctuation along Roman Road street market and is home to the Bow Ideas Store. Conservation Area boundaries include the two storey terrace along Cardigan Road, which is the eastern edge of the application site. Building heights within the Conservation Area are consistent between 2-3 storeys and rise towards the south with post-war modern housing estates. However, immediately to the west of the site is the Bow Neighbourhood Office/Ideas Store which comprises a modern, four/five storey red brick building and just beyond this is Brodick House; a 22 storey residential block.
- 8.50 There is objection to the proposed development where the residents are of the opinion that the proposed buildings do not reflect the scale or character of the surrounding area. However, the Council's Development and Renewal Department are of the opinion that the



building's height, scale, bulk and quality of design are appropriate for this location. This opinion is examined in detail below.

### Bulk and Massing

- 8.51 Good design is central to all the objectives of the London Plan. Chapter 4B of the London Plan refers to 'Principles and specifics of design for a compact city' and specifies a number of policies aimed at achieving good design. These principles are also reflected in policies DEV1 and 2 of the UDP and the IPG.
- 8.52 Policy CP4 of the draft Core Strategy states that LBTH will ensure development creates buildings and spaces that are of high quality in design and construction, are sustainable, accessible, attractive, safe and well integrated with their surroundings. Policy DEV2 of the IPG reiterates DEV1 of the UDP and states that developments are required to be of the highest quality design, incorporating the principles of good design.
- 8.53 Following concerns raised by the public over the height and bulk of the development, as well as officers original concerns over the impact on Cardigan Road terrace, the applicant has sought to address this by re-designing the eastern, western and southern elevations of the scheme, reducing its mass (in particular to blocks C and D) and amending elevation detailing by omitting projected balconies where possible. The general distribution of bulk and massing is now considered acceptable.
- 8.54 Objections to the scheme suggest that the scheme is a gated community. It must be noted that the podium play space area above the car park is not required by policy to be publicly accessible in accordance with private and communal amenity space requirements. Also, this design responds well to the constraints of the site, and in providing car parking space, to meet the needs of the residents and users of the retail space. Further, the proposed layout will provide better accessibility and safety for pedestrians, where the north - south and east west routes are to be improved and a series of plazas provided, that include public child play space.
- 8.55 Along Cardigan and Anglo Roads, the development will define the street edge with four/ five storey residential accommodation, including appropriate setbacks at the higher levels. When viewed from Roman Road, the proposed massing will generate sufficient interest with minimal impact on the setting of the Listed Building. With choice of sympathetic materials, brickwork and well proportioned windows; it will achieve adequate transition in character. Use of materials will be conditioned appropriately.
- 8.56 By re-introducing active retail at ground floor, Gladstone Place and Gladstone Walk will receive a fresh lease of life and has the potential to become a successful place. Further, the alignment of building E with Cruden House, including defined entrances, fits well within the context. Blocks A, B, C, D and E are generally well designed with appropriately sized units.
- 8.57 The site will continue to be serviced from Cardigan Road for proposed retail at ground floor and parking spaces. Whilst objections have been received over the lack of active frontage, this location is the only viable vehicular access point for the site, with limited impact on the surroundings. With careful site management and articulation of ground floor gates, green wall and residential entrances; any impact on existing houses should be mitigated. The quality of external finishes and detailing is critical in ensuring promised design quality. Also, proposed CCTV and dedicated security point adjacent the car park entrance should mitigate the anti-social behaviour concerns along this frontage as raised by the public.
- 8.58 The GLA stage 1 report states that "*the development concept and the scale of the development are largely supported*". Whilst the stage 1 report identified a number of design elements that could be improved, including the need for more double aspect dwellings and reconfiguration of block E for safety reasons, these matters are not considered to be

strategic nor sustainable reasons for refusal. Notwithstanding this, the applicant has amended the scheme to increase the total provision of dual aspect units to 77 as well as committing to improve lighting and CCTV along the north and south elevations of block E.

- 8.59 On balance, the bulk and massing of the development is considered to be acceptable. The proposal generally meets the Council's UDP design & conservation policies. The site layout and contribution to public realm responds well to the urban context. The development presents a good opportunity to reinvigorate Gladstone Place and the Roman Road district centre. The scheme should be conditioned appropriately to ensure that a high quality detailing of the development is achieved.

#### Tall Building

- 8.60 The London Plan defines a tall building as one that is significantly taller than their surroundings, has a significant impact on the skyline and is larger than the threshold sizes for the referral of planning applications to the mayor.
- 8.61 The IPG defines a tall building as buildings generally exceeding 30 metres in height, or which are significantly higher than the surrounding buildings, dependent on the scale of existing development and the character of the area. The development is not considered to be a tall building in accordance with the London Plan and the IPG since the development was not referable to the mayor under the tall building criteria. Whilst the proposed development exceeds the height of the existing commercial development on the site, the majority of the development is between 5 and 6 storeys, apart from building A which is 10 storeys. There are buildings up to 4 storeys adjacent to the development to the north, south and west and a 22 storey building adjacent to the site to the west (Brodict House)
- 8.62 Notwithstanding, the development has been assessed against the tall building policies within the IPG given the concerns raised by the public. CP48 of the emerging LDF permits the Council to consider proposals for tall buildings in locations outside the tall building cluster locations identified in this policy if adequate justification can be made for their development.
- 8.63 The site is not within an identified tall building cluster. The design quality of the development will create a landmark that has the potential to act as a catalyst for the regeneration of the surrounding area. The height of Block A reflects the larger grain development to the west of the site. Also, the height of the building would guide legibility along Roman Road where the site will be an anchor for economic activity in the area.
- 8.64 Policy DEV27 of the IPG provides a suite of criteria that applications for tall buildings must satisfy. In consideration of the above comments and policy requirements, the proposal is considered to satisfies the relevant policy criteria as follows:
- The design is sensitive to the local and wider context.
  - The architectural quality of the building is considered to be of a high design quality, demonstrated in its scale, form, massing, footprint, materials, relationship to other buildings and public realm provision.
  - The proposed development does not fall within the strategic views designated in Regional Planning Guidance 3A (Strategic Guidance for London Planning Authorities, 1991) or the Mayor's draft London View Management Framework SPG (2005). Nonetheless, the building is considered to provide an appropriate contribution to the skyline.
  - Visually integrated into the streetscape and the surrounding area as a landmark building.
  - Presents a human scaled development at the street level.
  - Respects the local character and seeks to incorporate and reflect elements of local distinctiveness.

- On balance, there will be no adverse impact on the privacy, amenity and access to sunlight and daylight for surrounding residents.
- Demonstrates consideration of sustainability throughout the lifetime of the development, including the achievement of high standards of energy efficiency.
- The scheme will contribute positively to the social and economic vitality of the surrounding area at the street level through its proposed mix of uses.
- Incorporates principles of inclusive design.
- The site is located in an area with relatively good public transport access.
- Takes into account the transport capacity of the area, and ensure the proposal will not have an adverse impact on transport infrastructure and transport services.
- Improves permeability with the surrounding street network and open spaces.
- The scheme provides publicly accessible areas, including the ground floor non-residential uses and public realm.
- The scheme would conform to Civil Aviation requirements.
- Whilst a TV reception report was not submitted, a s106 agreement will be secured to monitor and mitigate any impacts upon TV reception.

8.65 The Council's Design and Conservation Officer and the Mayor considered the proposal to be acceptable in terms of building height. Further, English Heritage raised no objection to the scheme.

8.66 On balance, in accordance with London Plan and the IPG, the proposal scores merit for its response to the context, evolution of form, distinct character, high design quality and generous public realm. The height of the building is therefore considered to be acceptable.

#### Built Heritage

8.67 PPG15 (Planning and the Historic Environment) requires local planning authorities who consider proposals which affect a listed building or Conservation Area to have special regard to the preservation of the setting of the listed building or Conservation Area, as the setting is often an important part of the building or areas character.

8.68 Policy 4B.11 of the London Plan seeks to protect and enhance London's historic environment. Further, Policy 4B.12 states that Boroughs should ensure the protection and enhancement of historic assets based on an understanding of their special character. Policy CON1 [1] of the IPG states that planning permission will not be granted for development which would have an adverse impact upon the setting of a listed building. Further, CON2 states that development that would affect the setting of a Conservation Area will be granted only where it would preserve or enhance the special architectural or historic interest of the Conservation Area.

8.69 As mentioned earlier in this report, no part of the development is located in a conservation area. However, the site is adjacent to the Roman Road conservation area and the Grade II listed Passmore Edwards Public Library.

8.70 Notwithstanding, English Heritage has raised no objection to the proposal; rather, they advised that the application should be determined in accordance with national and local policy guidance, and on the basis of the Council's specialist conservation advice.

8.71 Also, the Council's Design and Conservation team has advised that the proposal would enhance the character of the Conservation Area along Roman Road and Gladstone Place in contrast to the existing development upon the site. The affect on Cardigan Road is considered moderate; however, this can be mitigated at the detailed design stage for its external appearance. As mentioned earlier, the use of materials will be conditioned appropriately.

8.72 The proposal is therefore considered to be appropriate in accordance with PPG15, the

London Plan and the IPG.

Amenity/Open Space

8.73 Policy HSG16 of the UDP requires that new developments should include adequate provision of amenity space, and they should not increase pressure on existing open space areas and playgrounds. The Council's Residential Space SPG includes a number of requirements to ensure that adequate provision of open space is provided, as shown below:

| Tenure           | Proposed   | SPG Requirement                                       | Total (m <sup>2</sup> ) |
|------------------|------------|---|-------------------------|
| Family Units     | 49         | 50sqm of private space per family unit                | 2450                    |
| Non-family units | 159        | 50sqm plus an additional 5sqm per 5 non-family units; | 209                     |
| Child Bed spaces | 93         | 3sq.m per child bed space                             | 279                     |
| <b>Total</b>     | <b>208</b> |   | <b>2938</b>             |

8.74 Following is an assessment against the residential amenity space requirements under policy HSG7 of the emerging LDF Core Strategy document.

| Units  | Total      | Minimum Standard (sq.m)  | Required Provision (sq.m)        |
|--|------------|--|----------------------------------|
| Studio   | 2          | 6  | 12                               |
| 1 Bed  | 81         | 6  | 486                              |
| 2 Bed  | 76         | 10   | 760                              |
| 3 Bed  | 30         | 10   | 300                              |
| 4 Bed  | 4          | 10   | 40                               |
| <b>TOTAL</b>                                   | <b>193</b> |  | <b>1598</b>                      |
| <b>Ground Floor Units</b>                      |            |  |                                  |
| 3 Bed  | 9          | 50   | 450                              |
| 5 Bed  | 6          | 50   | 300                              |
| <b>Total</b>                                   | <b>15</b>  |  | <b>750</b>                       |
| <b>Grand Total</b>                             | <b>208</b> |  | <b>2348</b>                      |
| <b>Communal amenity</b>                        |            | 50sqm for the first 10 units, plus a further 5sqm for every additional 5 units | <b>248</b> (50sq.m plus 198sqm). |
| <b>Total Housing Amenity Space Requirement</b> |            |  | <b>2596sqm</b>                   |

8.75 In total, the proposed development will provide 1,101sqm of communal amenity space and 2,131sqm of private amenity space within the site. It will also provide 986sqm enhanced public realm within the site boundary and 1,157sqm beyond the site boundary as a s106 contribution. In total, the development will provide 3,232sqm of private and communal amenity space and 2,143sqm of enhanced public realm.

8.76 The enhanced public realm will include a widened, hard landscaped pedestrian link between Gladstone Place and Vernon Road, and improved connections to the north of the proposed supermarket along Gladstone Walk and to the north and south of building E. The public realm will be integrated with the proposed pocket park within the south western corner of the site. The area at podium level above the proposed parking area and supermarket will form a private and communal courtyard space, including private gardens, children's play space and a soft communal amenity area.

- 8.77 All of the proposed residential units, with the exception of a limited number of 1 bed apartments, will be served by private amenity space in the form of private gardens or balconies.
- 8.78 A range of amenity space is therefore provided as part of the proposed development. The proposed amenity space will complement existing areas of public space in the vicinity of the application site, including Victoria Park (approximately 400 to 500 metres to the north) and Mile End Park (approximately 750 metres to the west).
- 8.79 Taking account of the site's urban, district centre location and the scale and character of the proposed development, it is considered that the scheme will provide adequate amenity space in accordance with UDP Policy HSG16 and Policy HSG7 of the IPG, despite objections raised by the community.

#### *Child Play Space*

- 8.80 London Plan Policy 3D.13 requires developments that include residential units to make provision for play and informal recreation, based on the expected child population. The applicant has not submitted an estimated child occupancy rate. Using the methodology within the Mayors SPG, this development will be home to 93 children (being 36 under 5 year olds; 35, 5 to 11 year olds; and 22, 12 to 16 year olds).
- 8.81 Using the Council's methodology for calculating child play space, the scheme will be home to 60 children. The methodology for this calculation is inline with the Council's capacity study for education. As this document is only supporting evidence to the IPG, the mayor's methodology would appear to be the more realistic calculation.
- 8.82 Whilst both the UDP Residential Standards SPG and the IPG prescribe 3sq.m per child bed space, paragraph 4.29 of the Mayors child play space SPG states that a benchmark standard of 10sq.m per child should be applied to establish the quantitative requirements for play space provision for new developments. This equates to a requirement of 930sq.m recreation space.
- 8.83 The applicant has stated that 48sq.m of play space and 1,134 sq.m amenity space will be provided within the development. Two courtyard spaces are proposed in addition to communal space provided on the roof space of blocks B and D. This is in addition to a 232sq.m publicly accessible pocket park that is being provided by the development. The spaces have been designed so as to provide passive and active areas and amount to 1,414sq.m of play and recreational space.
- 8.84 The children's play space within the development will be designed for children under six and will include equipment such as climbing frame, sand pit and educational fixed toys. The passive spaces will include grassed area with seating. Whilst the applicant has indicated materials to be used and demonstrated on the plan the design of the courtyard spaces, further illustrative material is required to ensure the quality of the proposed spaces are achieved. This will be conditioned appropriately.
- 8.85 The pocket park will act as a community facility, and will also provide play space for children from the development up to 12 years old. By using more adventurous equipment, including climbing walls and a tree play fort.
- 8.86 Whilst specific facilities are provided for 0 – 5s and 6 – 11s age groups, the applicant has provided no details on provision for the 12 – 16 year olds. The GLA stage 1 report states that if *“off-site provision is to be used, then the location, size, suitability and quality of the space should be illustrated, including demonstrating a clear and safe route from the development to the space, that should meet the distance criteria of the Mayors SPG”*.

- 8.87 The applicant has advised that it is not possible or appropriate to provide onsite provision of outdoor play space for the 12 – 16 year old group. Victoria Park is a large urban park with a range of recreational facilities including pitches, tennis courts and a running track. The needs of 12-16 year olds are therefore adequately catered for in the local area. This response has been accepted by the GLA.

#### *Summary*

- 8.88 It is clear that the open space provision exceeds the minimum requires of the Council's housing SPG and the Interim Planning Guidance. Whilst not all of the units are provided with private amenity space, the development provides significant communal open space. The applicant is also proposing to improve public realm, including a new pocket park. The proposed child play space is also considered to comply with relevant national and local policies and guidance.
- 8.89 On balance, the amenity space provision is considered acceptable subject to a detailed landscape design condition and s106 contribution towards open space and public realm improvements to mitigate and adverse impact upon the surrounding open space areas.

#### Accessibility and Inclusive Design

- 8.90 The access statement indicates that 10% of the units will be wheelchair accessible in accordance with Council policy. The scheme should be conditioned appropriately to ensure that this is provided for. The scheme has also been conditioned to ensure the proposed disabled parking spaces are provided and maintained.
- 8.91 The affordable and market housing elements have been designed to incorporate full Lifetime Homes standard requirements and will be conditioned appropriately.
- 8.92 The GLA has raised concern over the schemes accessibility and inclusive design standard, in accordance with policy 4B.5 of the London Plan. The particular issue raised concerns the use of ramps on the podium deck. Again this matter is not considered to be strategic where the applicant has advised that the gradient of the access ramp complies with the building regulations, ensuring accessibility issues are appropriately addressed. As such, this is not considered to be a sustainable reason for refusal.

#### Safety and Security

- 8.93 In accordance with DEV1 of the UDP 1998 and DEV4 of the IPG, all development is required to consider the safety and security of development, without compromising the achievement of good design and inclusive environments.
- 8.94 The Metropolitan Police raised a number of design issues with the scheme regarding the safety and security of the development, as mentioned earlier in this report. These matters have been addressed satisfactorily by the applicant following amendments. The scheme will also be conditioned appropriately to ensure a number of proposed mitigation measures are implemented in consultation with the Metropolitan Police.

#### **Amenity**

##### Daylight /Sunlight Access

- 8.95 DEV 2 of the UDP seeks to ensure that the adjoining buildings are not adversely affected by a material deterioration of their daylighting and sunlighting conditions. Supporting paragraph 4.8 states that DEV2 is concerned with the impact of development on the amenity of residents and the environment.

- 8.96 Policy DEV1 of the Interim Planning Guidance states that development is required to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm. The policy includes the requirement that development should not result in a material deterioration of the sunlighting and daylighting conditions of surrounding habitable rooms.
- 8.97 The applicant submitted a Daylight and Sunlight report which looks at the impact upon the daylight, sunlight and overshadowing implications of the development upon itself and on neighbouring residential properties.
- 8.98 The following properties were assessed for daylight and sunlight, particularly in response to objections received and where they are considered to represent worst case scenarios:
- No. 568a Roman Road (Emerson Building) to the north;
  - No's 36 to 60 Cardigan Road to the east;
  - 1 to 10 Dornoch House and Lord Cardigan Public House to the south; and
  - 11 to 16 Cruden House and Brodick House to the west.
- 8.99 According to the UDP, habitable rooms include living rooms, bedrooms and kitchens (only where the kitchen exceeds 13sqm).
1. Daylight Assessment
- 8.100 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.
- 8.101 British Standard 8206 recommends ADF values for residential accommodation. The recommended daylight factor level for dwellings are:
- 2% for kitchens;
  - 1.5% for living rooms; and
  - 1% for bedrooms.
- 8.102 The results of the assessment demonstrate that the majority of the neighbouring windows and rooms assessed within the existing properties will comply with the BRE VSC and ADF guidelines.
- a. Daylight Results: Impacts on Neighbouring Properties*
- 8.103 Overall, of the 109 windows assessed, 62 will comply with the VSC target levels. Given that a number of neighbouring windows will receive VSC levels below the relevant BRE target levels, ADF calculations have been undertaken. It is important to reiterate that the calculation of ADF provides a more rigorous and accurate assessment of the level of daylight received by a room than the calculation of VSC as it takes account of the size and reflectance of a rooms surfaces, the size and transmittance of its window(s) and the level of VSC received by the window(s)
- 8.104 The ADF results show that 92 of the 105 rooms assessed (not including Brodick House) will comply with the respective BRE target levels (87% compliance). The rooms assessed that will receive interior daylight levels below the BRE guide levels represent isolated rooms within No.568a Roman Road (3 rooms) and Dornoch House (10 rooms). In the case of the majority of these rooms, the breach of the guide is marginal and not sufficient to realistically sustain a refusal. The majority of these rooms are kitchens and are within 0.5% of the respective target level (2%), and comply with the relevant target for living rooms (1.5%). In accordance with advice from Council's sunlight/daylight officer and the sites urban context,

this impact on balance is considered acceptable.

- 8.105 Objections have been raised from residents of Dennis House to the north of Roman Road. However given the separation distance of approximately 50 metres, any impact is considered to be minimal and not requiring a detailed analysis.
- 8.106 The impacts of the development on the northernmost, east facing ground floor level window within Brodick House that will be most affected by the development was assessed. This window represents the worst case scenario and the resultant VSC level resulting from the proposed development would be above the BRE guide level.

*b. Daylight Results: Impacts on Proposed Units*

- 8.107 The results of the interior daylight calculations undertaken for the 588 proposed main rooms and bedrooms within the development, demonstrate that 498 rooms will comply with the respective BRE interior daylight guide levels (85%). The windows that will receive levels of daylight below the BRE guide levels are principally situated beneath balconies, which in themselves have high amenity value.

2. Sunlight Assessment

- 8.108 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.

*a. Sunlight Results: Impacts on Neighbouring Properties*

- 8.109 The results of the sunlight assessment demonstrate that all 53 of the south facing neighbouring windows assessed will comply with the BRE annual sunlight guide levels (100% compliance). In addition, 49 of the 53 windows will comply with the BRE winter sunlight guide levels (92% compliance). Those that don't comply but one would be within 2% of the guide level.

*b. Sunlight Results: Impacts on Proposed Units*

- 8.110 The sunlight results for the 356 south facing windows serving main rooms/bedrooms within the proposed units demonstrate that 216 windows will comply with the BRE annual and winter sunlight guide levels (61% compliance). The windows that will receive levels of sunlight below the BRE guide levels are generally either situated directly beneath balconies or are at a low level overlooking the courtyard.
- 8.111 On balance, it is acknowledged that there will be a loss of daylight/sunlight to both proposed units on site and to a small number of existing neighbouring buildings as a result of the proposal. It is also acknowledged that the urban character of the area and the flexibility and suburban basis of the BRE guidelines, some impact on daylight and sunlight is expected to occur in such locations. Indeed, it can be argued that the amount and quality of light received is not untypical in an urban environment and therefore difficult to refuse on these grounds.
- 8.112 National, strategic and local planning policy of relevance to the sites redevelopment encourages the development of higher density developments and schemes which maximise the use of accessible sites. Given that the majority of the units across the scheme comply with the daylight/sunlight guideline levels, it is unlikely that the loss of daylight and sunlight would justify refusal of this scheme and its noted benefits. On this basis, the proposal can be supported.

*(c) Shadow Analysis*



- 8.113 The BRE report advises that for a garden area or amenity area to appear adequately sunlit throughout the year no more than two-fifths and preferably no more than one-quarter of such garden or amenity areas should be prevented by buildings from receiving any sun at all on 21<sup>st</sup> of March.
- 8.114 The applicants assessment confirms that the amenity areas surrounding the site will not experience permanent shadow beyond the permitted limits indicated within the BRE guideline. Similarly, whilst objections have been received regarding the impact upon surrounding residential gardens, the applicants assessment shows that no garden will experience permanent shadow beyond the permitted limits indicated within the BRE guideline.
- 8.115 The assessment also considers the impacts upon the proposed areas of amenity space, including the public realm, podium deck, pocket park and the ground floor/ podium private garden areas. The analysis identifies that the permanent shadow resulting from the development within each of the proposed areas of amenity space/public realm will be well below 40% of their total area, as advised by the BRE guidance. The shadow impacts therefore comply with the BRE guidance.

#### Privacy/ Overlooking

- 8.116 A number of the objections raised concerns with reference to the potential overlooking from the development and the resulting loss of privacy. The particular sites that may be impacted upon are addressed below. The assessment of overlooking is to be considered in line with Policy DEV2 of the UDP, where new developments should be designed to ensure that there is sufficient privacy for residents. A distance of about 18 metres (60 feet) between opposite habitable rooms reduces inter-visibility to a degree acceptable to most people. This figure is generally applied as a guideline depending on the design and layout concerned and is interpreted as a perpendicular projection from the face of the habitable room window.

- 8.117 • No. 568a Roman Road to the north

The positions of the windows in the north elevation facing No. 568a Roman Road have been adjusted to ensure the opposing windows are offset and an inset in the face has been provided to ensure a setback distance of approximately 15 to 18 metres. Separation distances such as these are not uncommon in urban settings and are considered appropriate in this instance.

- 8.118 • No's 36 to 60 Cardigan Road to the east

The minimum separation distance between the eastern elevation and these neighbouring dwellings is a minimum of approximately 16m. The separation distance is generally in compliance with policy guidance and, in consideration of the urban setting and width of the street, the setback distance on balance is considered acceptable.

- 8.119 • Lord Cardigan Public House to the south

The minimum separation distance between the southern elevation of the development and the Lord Cardigan Public House is approximately 15m. It is understood that the first floor level of the public house is used for ancillary accommodation and is therefore considered to be commercial in type. As such, these rooms are not considered as habitable in line with Council policy. The 18m policy guidance therefore does not apply.

- 8.120 • 1 to 10 Dornoch House to the south

The minimum separation distance between the southern elevation and these neighbouring dwellings is approximately 17m. The separation distance is generally in compliance with policy guidance and in consideration of the urban setting and width of the street, the setback distance on balance is considered acceptable.

8.121 • 11 to 16 Cruden House to the west

There is a separation distance of approximately 23 metres between adjacent habitable windows. The separation distance exceeds the policy direction and is therefore considered acceptable.

8.122 • Impact of the development upon itself

The separation distance between windows within Block E is below the guideline distance, at approximately 16 metres. The opposing windows however have been offset to prevent direct overlooking and are therefore considered acceptable.

8.123 The separation distance between windows within Blocks A and E is below the guideline distance at approximately 14 metres. The only windows of concern are on levels 1 and 2. However, these are generally offset to prevent direct overlooking and are on balance considered acceptable.

Sense of Enclosure/ Loss of Outlook

8.124 Unlike, sunlight and daylight assessments or privacy, these impacts cannot be readily assessed in terms of a percentage. Rather, it is about how an individual feels about a space. It is consequently far more difficult to quantify and far more subjective. Nevertheless, whilst it is acknowledged that the development may result in an increased sense of enclosure and/or loss of outlook to surrounding residences given the increase in height, on balance this proposal is not considered to create an unacceptable impact given the urban context and where the scheme is generally compliant with the setback guidance that governs privacy matters. A reason for refusal based on these grounds is not considered to be sustainable.

Wind/ Microclimate

8.125 Members of the public have concerns regarding the potential impacts that may arise from wind. The applicant has not undertaken a Wind Assessment. Notwithstanding, potential wind effects that require specific assessment are generally caused by tall buildings beyond the height of the proposed scheme.

8.126 As mentioned above, the scheme is not considered to be a tall building. The GLA stage 1 report does not assess the development against the tall building policies, which must consider wind impacts. Further, there is no objection from the GLA regarding the height of the scheme or any impacts caused by wind. It is acknowledged that most developments that intensify the existing situation would materially affect the wind environment. However, any wind impacts caused by this development are considered to be appropriate for the scale of this development. Notwithstanding this, to address the public concern, the landscape condition should consider the resultant wind environment to the public realm.

Noise and Vibration

8.127 The London Plan seeks to reduce noise by minimising the existing and potential adverse impacts of noise, from, within, or in the vicinity of development proposals. The plan also states that new noise sensitive development should be separated from major noise sources wherever practicable (policy 4A.14).

- 8.128 Policy DEV50 of the LBTH UDP states that the Council will consider the level of noise generated from developments as a material consideration in the determination of applications. This policy relates particularly to construction noise created during the development phase or in relation to associated infrastructure works. Policy HSG15 states that the impact of traffic noise on new housing developments is to be considered.
- 8.129 A supplementary noise assessment was submitted which considers impacts upon the surrounding environment during the construction phase and the operation phase. The main noise sources of concern would typically be as follows:
- Construction
  - Deliveries to the store
  - Service yard activity at the store
  - Car park activity associated with the store and the residential car park
  - Fixed plant associated with the store.
- 8.130 The Council's noise officer found the noise assessment to be acceptable. The scheme will be conditioned to apply restricted construction and operation hours, delivery, noise and vibration limits to ensure the amenities of surrounding and future residents will be protected.
- 8.131 Notwithstanding this, as mentioned earlier in the report, the delivery hours for the previous supermarket were restricted as follows:
- No deliveries to the Store shall be received other than on Sundays between the hours of 10.00hrs and 14.00hrs with a maximum of two lorries, nor on Bank Holidays other than between the hours of 8.00hrs and 14.00hrs with a maximum of two lorries, nor on Monday to Saturday other than between the hours of 07.30hrs and 18.00hrs for a period of 12 months from the date of the permission.
  - In addition, a s106 agreement was entered into to exclude delivery traffic from the locality of the store until the appropriate times.
- 8.132 LBTH Environmental Health Department identified more extensive delivery hours in considering the applicants noise report. However, given the residential nature of the surrounding environment and the previous planning approval history for the site as a supermarket, the applicant has agreed to operate the store in accordance with the previously approved delivery hours. Also, the applicant has agreed to enter into a s106 agreement to exclude delivery traffic from the locality of the store until the appropriate times.

#### Air Quality

- 8.133 The development would result in changes to traffic flow characteristics on the local road network. Potential impacts caused by the proposed development on local air quality has been assessed, and was found to be acceptable by the Councils' Environmental Health department.
- 8.134 In order to mitigate any potential impacts and to address concerns raised by the public, a Construction Environmental Management Plan (CEMP) will be required setting out measures to be applied throughout the construction phase, including dust mitigation measures.
- 8.135 During the operational phase, encouraging sustainable transport and reducing dependence on the private car would reduce the impact of the development in terms of both greenhouse gases and pollutants. This will be addressed by condition via a travel plan.

#### **Highways**

##### Access

- 8.136 The proposed development is bounded by Anglo Road, Cardigan Road and Gladstone Place. Cardigan Road, the main frontage to the site, is not well connected to the Transport for London Road Network (TLRN) as the A12 East Cross Route is 650m east and the A11 Bow Road 1000m south. The nearest section of the Strategic Road Network (SRN) is the A110 High Street, terminating at Bow Interchange, 1500m east of the site. Roman Road is part of the London Cycle Network but the route does not connect directly to the site. There are 3 bus routes within a 285m walk from the site; routes 8, 339 and S2. Bow Road Underground and Bow Church DLR stations are approximately 951m and 958m respectively south from the proposed development.
- 8.137 The public have raised objection to the impact of the scheme upon the transport system in the area. Whilst the applicants transport assessment identifies the site as having a PTAL score of three, TFL has advised that the site has a PTAL score of two. Notwithstanding, the accessibility level and current service is considered to be acceptable for the proposed development, particularly given the proximity of the development to the town centre and the proposed supermarket on the site.
- 8.138 Also, the public have raised objection to increased congestion within the surrounding streets. The LBTH highways department did not object to the scheme on these grounds, particularly given the existing trips generated by the existing use of the site as a car park and the previous retail development.
- 8.139 The public also objected to the scheme based on the impact of the development upon the accessibility of Cardigan Road from Roman Road. The applicant provided turning circle diagrams for this junction showing acceptable movement which neither TFL nor the Highways department have objected to.
- 8.140 Residents have raised concern regarding impacts associated with the construction traffic. As such, the scheme has been conditioned to provide an Environmental Construction Management Plan to mitigate any potential impacts.

#### Parking

##### *Car parking*

- 8.141 The proposed car parking provision is 104 spaces which represents a reduction from the 140 spaces on site at present. 72 spaces will be for residential parking whilst a further two space will be used as car club spaces (this represents a parking ratio of 0.35 which is well below the maximum standard). The allocated residential spaces will include 7 disabled spaces.
- 8.142 The remaining 30 spaces are pay and display for the retail elements of the scheme, including 4 disabled spaces). A further 10 residential and 4 commercial motorcycle spaces have been provided at the request of the LBTH Highways department.
- 8.143 The public have raised concern that the scheme provides insufficient parking spaces and as such, there will be an overspill from the development upon the surrounding street. Both TFL and the LBTH Highways Department have found the car parking provision for the residential and commercial elements of the scheme to be policy compliant. It is recommended that a S106 agreement be put in place to ensure that the development is 'car free', so that no controlled parking permits are issued to the new residents of the development. As such, there should be no overspill parking from the development. The scheme will also be conditioned to comply with a travel plan to ensure residents are committed to using more sustainable forms of transport.
- 8.144 Also, the public are concerned that the removal of the existing car parking (ex-Safeway site)

will have an impact on the success of the Roman Road markets. It must be noted that the existing car park was approved ancillary to the operation of the supermarket. It has been mentioned earlier in this report that the success of the district centre is dependant on the provision of a supermarket in this area. TFL has confirmed that the number of car parking spaces proposed for the commercial premises is acceptable.

- 8.145 Objection has been raised where there is no taxi drop-off/ pick-up area. According to the IPG, the requirement for a taxi pick up/set down area is to be determined on a case by case basis, subject to the Transport Assessment results. Neither TFL nor the LBTH Highways Department have objected to the scheme where a taxi area has not been provided.

#### *Cycle Parking*

- 8.146 Planned provision of 1 cycle parking space per residential unit complies with TfL's and the Council's cycle parking standards. The 21 spaces proposed for the commercial element of the scheme also meet the levels required (229 spaces in total). It is supported that the cycle parking will be secure and covered. The public has raised concern that the cycle parking areas will encourage thieves in this area. TFL have requested that the cycle parking spaces be covered by CCTV to discourage thieves. As such, to address TfL's comments and to address public concerns, the scheme should be conditioned appropriately.

#### Servicing and Refuse Provisions

- 8.147 Currently the site has two vehicular accesses onto Cardigan Road: One for the car parking and one for service vehicles. The car park access will be retained for the new development proposal and merged into a combined access for residents, visitors, delivery and service vehicles. The access will be widened to allow a private access into the basement car park for residents, and an opening into the pay and display parking area for shoppers.
- 8.148 As stated, delivery vehicles will also share this entrance with residents and visitors. Delivery vehicles will enter through this entrance, drive into an enclosed delivery area, service the site and then leave through a second exit onto Cardigan Road. A series of track plots were carried out to ensure articulated vehicles can enter and exit the designated servicing area without any hazardous movements.
- 8.149 Amendments to the scheme have been made to increase pedestrian safety at these access points to address safety concerns raised by LBTH Highways Department. Also, a condition requiring the submission of a service and delivery management plan to be approved by the Council is required to ensure personnel are always present at the time of deliveries, to ensure the protection of pedestrians crossing the access road, as well as mitigating any potential impact upon Cardigan Road. This is considered sufficient in addressing the safety concerns raised by the public.
- 8.150 Provision for the storage of refuse for the residential and non-residential uses has been provided for. Amendments to the scheme have been made at the request of LBTH cleansing department to facilitate refuse collection on Anglo Road, including the introduction of dropped curbs and the introduction of managed refuse collection point for Blocks A and E. Objection has been raised by the public over any proposed loss of existing parking spaces on adjacent roads to meet servicing requirements. The applicant has advised that in order to meet the servicing requirements, the current spaces on Anglo Road need to be reshuffled, however their survey confirms that these spaces can continue to be accommodated within Anglo Road without any loss. The Council's parking services has raised no objection to this proposal subject to a Traffic Management Order. It is recommended that a condition be included to ensure the adequate management of the refuse and recycling facilities is provided.

#### **Other**

### Biodiversity

- 8.151 Objection has been raised over the proposed removal of two existing trees along Anglo Street. The development site is not designated for its ecological importance and is considered to be poor in terms of plant diversity and abundance. The existing trees are not protected by a tree preservation order. Notwithstanding, the applicant is proposing to retain a number of the existing trees along the north-south public realm route. The scheme will be conditioned to include native species in the landscaping scheme, also, requiring the creation of brown/green roofs.

### Flooding/ Water Resources

- 8.152 Policy U3 states that the Council (in consultation with the Environment Agency) will seek appropriate flood protection where the redevelopment of existing developed areas is permitted in areas at risk from flooding.
- 8.153 The site is not located in a flood risk area. Notwithstanding, appropriate mitigation measures should be enforced via planning conditions if permission was granted to address drainage matters.

### Archaeology

- 8.154 PPG16 Archaeology and Planning advises on procedures for dealing with archaeological remains and discoveries. Whilst the site is located within an Archaeological Priority Zone as specified within the UDP and the IPG, English Heritage is happy to accept appropriate conditioning of the scheme where planning approval is granted.

### Sustainability

- 8.155 The consolidated London Plan (2008) energy policies aim to reduce carbon emissions by requiring the incorporation of energy efficient design and technologies, and renewable energy technologies where feasible. Policy 4A.7 adopts a presumption that developments will achieve a reduction in carbon dioxide emissions of 20% from onsite renewable energy generation (which can include sources of decentralised renewable energy) unless it can be demonstrated that such provision is not feasible.
- 8.156 According to policy DEV6 of the IPG, 10% of new development's energy is to come from renewable energy generated on site with a reduction of 20% of emissions.
- 8.157 The applicant submitted an energy and sustainability strategy. In response to comments made by the Council, GLA and objections made by the public the proposal has been revised as follows.
1. The proposed passive design and energy efficiency measures will represent a 5% reduction in the Building Emission Rate, for both the residential and retail schemes
  2. A single energy centre is proposed with a designated plant area within the basement area of the main block. This is detailed on the architectural drawings within the planning submission. A woodchip delivery pit will also be provided within the retail loading bay above to allow for biomass deliveries.
  3. A gas fired CHP system is now proposed to act as the lead boiler which has been sized to meet the domestic hot water load, the system has been provisionally sized to 80 kWe in conjunction with substantial thermal storage to cater for the predicted steady-state residential domestic hot water base load and should be able to provide a minimum 10% CO2 reduction across the development, compared to a standard Part L compliant scheme.
  4. A woodchip biomass boiler is proposed to meet the renewable energy target and will

be sized to operate during the heating season to provide heat which should further reduce the scheme's carbon emissions by approximately 15%. The size of the biomass boiler will be in the region of 200-300kW, dependent on detailed design analysis. During heating peaks the natural gas condensing boilers will fire to meet the maximum demand

5. The original scheme proposed 35% of the residential elements of the scheme (affordable units) will achieve a Code Level 3 – Code for Sustainable Homes. To comply with the Sustainable Design and Construction policies set out in the London Plan and the LBTH Interim Planning Guidance an assessment against the Mayors sustainable Design and Construction SPG has been completed and the scheme will be extended to meet Code Level 3 – Code for Sustainable Homes for all of the residential units. The financial implication of this is yet to be assessed and shall be completed at the detailed design stage, if there are no financial implications affecting the viability of the scheme than the whole residential development shall meet Code Level 3.

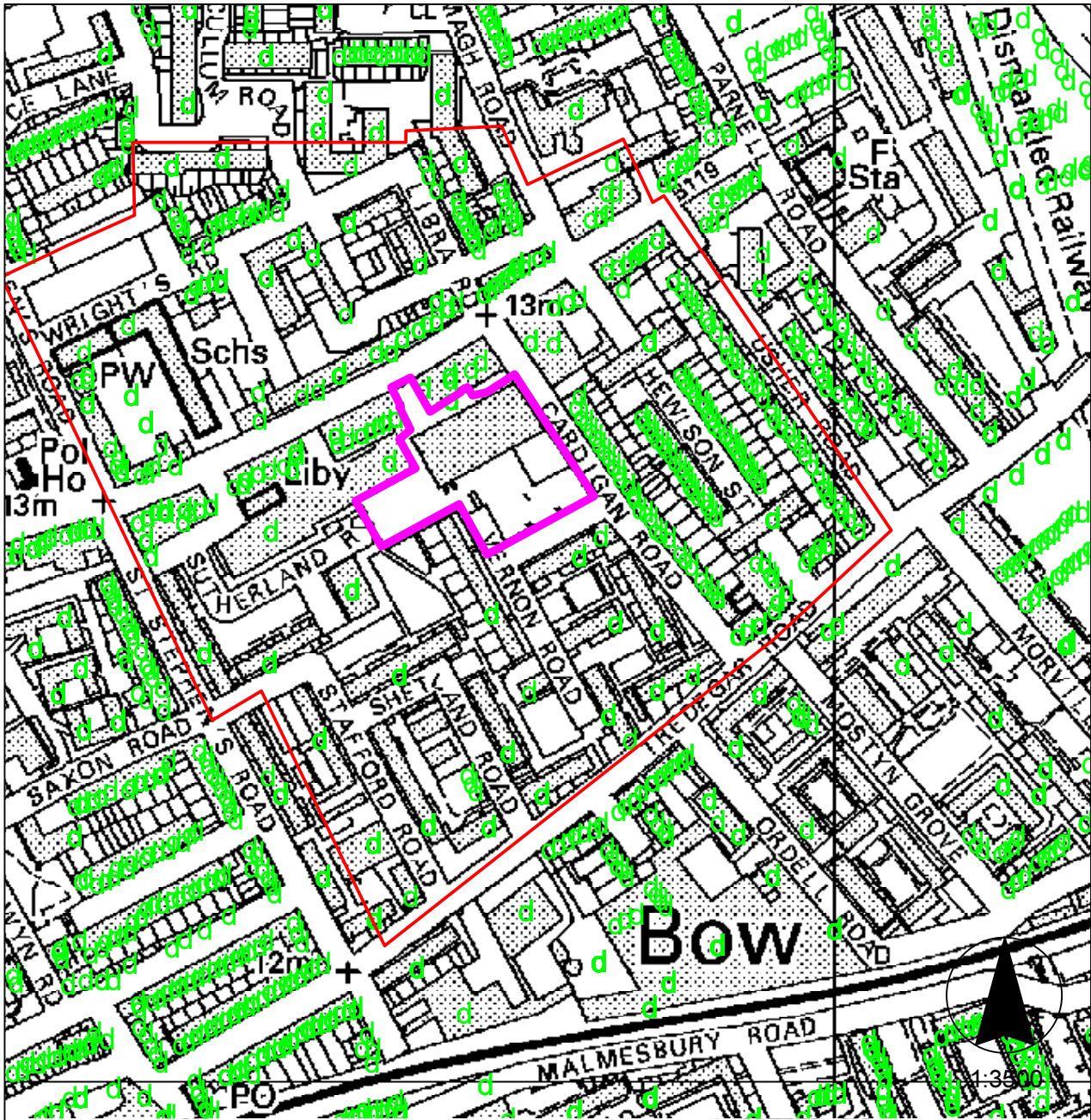
8.158 Since the energy strategy for this development has been revised, the Council's Energy Efficiency Unit confirms that it now complies with the energy efficiency, renewable energy and sustainable design and construction policies set out in the London Plan and LBTH IPG.

8.159 Whilst final comments have not yet been received from the GLA on the amended energy strategy, pursuant to the Energy Efficiency Unit's advice, the proposal is acceptable subject to conditions to provide the design details before the commencement of the development.

## **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 Stationary Office © Crown Copyright. London Borough of Tower Hamlets LA086568



# Agenda Item 7.3

|  |  |   |                               |
|--|--|---|-------------------------------|
| <b>Committee:</b><br>Strategic Development                         | <b>Date:</b><br>10 <sup>th</sup> July 2008 | <b>Classification:</b><br>Unrestricted          | <b>Agenda Item No:</b><br>7.3 |
| <b>Report of:</b><br>Corporate Director of Development and Renewal |  | <b>Title:</b> Planning Application for Decision |                               |
| <b>Case Officer:</b><br>Devon Rollo                                |  | <b>Ref No:</b> PA/08/00504                      |                               |
|  |  | <b>Ward(s):</b> Blackwall and Cubitt Town       |                               |

## 1. APPLICATION DETAILS

|                              |  |
|------------------------------|--|
| <b>Location:</b>             | The London Arena (Phase II), Limeharbour, London, E14 9 <sup>TH</sup>  |
| <b>Existing Use:</b>         | Vacant site previously forming part of Former London Arena, which had a leisure use (D2 Use Class)   |
| <b>Proposal:</b>             | Amendment to the approved application, reference PA/06/2068, permitted on 3rd October 2007 involving revised designs, layout and land uses, removing Office (B1) uses and providing 6 additional hotel rooms (143 in total), 195 serviced apartments, 54 additional residential units (1111 in total), additional retail floorspace, a health club and additional open space.  |
| <b>Drawing Nos:</b>          | DPA-010 00, DPA-011 00, DPA-100 00, DPA-101 00, DPA-102 00, DPA-103 00, DPA-104 00, DPA-105 00, DPA-106 00, DPA-107 00, DPA-108 00, DPA-109 00, DPA-110 00, DPA-111 00, DPA-112 00, DPA-113 00, DPA-114 00, DPA-115 00, DPA-116 00, DPA-117 00, DPA-118 00, DPA-119 00, DPA-120 00, DPA-121 00, DPA-122 00, DPA-123 00, DPA-124 00, DPA-200 00, DPA-201 00, DPA-202 00, DPA-203 00, DPA-204 00, DPA-205 00, DPA-400 00, DPA-400 02, DPA-401 00, DPA-402 00, DPA-402 02, DPA-403 00, DPA-500 00, DPA-501 00, DPA-502 00, DPA-503 00, DPA-504 00, and DPA-505 00 |
| <b>Supporting Documents:</b> | <p>Planning Statement – March 2008</p> <p>Design and Access Statement – March 2008</p> <p>Landscaping Strategy – March 2008 (as amended by Drawing Nos. 4438-03/L006 – Bicycle Storage Review 24-04-2008 and 4438-03/L010A)</p> <p>Sustainability Statement – March 2008</p> <p>Employment Supply Study – March 2008</p> <p>Energy Strategy – March 2008</p> <p>Statement of Community Involvement – March 2008</p> <p>Environmental Impact Assessment (Vol 1-4) – March 2008</p> <p>GLA Affordable Housing Toolkit – May 2008 (Confidential)</p>              |
| <b>Applicant:</b>            | Ballymore Group  |
| <b>Owner:</b>                | Ballymore Group<br>Docklands Light Railway   |

### 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<br>LDF and London Plan |                                    | Xxxx Xxxx<br>020 7364 xxxx        |

**Historic Building:** The site does not contain any Listed Buildings

**Conservation Area:** The site is not located within a Conservation Area

## 2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan, the Council's Interim Planning Guidance and associated supplementary planning guidance, the London Plan 2008 and Government Planning Policy Guidance and has found that:
- 2.2 The proposal is in line with the Mayor and Council's policy, as well as Government guidance which seek to maximise the development potential of sites. As such, the development complies with policy 3A.3 of the London Plan 2008 (Consolidated with Alterations since 2004) and policy HSG1 of the Council's Interim Planning Guidance (2007) which seeks to ensure this.
- 2.3 The retail uses (Class A1, A2, A3, A4 & A5), hotel and serviced apartment use (C1), health club use (D2) and residential are acceptable in principle, as they will provide a suitable mix of services to the community and future residents of the development, as well as be in accordance with the identified uses for the site. As such, it is in line with policies ART7 and ST49 of the Council's Unitary Development Plan 1998 and policies IOD20, IOD22, CP13 and SCF1 of the Council's Interim Planning Guidance (2007), which seek to ensure services and jobs are provided that meet the needs of the local community.
- 2.4 The proposal provides an acceptable amount of affordable housing and mix of units overall. As such, the proposal is in line with policies 3A.5, 3A.8, 3A.9 and 3A.10 of the London Plan 2008 (Consolidated with Alterations since 2004), policy HSG7 of the Council's Unitary Development Plan 1998 and policies CP22, HSG2 and HSG3 of the Council's Interim Planning Guidance (2007), which seek to ensure that new developments offer a range of housing choices.
- 2.5 The loss of the employment use on site is acceptable because the site is considered a fringe site and the market has been shown to be oversupplied with office with the particular area. As such, the proposal is in line with employment policies 3B.2 and 4B.1 of the London Plan 2008 (Consolidated with Alterations since 2004), and policies CP1, IOD22 and CP19 of the Council's Interim Planning Guidance (2007), which seek to create sustainable and efficient uses for sites in relation to the particular site location.
- 2.6 The density of the scheme would not result in the overdevelopment of the site and any of the symptoms that are typically associated with overdevelopment. As such, the scheme is in line with policy 3A.3 of the London Plan 2008 (Consolidated with Alterations since 2004) and policies DEV1 and DEV2 of the Council's Unitary Development Plan 1998 and policies CP5, DEV1 and DEV2 of Council's Interim Planning Guidance (2007), which seek to provide an acceptable standard of accommodation.
- 2.7 The development would enhance the streetscape and public realm through the provision of a public realm area and improved pedestrian linkages through the site to the adjacent dock. As such, the proposal is acceptable and in line with policies 4B.3, 4B.5 and 4C.11 of the London Plan 2008 (Consolidated with Alterations since 2004), policies ST37, DEV48, T18 and T19 of the Council's Unitary Development Plan 1998 and policies CP30, CP36, DEV3, DEV16 and OSN3 of the Council's Interim Planning Guidance (2007), which seek to improve amenity and liveability for residents.

- 2.8 The quantity and quality of housing amenity space and the public realm strategy is considered to be acceptable and in line with PPS3, policy 4B.3 of the London Plan 2008 (Consolidated with Alterations since 2004), policy HSG16 of the Council's Unitary Development Plan 1998 and policy OSN2 the Council's Interim Planning Guidance (2007) which seeks to improve amenity and liveability for residents without adversely impacting upon the existing open space.
- 2.9 The development's height, scale, bulk and design is acceptable and in line with policies 4B.1 and 4B.5 of the London Plan 2008 (Consolidated with Alterations since 2004), policies DEV1 and DEV2 of the Council's Unitary Development Plan 1998 and policies DEV1, DEV2 and DEV27 of the Council's Interim Planning Guidance (2007), which seek to ensure buildings are of a high quality design and suitably located.
- 2.10 The safety and security of the scheme are acceptable in accordance with policy DEV1 of the Council's Unitary Development Plan 1998 and policy DEV4 of the Council's Interim Planning Guidance (2007), which requires all developments to consider the safety and security of development, without compromising the achievement of good design and inclusive environments.
- 2.11 Transport matters, including parking, access and servicing, are acceptable and in line with London Plan 2008 (Consolidated with Alterations since 2004) policies 3C.1 and 3C.23, policies T16 and T19 of the Council's Unitary Development Plan 1998 and policies DEV18 and DEV19 of the Council's Interim Planning Guidance (2007), which seek to ensure developments minimise parking and promote sustainable transport options.
- 2.12 Sustainability matters, including energy, are acceptable subject to a condition for further mitigation measures. This is in line with London Plan 2008 (Consolidated with Alterations since 2004) policies 4A.4 and 4A.7 and policies DEV5 to DEV9 of the Council's Interim Planning Guidance (2007), these policies seek to promote sustainable development practices.
- 2.13 Contributions have been secured towards the provision of affordable housing, health care and education facilities, highways, transport, open space and public realm in line with Government Circular 05/05, policy DEV4 of the Council's Unitary Development Plan 1998 and policy IMP1 of the Council's Interim Planning Guidance (2007), which seek to secure contributions toward infrastructure and services required to facilitate proposed development.

### 3. RECOMMENDATION

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

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

B. The prior completion of a **legal agreement**, to the satisfaction of the Assistant Chief Executive (Legal Services), to secure the following:

a) A proportion of 35% on a gross floor space basis of the proposed units to be provided as affordable housing with the socially rented mix as specified in the table attached in Section 8.15.

b) Provide **£8,579** towards the installation of Docklands Arrival Information System (DAISY) within the London Arena development.

c) Implement measures to offset signal interruption to mitigate the adverse effects on DLR radio communications.

- d) Provide a minimum of **£22,763** towards the D5 bus service or new bus service (TFL proposal) and potential new bus stops on East Ferry Road.
- e) Provide **£7,149** towards general improvements to pedestrian and cycle routes in the area including crossings and new paving surfaces.
- f) Provide **£4,289** towards the signalisation of the junction of Marsh Wall/Limeharbour with a green man phase.
- g) Provide **£6,225** towards open space improvements to cater for the demand that will arise from the new housing on existing open space and recreational facilities.
- h) Set of measures for the public realm including provision of the public piazza and access to the Dockside Walkway.
- i) Provide **£30,018** towards education to mitigate the demand of the additional population on education facilities.
- j) Provide **£163,375** towards medical facilities to mitigate the demand of the additional population on medical facilities.
- k) Provide **£7,114** towards the Local Labour in Construction (LiC) programme.
- l) Provide **£4,289** towards Skillsmatch to maximise the employment of local residents.
- m) Preparation of a Workplace Travel Plan (including welcome pack for residents).
- n) Preparation of a Service and Delivery Plan.
- o) Obligations in relation to construction works (noise levels, hours of work, transport arrangements, air quality, method statements) to be secured through a Code of Construction Practice.
- p) TV Reception monitoring and mitigation.
- q) Preparation and implementation of a public art strategy including involvement of local artists.
- r) Completion of a car free agreement to restrict occupants applying for residential parking permits.
- s) Preparation of an Environmental Management Plan – post construction.

3.2 That the Head of Development Decisions be delegated authority 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 to be submitted:
  - Elevational treatment including samples of materials for external fascia of building
  - Interface of retail areas with public space
  - The design of the lower floor elevations of commercial units including shopfronts
  - External lighting and security measures
- 3) Landscape Plan to be submitted
- 4) Landscape Management Strategy to be submitted

- 5) Biodiversity Strategy to be submitted
- 6) Details of signage to be submitted
- 7) Land contamination study required to be undertaken
- 8) Hours of construction limits
- 9) Hours of operation limits – hammer driven piling
- 10) Details of insulation of ventilation systems and any associated plant to be submitted
- 11) Details of site drainage to be submitted
- 12) Full particulars of refuse/recycling/composting storage to be submitted
- 13) Construction Management Plan to be submitted
- 14) Details of finished floor levels
- 15) Details of surface water control measures
- 16) Detailed Energy Strategy to be submitted
- 17) Black Redstarts habitat provision required
- 18) Green roofs
- 19) Construction operations and impact on dock walls
- 20) Horizontal access strip from dock wall
- 21) Materials openings and maintenance regime for boundary with DLR
- 22) Use of barges
- 23) Lifetime homes
- 24) Highways works
- 25) Archaeological watching brief
- 26) Parking plan to be submitted
- 27) Wheel wash facilities
- 28) Vibration
- 29) Health Club Management Plan
- 30) Any other condition(s) considered necessary by the Head of Development Decisions

#### **Informatives**

- 1) Thames Water Advice
- 2) British Waterways Advice
- 3) Site notice specifying the details of the contractor.
- 4) Any other informative(s) considered necessary by the Head of Development Decisions

3.3 That, if by 10<sup>th</sup> October 2008 the legal agreement has not been completed to the satisfaction of the Assistant Chief Executive (Legal Services), the Head of Development Decisions be delegated authority to refuse planning permission.

#### **4. PROPOSAL AND LOCATION DETAILS**

##### **Proposal**

4.1 The applicant seeks to undertake changes to Phase II of the development approved under planning permission PA/06/02068 involving revisions to designs, layout and land uses of buildings 1, 8 and 9, as shown in Figure 1 below.

4.2



Figure 1 – Showing the proposed locations and layout of buildings in phase I of the consented application and the proposed phase II.

- 4.3 Building 1 is proposed to extend to a height of 45 storeys (154.8m AOD) and is located on the north-western part of the site. The building is now proposed to consist of a Health Club in the basement, retail and entrance lobby areas on the ground floor, private residential units and a public restaurant on the top floors. A total of 330 residential units will be provided. All apartments will have balconies. Plant is located within the basement, and on levels 21, 42 and 43, and the restaurant with associated terrace is located on levels 43 and 44. This would represent a 3 storey (18.1m) increase in the height of building 1.
- 4.4 Building 8 is proposed to extend to a height of 19 storeys (68.2 m AOD) and is located on the northern part of the Site. The building is now proposed to comprise a hotel and serviced apartments. Lobby, hotel retail, business centre and drop off areas are proposed to be located on ground floor with plant and an amenity space (including a 613.8 sq. m green roof) for hotel residents located on level 19. This would represent an increase in number of storeys by 3 storeys, however, due to the building formally being designed for office an overall drop in height of 9.5m.
- 4.5 Building 9 is proposed to extend to a height of 16 Storeys (56.7 m AOD) and is located in the south-eastern part of the site. This building will primarily consist of social rented apartments with a small number of market residential units. Plant and a 752.9 sq. m brown roof will be provided on level 16. A total of 33 habitable rooms will be provided within the private residential units and 293 within the affordable residential units. Disabled access will be provided to 10% of the units. Service areas and car parking is located in the basement and basement podium deck with retail, private and affordable housing lobby areas on ground floor. This would represent an increase in height of 1 m, with the number of floors being the same.
- 4.6 The proposed changes to Phase II would result in the following changes to the approved scheme in terms of overall landuse:

| <b>Land Use</b>             | <b>Approved Scheme (Gross External Area)</b> | <b>Amended Scheme (Gross External Area)</b>                          |
|-----------------------------|--|--|
| Residential                 | 39,393 m <sup>2</sup> (366 units)            | 46,443 m <sup>2</sup> (421 units)                                    |
| Office                      | 25,838 m <sup>2</sup>                        | 0 m <sup>2</sup>   |
| Hotel / Serviced apartments | 10,238 m <sup>2</sup> (149 rooms)            | 18,579 m <sup>2</sup> (143 hotel rooms)<br>(195 serviced apartments) |
| Health Club                 | 0 m <sup>2</sup>                             | 1,126 m <sup>2</sup>   |
| Retail (A1-A5)              | 1,254 m <sup>2</sup>                         | 3,225 m <sup>2</sup>   |
| Total                       | 76,723m <sup>2</sup>                         | 69,373m <sup>2</sup>   |

## Site and Surroundings

### Site

- 4.7 The site lies on the Isle of Dogs and is bounded by the elevated Docklands Light Railway Line, beyond which lies Limeharbour to the east; Harbour Exchange development to the north; Millwall Inner Dock is directly to the west of the site; and Pepper Street is located to the south. The site has a total area of 27,400m<sup>2</sup> and was previously utilised as a leisure and entertainment centre, known as the London Arena. The London Arena was constructed in the 1980's and has since been demolished. Vehicular access to the site is from Limeharbour. Currently construction work is taking place on the subject site, implementing the phase I of the planning application PA/06/02068 approved in October 2007. At the time of the Planning Officer's site visit, construction of buildings 2, 4, 5, 6 and 7 was in progress.

### Surrounding Area

- 4.8 The surrounding area comprises a mix of predominantly commercial and residential uses, including a number of high density developments. To the east of the site, on the opposite side of Limeharbour are commercial and residential uses of varying sizes. To the south east is medium to low density residential development with local shops opposite the Crossharbour DLR station and the designated district centre comprising the Asda supermarket. To the south of the site is Lanark Square, including retail uses at ground floor level with office uses above, Balmoral House, a 4 storey residential building, and Aegean House, an 8-storey commercial structure. To the west of the site lies Millwall Inner Dock. A floating Chinese restaurant is located on the Dock along this boundary. On the opposite side of the dock there are a number of recently approved high-density residential schemes within the Millennium Quarter. The site is well located in terms of public transport accessibility as demonstrated in the Transport Assessment submitted in support of the application, being located adjacent to the Crossharbour Docklands Light Railway Station and the bus services on Limeharbour. The site has a PTAL rating of 5.

## Planning History

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

PA/04/00904 The demolition of London Arena and redevelopment by erection of 8 buildings ranging from 43 to 7 storeys in height with a total of 142,180 sqm of floor space over a podium. The proposal comprises 972 residential units; 26,500 sqm of office space; a 15,560 sqm hotel; a community facility of 1,157 sqm; a range of retail uses including A1, A2, A3, A4 and A5 comprising 4,810 sqm; new health and fitness club 1,085 sqm; associated landscaping including new public open spaces and a dockside walkway; a new internal road; and parking for 527 cars. **Approved 10 March 2006**

PA/06/02068 Redevelopment by the erection of 8 buildings 7 to 43 storeys to provide 149,381 sq m of floor space over a podium for use as 1057 residential units,

25,838 sq m of Class B1 (offices), a 149 room hotel; a 10,238 sq m. apart-hotel; a Class D1/D2 community facility of 1,329 sq m, 2,892 sq m for use within Classes A1, A2, A3, A4 and A5, a Class D2 health club of 1,080 sq m, associated car parking, landscaping including new public open spaces and a dockside walkway. (Revised scheme following grant of planning permission PA/04/904 dated 10th March 2006). **Approved 03 October 2007**

## 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 1998 (as saved September 2007)

Proposals:

|     |                       |
|-----|-----------------------|
| FPA | Flood Protection Area |
| CAZ | Central Area Zone     |

Policies:

|        |  |
|--------|--|
| DEV 1  | Design Requirements                                  |
| DEV 2  | Environmental Requirements                           |
| DEV 3  | Mixed Use Development                                |
| DEV 4  | Planning Obligations                                 |
| DEV 8  | Protection of Local Views                            |
| DEV 12 | Provision of Landscaping in Development              |
| DEV 44 | Protection of Archaeological Remains                 |
| DEV 46 | Protection of Waterway Corridors                     |
| DEV 48 | Strategic Riverside Walkways and New Development     |
| DEV 55 | Development and Waste Disposal                       |
| DEV 56 | Waste Recycling                                      |
| DEV 69 | Efficient Use of Water                               |
| EMP 7  | Enhancing the Work Environment and Employment Issues |
| HSG 7  | Dwelling Mix and Type                                |
| HSG 16 | Housing Amenity Space                                |
| T 16   | Traffic Priorities for New Development               |
| T 21   | Pedestrian Needs in New Development                  |
| ART 7  | Location of Major Hotel Development                  |

### Interim Planning Guidance (October 2007)

Proposals:

|          |                                 |
|----------|---------------------------------|
| IODAAP   | Isle of Dogs Area Action Plan   |
| DI 11    | Development Site – London Arena |
| FRA CP37 | Flood Risk Area                 |

Core Strategies:

|       |  |
|-------|--|
| CP 1  | Creating Sustainable Communities                   |
| CP 2  | Equality and Opportunity                           |
| CP 3  | Sustainable Environment                            |
| CP 4  | Good Design  |
| CP 5  | Supporting Infrastructure                          |
| CP 7  | Job Creation and Growth                            |
| CP 11 | Sites In Employment Use                            |
| CP 12 | Creative and Cultural Industries and Tourism       |
| CP 13 | Hotels, Serviced Apartments and Conference Centres |
| CP 15 | Provision of a Range of Shops                      |



|       |  |
|-------|--|
| CP 19 | New Housing Provision  |
| CP 20 | Sustainable Residential Density                                |
| CP 21 | Dwelling Mix and Type  |
| CP 22 | Affordable Housing   |
| CP 25 | Housing Amenity Space  |
| CP 27 | High Quality Social and Community Facilities to Support Growth |
| CP 30 | Improving the Quality and Quantity of Open Spaces              |
| CP 31 | Biodiversity   |
| CP 33 | Sites of Importance for Nature Conservation                    |
| CP 36 | The Water Environment and Waterside Walkways                   |
| CP 37 | Flood Alleviations   |
| CP 38 | Energy Efficiency and Production of Renewable Energy           |
| CP 39 | Sustainable Waste Management                                   |
| CP 41 | Integrating Development with Transport                         |
| CP 46 | Accessible and Inclusive Environments                          |
| CP 47 | Community Safety   |
| CP 48 | Tall Buildings   |

Policies:

|        |  |
|--------|--|
| DEV 1  | Amenity  |
| DEV 2  | Character and Design   |
| DEV 3  | Accessibility and inclusive Design   |
| DEV 4  | Safety and Security  |
| DEV 5  | Sustainable Design   |
| DEV 6  | Energy Efficiency and Renewable  |
| DEV 7  | Water Quality and Conservation   |
| DEV 8  | Sustainable Drainage   |
| DEV 9  | Sustainable Construction Materials   |
| DEV 10 | Disturbance from Noise Pollution   |
| DEV 11 | Air Pollution and Air Quality  |
| DEV 12 | Management of Demolition and Construction  |
| DEV 13 | Landscaping and Tree Preservation  |
| DEV 14 | Public Art   |
| DEV 15 | Waste and Recyclables Storage  |
| DEV 16 | Walking and Cycling Routes and Facilities  |
| DEV 17 | Transport Assessments  |
| DEV 18 | Travel Plans   |
| DEV 19 | Parking for Motor Vehicles   |
| DEV 20 | Capacity of Utility Infrastructure   |
| DEV 21 | Flood Risk Management  |
| DEV 22 | Contaminated Land  |
| DEV 24 | Accessible Amenities and Services  |
| DEV 25 | Social Impact Assessment   |
| DEV 27 | Tall Buildings Assessment  |
| EE 4   | Serviced Apartments  |
| RT 4   | Retail Development and the Sequential Approach                                       |
| RT 5   | Evening and Night-time Economy   |
| HSG 1  | Determining Residential Density  |
| HSG 2  | Housing Mix  |
| HSG 3  | Affordable Housing Provision in Individual Private Residential and Mixed-use Schemes |
| HSG 4  | Varying the Ratio of Social Rented to Intermediate Housing                           |
| HSG 7  | Housing Amenity Space  |
| HSG 9  | Accessible and Adaptable Homes   |
| HSG 10 | Calculating Provision of Affordable Housing  |
| OSN 3  | Blue Ribbon Network and the Thames Policy Area                                       |

- CON 4 Archaeology and Ancient Monuments
- CON 5 Protection and Management of Important Views

Isle of Dogs Area Action Plan:

- IOD 18 Employment Uses in the Central Sub-area
- IOD 19 Residential Uses in the Central Sub-area
- IOD 20 Retail and Leisure Uses in the Central Sub-area
- IOD 21 Design and Built Form in the Central Sub-area
- IOD 22 Site allocations in the Central Sub-area

**Supplementary Planning Guidance/Documents**

- Designing Out Crime – SPG 2002
- Residential Space – SPG 1998
- Riverside Walkways – SPG 1998
- Landscape Requirements – 1998

**The London Plan Spatial Development Strategy for Greater London Consolidated with Alterations since 2004 (February 2008)**

- 2A.1 Sustainability Criteria
- 3A.3 Maximising the Potential of Sites
- 3A.6 Quality of New Housing
- 3A.7 Large Residential Developments
- 3A.10 Negotiating Affordable Housing in Individual Private Residential and Mixed Use Schemes
- 3A.11 Affordable Housing Thresholds
- 3A.23 Health Impact
- 3A.28 Social and Economic Impact Assessments
- 3C.1 Integrating Transport and Development
- 3C.2 Matching Development to Transport Capacity
- 3C.23 Parking Strategy
- 3D.7 Visitor Accommodation and Facilities
- 3D.8 Realising the Value of Open Space and Green Infrastructure
- 3D.13 Children and Young People's Play and Informal Recreation Strategies
- 3D.14 Biodiversity and Nature Conservation
- 4A.4 Energy Assessment
- 4A.5 Provision of Heating and Cooling Networks
- 4A.6 Decentralised Energy: Heating, Cooling and Power
- 4A.7 Renewable Energy
- 4A.11 Living Roofs and Walls
- 4A.14 Sustainable Drainage
- 4A.15 Raising Groundwater
- 4A.17 Water Quality
- 4A.19 Improving Air Quality
- 4A.20 Reducing Noise and Enhancing Soundscapes
- 4A.28 Construction, Excavation and Demolition Waste
- 4B.1 Design Principles for a Compact City
- 4B.3 Enhancing the Quality of the Public Realm
- 4B.5 Creating an Inclusive Environment
- 4B.6 Safety, Security and Fire Prevention and Protection
- 4B.8 Respect Local Context and Communities
- 4B.9 Tall Buildings – Location
- 4B.10 Large-scale buildings – Design and Impact
- 4C.1 The Strategic Importance of The Blue Ribbon Network
- 4C.2 Context For Sustainable Growth

|       |  |
|-------|--|
| 4C.3  | The Natural Value of The Blue Ribbon Network               |
| 4C.6  | Sustainable Growth Priorities for the Blue Ribbon Network  |
| 4C.11 | Increasing Access Alongside and to the Blue Ribbon Network |
| 5C.3  | Opportunity Areas in North East London                     |
| 6A.8  | Phasing of Development and Transport Provision             |

### **Government Planning Policy Guidance/Statements**

|        |                                    |
|--------|------------------------------------|
| PPS 1  | Delivering Sustainable Development |
| PPS 3  | Housing                            |
| PPS 6  | Planning for Town Centres          |
| PPG 13 | Transport                          |
| PPG 22 | Renewable Energy                   |
| PPG 24 | Planning and 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

## **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:

### **Natural England (Statutory)**

6.2 Given the existing ecological interest of the site and the percentage of the site that will be soft landscaping, the development should be able deliver a net gain in biodiversity in line with national and regional planning policy. We recommend that a biodiversity strategy is submitted as part of the detailed landscape design to ensure that this potential is fully realised. It is Natural England's opinion that this proposal does not affect any priority interest areas in respect of conservation of biodiversity, geology or landscape. Therefore no formal objection is made to the proposal.

### Officer's Comment

6.3 It is recommended in the body of the report that a condition be included to include require the developer to submit a biodiversity strategy prior to occupation of the buildings to ensure that the provisions for biodiversity are maximised within the site.

### **Thames Water Utilities Ltd. (Statutory)**

6.4 With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required, to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

- 6.5 Thames Water would recommend that petrol/oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol/oil interceptors could result in oil-polluted discharges entering local watercourses.
- 6.6 Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Water's pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 6.7 Thames Water recommends the following informative be attached to any planning permission: There is a Thames Water main crossing the development site which may/will need to be diverted at the Developer's cost, or necessitate amendments to the proposed development design so that the aforementioned main can be retained. Unrestricted access must be available at all times for maintenance and repair. Please contact Thames Water Developer Services, Contact Centre on Telephone No: 0845 850 2777 for further information.
- 6.8 If possible surface water should discharge to the Dock by private agreement. Otherwise surface water retention should be applied such that overall peak flow to the combined system does not exceed historic. Suitable points of connection to public sewers must be agreed with Thames Water Developer Services.

#### Officer's Comments

- 6.9 An informative should be included on any approved planning permission as requested by Thames Water to ensure minimal disruption to water infrastructure services in the area. Also as recommended by Thames Water it is considered that it would be appropriate to include a condition relating to Petrol/Oil Interceptors to ensure that petrol and oil pollutants from vehicle do not enter and contaminate adjacent waterways through stormwater discharges.

#### **Greater London Authority (Statutory)**

- 6.10 Having considered the report, the Deputy Mayor of London has decided that the application is supported in principle subject to the outstanding strategic issues being addressed satisfactorily.
- 6.11 The proposed change in land use from office to hotel/serviced apartments and residential is supported in the light of the remaining capacity for office use in the Isle of Dogs Opportunity Area.
- 6.12 In terms of design the proposal offers a high quality appearance of the development and a good amount of open space. The tower will be visible in the view from Greenwich Park to the Greenwich World Heritage Site but, as a result of the quality of design and in the context of existing and consented schemes, it would have no adverse impact on the setting of the World Heritage Site and the setting of its listed buildings.
- 6.13 The proposal includes a number of measure to maximise water efficiency, introduces new public space and active uses along the dock but more information is required to demonstrate that the development maximises opportunities to engage with the water, in line with Blue Ribbon Network policies.
- 6.14 The application broadly follows the energy hierarchy of the London Plan but there is insufficient information to understand the proposals fully, and further details are required in particular areas.

- 6.15 In terms of transport, there is scope to reduce car parking spaces and to increase bicycle parking spaces.
- 6.16 The new housing mix is broadly supported and the financial viability assessment, which had not been submitted in time to allow an assessment of the contents for this report, is currently being reviewed.
- 6.17 The application represents EIA development for the purposes of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. The Mayor has taken the environmental information made available to date into consideration in formulating his comments.

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

- 6.18 We have no objection, in principle, to the proposed development provided the recommended planning conditions are attached to any planning permission granted.

#### **English Heritage (Statutory)**

- 6.19 The view from General Wolfe Statue is designated as a London Panorama within the London View Management Plan. The LVMF states that 'the view from the statue is the only designated London Panorama that is part of a formal, axial arrangement. The principle view is to Greenwich Place, symmetrically arranged about the axis of the Queen's House. The backdrop of the view is Greenwich Reach, the Isle of Dogs and the large-scale modern architecture of Canary Wharf'.
- 6.20 The view is robust and has been subject to much change, particularly in the last twenty years, but to date it has retained some sense of order with the great towers located at the northern end of the Isle of Dogs and some lower towers located slightly further south in developments centred around the Millennium Quarter. It is a view composed of clear recessive planes – the impressive Palace complex, the trees of Island Gardens, followed by low rise buildings, beyond which rise the towers. We are concerned that this tower, much further south than structures of similar height breaks the established convention. It is likely to have more impact on the view than some of the Canary Wharf towers because it is much closer to the viewing place.
- 6.21 The change in architectural language from the more traditional, orthogonal, language or the previous version to the less orthodox, curvilinear, form of the current proposal may result in a degree of increased visual impact. Has a full assessment of changed impact been undertaken?

#### Officer's Comments

- 6.22 The views assessment included in the applicant's Environmental Statement provided a robust assessment of the impact of the proposed development on the view from General Wolfe Statue including several photo montages of the impact of the building in the view. It is not considered that there is a significant impact as detailed and illustrated in the body of this report.

#### **National Air Traffic Services Ltd. (Statutory)**

- 6.23 The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Limited has no safeguarding objections to this proposal.

### **National Grid (Statutory)**

- 6.24 The application has been assessed with respect to the operational electricity transmission network and the operational national gas transmission network. Based on the information provided and the proximity and sensitivity of these networks to the proposal it is concluded that the risk is negligible.

### **Port of London Authority (Statutory)**

- 6.25 The Port of London Authority is pleased to see that approximately 80,000m<sup>3</sup> of excavated material was removed from the site by barge but is disappointed that this approach was not considered to be feasible for the delivery of materials for the remainder of the construction period. Whilst the site is not within the Port of London Authority jurisdiction it would ask the applicant reviews the use of barges for the delivery of construction materials on a regular basis. This will help to ensure that a prime opportunity to utilise a sustainable method of transporting materials to the site is not lost. It is noted that a biomass boiler and CHP plants are proposed as part of the development. It is unclear what fuels will feed the boiler and plants however, has consideration been given to delivering the material to fuel these facilities by water?

### Officer's Comment

- 6.26 The development undertaken under the consented scheme has utilised barges for removal of demolition and excavation waste. A condition of consent could be imposed on the consent if granted to require the developer to submit details of the use of barges during construction, in order to ensure that the construction traffic was minimised. This would be consistent with the previously consented scheme.

### **Government Office for London (Statutory)**

- 6.27 No response received

### **London City Airport (Statutory)**

- 6.28 No response received

### **London Fire and Emergency Planning Authority**

- 6.29 With regards to Town and Country Planning, the Fire Authority needs to consider access to water supplies. The Fire Authority has been liaising closely with the developers and Tower Hamlets Building Control, and the matter of water supplies and access has been discussed, and has been resolved.

### **London Borough of Greenwich**

- 6.30 The Council has formally considered the matter and raises no objections. The Council has no further observations to make.

### **British Waterways**

- 6.31 British Waterways has no objections to the proposed development.
- 6.32 Since a condition requiring the use of waterborne freight for the transport of waste and materials during construction and occupation was imposed and complied with (barges have already been used for the transport of a substantial amount of construction waste from this site) on the previous application PA/06/2068 which this current application seeks to amend no such condition is required on this current application.

- 6.33 If the Council is minded to grant planning permission, it is requested that the following informatives are attached to the decision notice:

*“The applicant is advised that any discharge of surface water into the waterways requires British Waterway’s written permission before development commences.”*

*“In the event of any balcony overhangs or other encroachments into British Waterway’s airspace, land or water, the applicant must enter into an appropriate commercial agreement with British Waterways before development commences. Please contact Lucy Vermeulen/ Jonathan Young (Management ‘Surveyor) on 020 7985 7283/4 for further information.”*

*“Any access from the towpath, scaffolding oversail or closures of the towpath during the construction must be agreed in writing with British Waterways before development commences. Please contact Lucy Vermeulen/ Jonathan Young (Management ‘Surveyor) on 020 7985 7283/4 for further information.”*

*“The applicant/developer is advised to contact third party works engineer, Richard Baker, (020 7985 7268) in order to ensure that any necessary consents are obtained and the works are compliant with the current British Waterways’ “Code of Practice for Works affecting British Waterways”.*

*“The development must not affect the ability of British Waterways to carry out repairs to or reinstatement of the adjacent dock wall.”*

Following re-consultation of additional information to Environmental Statement

- 6.34 British Waterways would still encourage waterborne freight, during or after construction wherever possible as part of the development. British Waterways are aware that Ballymore are having ongoing talks with barge operators in the locality to ascertain ways and means of using barges where possible. British Waterways therefore raises no objection.
- 6.35 With regard to the Dock Water Cooling System proposed, British Waterways are pleased that this is to be incorporated into the scheme, but reiterate that this will require permission from British Waterways.

**Docklands Light Railway**

- 6.36 No response received

**British Broadcasting Corporation**

- 6.37 No response received

**Metropolitan Police**

- 6.38 No response received

**Lea Valley Regional Park Authority**

- 6.39 No response received

**LBTH Waste Management**

- 6.40 Waste provision for the 1,111 residential units should be separate from that provided for the remaining occupants of the development. With a scheme of this scale we are prepared to offer the concession of a twice weekly refuse collection service, although recycling will be once weekly. Provision of containers should be allocated in line with Planning Standard 2

which can be made available to the applicant on request if they do not already have this document. Height clearance and hauling distances indicated are acceptable. Vehicle should be able to enter and leave basement area in forward gear.

### **LBTH Education Development Project**

- 6.41 Residential developments are assessed for their impact on the provision of school places. This proposal has been assessed as requiring a contribution towards 136 primary school places @ £12,342 = £1,678,512. The funding will be pooled with other funding to support the strategic provision of school places to meet local need in the borough.

#### Officer Comment

- 6.42 The financial contributions have been calculated on a pro-rata basis on the amount agreed to for the mitigation of the previously consented scheme. While phase II of the development creates 136 primary school spaces overall the actual increase in primary school spaces for the additional 54 units is only 34 spaces. Therefore the additional cost of the development in terms of primary school spaces is only £419,628. The developer has provided an acceptable Financial Toolkit to justify the level of financial contributions at the pro-rata level. It is therefore considered that the pro-rata calculation for education of £30,018 for the additional 54 units of accommodation is acceptable.

### **LBTH Environmental Health**

- 6.43 Examination of Council records indicates that the subject site was historically occupied by a number of industries associated with the former Millwall Docks and is located within an area of unknown filled ground and consequently the site may contain elevated levels of contaminants within the substrate. As ground works are proposed, a potential pathway for contaminants may exist and will need further characterisation to determine associated risks. A condition is recommended on this application to ensure the developer carries out a site investigation to investigate and identify potential contamination.
- 6.44 In relation to noise and vibration issues, Environmental Health has no objection to the amended application.
- 6.45 No bedroom to be below minimum floor area of 6.5 m<sup>2</sup>, sufficient extract ventilation is required to internal kitchens, bathrooms, and W.C.s. Premises must comply with relevant statutory requirements including the Housing Act 2004, or comply with relevant Building Regulations.

#### Officer's Comments

- 6.46 Conditions of consent are recommended to be included on any approval to ensure that site is tested for contaminated material and if necessary remedial work is carried out to ensure that material on site does not pose risks to occupants or receiving waters.

### **LBTH Energy Efficiency Unit**

- 6.47 The general structure of the energy strategy is reasonable, however further information is required to demonstrate the strategy meets the requirements of the policies set out in the London Plan and the LDF, as the original planning permission for this site has been granted on October 2007, Energy Efficiency Unit is happy to accept this application with conditions to provide the requested further information.

#### Officer's Comments

- 6.48 Conditions of consent are recommended to be included on the consent to ensure that the



final energy efficiency of the development is acceptable and will meet the relevant policies once final design details have been completed.

### **LBTH Highways**

- 6.49 The site is considered to have a good level of accessibility to public transport links. The site is adjacent to Cross harbour DLR Station. With regard to this station there are good pedestrian access via the existing footways and proposed pedestrian facilities from the site.
- 6.50 The site is in such a location and has such a high PTAL that the applicant should be advised that the any scheme at this location should be developed as a car free development and any potential car use could be included as part of a scheme such as “City Car Club “
- 6.51 In terms of the revised scheme Highways have no objection in principle to the planning application; however there are some issues that Highways would like to raise regarding the proposed level of cycle provision. The shortfall of cycle’s spaces of this level would not be acceptable the applicant should be providing secure cycling parking at 1 per Unit. The cycle parking should be covered and secure in its design and Sheffield type stands are recommended.
- 6.52 Officers have reviewed the heads of terms for the proposed Section 106 Agreement and can confirm that proposed highway works for the General improvement to the existing pedestrian, the introduction of a green man phase at the junction of Marshwall and Limeharbour and the generic Section 278 Agreements would be acceptable. The Council should also include within the Section 106 Agreement provision to prevent the occupiers of the site from applying for any on street permits.
- 6.53 The development site is located in an area which has a good level of accessibility to public transport and is within easy reach of key transport interchanges. Highways considered that the applicant should be encouraged to provide a lower level of private parking as part of this application and encourage more sustainable forms of public transport via the Travel Plan. Where levels of accessibility to local transport facilities are good, a reduced or zero level of parking provision should be encouraged.

### Officer’s Comments

- 6.54 The parking provision is in accordance with the Council’s maximum parking standards for motor vehicles. As with the previously consented scheme, the applicant is proposing a Green Travel Plan is submitted in accordance with a clause in a Section 106 Agreement. It is proposed that the cycle parking provision for the development is monitored and will be provided at a level of 15% above the demand for cycle parking within the development, secured by way of compliance with the Green Travel Plan. It is considered that this would be acceptable and in accordance with the previously granted planning permission on the site.

## **7. LOCAL REPRESENTATION**

- 7.1 A total of 953 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: 1            Objecting: 1            Supporting: 0

- 7.2 The following local groups/societies made representations:

- The Greenwich Society

- Maritime Greenwich Heritage Site
- Alpha Grove and Barkantine T.A
- Barkantine Tenants and Residents Assoc.

7.3 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:

- The decision not to include office space seems misguided despite the 'current market conditions'. Creating office space and new jobs will help regenerate the local area and surely boost demand for the residential development.
- Unsure how the current retail offer and transport infrastructure can cope with another huge development in the Millwall Dock area
- Millharbour and Limeharbour are already grossly overdeveloped and there is a need for more green spaces. Inclusion of public green spaces is great news.
- The area is very noisy on a Saturday morning until 1pm with deliveries and construction noise.
- Generators and lights seem to be left on overnight, which aside from green issues is very irritating for local residents.

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

The Greenwich Society has no comments to make with respect to this application.

#### Officer's Comment

7.5 The matters of no longer including office space in phase II of the development, the retail provision and the transport capacity are all addressed in section 8 of this report. If the Council is minded to grant planning permission it has been recommended that conditions of consent be included to ensure construction matters and noise nuisance is mitigated.

## **8. MATERIAL PLANNING CONSIDERATIONS**

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

1. Principle of the Land Uses
2. Housing Provision
3. Density of the Development
4. Impact on the Amenity of Adjoining Occupiers and the Surrounding Area
5. Traffic and Servicing Issues
6. Design and Layout of the Development
7. Sustainability
8. Planning Obligations

### **Principle of the Land Uses**

8.2 The proposed development consists of the erection of three buildings, as phase two of the scheme to redevelop the land formally occupied by the London Arena and used as a leisure and entertainment facility.

8.3 The site has an existing planning permission dated 3 October 2007 (PA/06/02068) for development of 8 buildings over the entire area of the former London Arena site. This particular application is limited to the redesign of the 3 of the buildings at the northern end of the site, which is identified as phase two of the development.

- 8.4 The existing consent, which creates a baseline for development on the site, provides for 366 residential units, 25,838m<sup>2</sup> of office floor space, 137 hotel bedrooms and 1,254m<sup>2</sup> retail floor space within phase two. This application proposes to increase the number of residential units by 55 to 421 units, remove the office floor space, add an additional 6 hotel bedrooms and introduce 195 serviced apartments. The application also includes an additional 1,971m<sup>2</sup> of retail floor space (3,225m<sup>2</sup> total) and the introduction of a Health Club.

#### Residential Use

- 8.5 The London Plan 2008 sets out a number of policies relating to the provision of housing within the Greater London Area and the London Borough of Tower Hamlets itself. In general these policies require the Borough to provide 3,150 additional dwellings per year for the next years. Coupled with providing these housing units are requirements to provide quality in the design of these houses in order to ensure the quality of the living environments created.
- 8.6 Taking this into account the IPG has identified uses of particular sites within the borough including the subject site, identified as site ID11 on the IPG Proposals Map. Policy IOD22 (Sites Allocation in the Central Sub-Area) states that the site should be developed in line with the following uses:
- Residential (C3)
  - Employment (B1)
  - Public Open Space
  - Retail and Leisure (A2, A3, A4)
- 8.7 The development which has already been permitted by planning permission dated 3 October 2007 (PA/06/02068) approved the mixed use development of the site, including residential use within the phase II portion of the development, now the subject site for this application. It is therefore considered that the retention of the residential use with the additional 55 units would be acceptable in the principle of the land use and would be in accordance with the relevant IPG, UDP and London Plan 2008 policies.

#### Hotel and Serviced Apartment Use

- 8.8 As with the residential component of the development, the hotel use was incorporated within phase II of the development of the former London Arena site under planning permission dated 3 October 2007 (PA/06/02068). The new application for the amendments to phase II of the design does however introduce the new use of serviced apartments to phase II of the development.
- 8.9 The London Plan 2008 supports visitor accommodation through policy 3D.7 (Visitor Accommodation and facilities) seeking to ensure that London expands as a global tourist destination, providing a potential growth of a further 40,000 net hotel rooms in the period up to 2026. Included in this policy is a directive that Borough's should support the provision of a wide range of tourist accommodation.
- 8.10 Hotels and serviced apartments, short-let accommodation with lettings of less than 90 days, are promoted by Council's IPG policy CP13 (Hotel, Serviced Apartments and Conference Centres) which states "*The Council will support the creation of large-scale hotels, serviced apartments (C1 Use) and conference centres in areas of high public transport accessibility and near to commercial development. The will be particularly focused in the north and central areas of the Isle of Dogs, and the City Fringe.*"
- 8.11 The subject site is located within the Central Sub-Area of the Isle of Dogs and has a high PTAL rating of 5. It is therefore considered that the hotel and serviced apartment uses are acceptable in principle of land use on the site. The UDP does not specifically identify serviced apartments within the policies, however it does support tourist accommodation through saved policy ART7 (Location of Major Hotel Development). This policy states

*“subject to the other policies of this plan favourable consideration will normally be given to proposals for major hotel developments within the Central Area Zones, in which the subject site is located.”*

- 8.12 It is therefore considered in principle that the mixed land use including hotel and serviced apartments is acceptable would be in accordance with the relevant IPG, UDP and London Plan 2008 policies.

#### Retail Use

- 8.13 Retail use in phase II of the development of the former London Arena site was provided for under the previous planning permission, dated 3 October 2007 (PA/06/02068). The application for changes to the phase II component of the development introduces an additional 1,971m<sup>2</sup> of retail uses (A1-5), which would result in a total of 3,225m<sup>2</sup> in phase II and 4,864m<sup>2</sup> across the entire development.
- 8.14 Policy IOD20 (Retail and Leisure Uses in the Central Sub-Area) of the IPG supports limited retail uses as potentially appropriate where they help create vibrant mixed-use areas, provided they do not compromise the viability and vitality of the Isle of Dogs Major Centre or the Crossharbour District Centre. Furthermore, policy IOD22 (Site allocations in the Central Sub-Area) list retail (A2, A3 and A4) as a preferred use.
- 8.15 A Retail Assessment Report submitted with the original application for the development on the entire site in 2004 assessed a total of 4,930m<sup>2</sup> of retail floor space and demonstrated a need for the scale of floor space involved based on the demands generated by the scheme, and that the impact of the proposal, adopting a worst-case approach, would not affect the vitality and viability of either the Isle of Dogs Major Centre or the Crossharbour District Centre. The 2004 scheme was approved with a total of 4,810m<sup>2</sup> of retail floor space across the entire site in 1996 and the 2006 scheme was approved with a total of 2,892m<sup>2</sup> of retail floor space in 2007. The proposal to increase the retail floor space would result in a floor space within keeping with that approved in 2006.
- 8.16 Policy RT4 (Retail Development and the Sequential Approach) of the IPG states that *“When considering proposals for retail uses which are not in an existing town centre, account will be taken of :*
- a) Retail need;*
  - b) The sequential approach;*
  - c) The effect on the vitality and viability of nearby town centres;*
  - d) The proximity of any existing or proposed retail development; and*
  - e) Accessibility.*
- 8.17 This is supported by Planning Policy Statement 6 (Planning for Town Centres) which promotes a sequential approach to assessing retail development. The proposed development on the former London Arena site is a residential lead mixed use development. The retail in phase II would be supportive of the residential lead mixed use and would not be considered to significantly impact on the viability and vitality of the Isle of Dogs Major Centre or the nearby Crossharbour District Centre. This is supported by the retail assessment provided to Council previously. The site is highly accessible with a PTAL of 5 and the inclusion of the modest amount of supporting retail would result in a quality and all encompassing mixed use development providing enhanced living conditions for the residents and occupants of the development.
- 8.18 London Plan policies 2A.8 (Town Centres) and 2A.9 (The Suburbs: supporting sustainable communities) also support a sequential approach to retail development. As detailed above, it is considered that the proposed retail use on the site would generally be in accordance with a sequential approach, as it would not impact on the viability and vitality of the town centres, would support the residential lead mixed use scheme, providing facilities to complement the

residential, hotel, serviced apartment and community uses and would be highly accessible to those within the development and from outside the development. Therefore, it is considered that the retail use is in principle and acceptable use within the development.

#### Health Club

- 8.19 The amended phase II of the development introduces a health club (D2 Use) of 1,126m<sup>2</sup> floor space. As a community use the provision of the health club is supported by a number of policies in the UDP, IPG and London Plan 2008. Policy ST49 (Social and Community Facilities) of the UDP states that the Council supports and encourages the provision of a full range of social and community facilities in suitable locations to meet the needs of all the residents of the borough. Policy 3A.18 (Protection and Enhancement of Social Infrastructure and Community Facilities) of The London Plan 2008 seeks to ensure that the need for social infrastructure and community facilities are capable of being met whenever possible and that adequate provision for these facilities is made particularly in major areas of new development and regeneration.
- 8.20 Policies IOD 20 (Retail and Leisure Uses in the Central Sub-Area) and SCF1 (Social and Community Facilities) of the Council's IPG also seek to ensure that the provision of community facilities is increased to meet the increased demand of development. Policy IOD20 (Retail and Leisure Uses in the Central Sub-Area) states that *"leisure uses, galleries, and other non-retail facilities are strongly encouraged to locate throughout the Central sub-area in order to animate to the docks and other key movement networks, and to contribute to the creation of a vibrant, mixed-use area."*
- 8.21 It is therefore considered that in principle that the health club use is an acceptable land use within the development as it provides increased community facilities for the proposed residential and worker occupants of the development. In addition this would compliment the community centre use provided as part of phase I of the development of the former London Arena site as a whole.

#### Loss of Offices

- 8.22 The application for proposed amendments to phase II of the development of the former London Arena site would result in the loss of 25,838m<sup>2</sup> floor area of office (B1) use from the application approved in October 2007. While the former London Arena site was not an employment use, as such, it did contribute a number of jobs to the area in the terms of support staff associated with the operation of the site. The approved planning permission, dated 3 October 2007 (PA/06/02068), provided for this office component to provide employment on the site. Furthermore, policy IOD22 (Site Allocations in the Central Sub-Area) of the IPG, specifically identifies Employment (B1) as one of the preferred uses of the site. The applicant has provided an Employment Supply Study in order to justify the removal of the office (B1) component of the development from phase II. The independent Employment Supply Study states that:
- 8.23 *"At the Docklands level, particular attention is paid to the office demand/supply balance. It is noted that average take-up (2003-2007) in the sub-area stands at 85,682 sq m pa. Taking into account the churn of office space, it is estimated that actual take-up in Docklands over the next 5 years will be 56,000 sq m pa. By 2012, the Docklands office stock is due to increase by 613,000 sq m (equivalent to nearly 11 years worth of demand), taking stock levels to 2.54 million sq m. Therefore, supply is estimated to outstrip demand by over 330,000 sq m.*
- "Additionally, the proposed Crossharbour scheme is considered to be in a fringe location. The bulk of Docklands lettings occur within the Canary Wharf estate, reflected by the extremely low 2% vacancy rate in the estate. Outside of the estate, the vacancy rate in South Quay is nearly seven times greater at 13.7%. The location of Crossharbour is not considered as good as South Quay and can be referred as being on the outskirts of the*

fringe.

*"In conclusion, due to the location of the proposed Crossharbour office space and the large amount of office developments coming forward in the area in the short-term, the loss of office space at Crossharbour would have no discernible negative effect on the area."*

- 8.24 Further to the detail of the Employment Supply Study, The London Plan 2008 details a reduced demand for office development from what was previously projected in the 2004 London Plan, stating:
- 8.25 *"The 2004 London Plan made generous provision for future office development to ensure that there is no possibility of constraining growth. Research shows that the 2004 projection is likely to be significantly above the future need. There is scope to consolidate future office development on appropriate, competitive locations in ways that support sustainable development objective and still provide adequate capacity to meet future business requirements. This will provide greater opportunities to address other priority land uses."*
- 8.26 It is therefore considered that given the fringe location of the development site and the evidence provided as to the oversupply of office provision in the Docklands area, it is considered that the removal of the employment use is in principle acceptable.

## **Housing Provision**

### Affordable Housing

- 8.27 Policy 3A.9 (Affordable Housing Targets) of the London Plan 2008 states that policies should set an overall target for the amount of affordable housing provision over the plan period in their area, based on an assessment of all housing needs and a realistic assessment of supply. It further states that boroughs should take account of regional and local assessments of need, the Mayor's strategic target for affordable housing provision that 50 per cent of provision should be affordable and, within that, the London-wide objective of 70 per cent social housing and 30 percent intermediate. This policy is supported by policy CP 22 (Affordable Housing) of the Council's IPG which states that the Council will seek to maximise all opportunities for affordable housing on each site, in order to achieve a 50% affordable housing target across the Borough, with a minimum of 35% affordable housing provision being sought.
- 8.28 The applicant is proposing 77 Affordable Housing units in the amended phase II of the development. This would represent a total of 36% Affordable Housing provision by habitable room (36.2% by floor space) across the entire Former London Arena development site. Within the phase II development the affordable housing will be 100% social rented, however across the entire site of the Former London Arena the affordable housing tenure split will be 30% intermediate housing and 70% Social rented. This tenure split would be in accordance with Policy 3A.9 (Affordable Housing Targets) of the London Plan 2008 which has a London-wide objective of 30% intermediate and 70% social rented tenure split.
- 8.29 The scheme is considered consistent with the previously approved development in at least 35% across the entire Former London Arena site is provided as affordable housing. This is considered consistent with policy CP22 (Affordable Housing) of the IPG.
- 8.30 Furthermore the applicant has provided a Financial Toolkit to support the application for the proposed development. The Toolkit supports that the provision of affordable housing provided is acceptable and that if further affordable housing was sort the development would return a greater negative residual value and the development would likely become uneconomical, reducing the accepted profit margins for the developer.

### Housing Mix

- 8.31 Policy HSG2 (Housing Mix) of the IPG specifies the appropriate mix of units to reflect local need and provide balanced and sustainable communities. Family accommodation is identified as a priority reflecting the findings of the Borough's Housing Needs Survey. In terms of family accommodation the policy requires 45% of social rented housing and 25% of Market and Intermediate housing to comprise of family housing (Units with 3 or more bedrooms).
- 8.32 Within the amended phase II the applicant is proposing 68.8% of the social rented accommodation be provided as family units and 14.6% of the market housing to be family units. Overall the development on the entire Former London Arena site would be as follows:

8.33

| Unit Mix               |        |       |       |       |       |
|------------------------|--------|-------|-------|-------|-------|
|                        | Studio | 1 Bed | 2 Bed | 3 Bed | 4 Bed |
| Private Unit No.       | 240    | 237   | 268   | 64    | 7     |
| Private Unit %         | 29.4%  | 29.0% | 32.8% | 7.9%  | 0.9%  |
| Intermediate Unit No.  | -      | 41    | 58    | 13    | -     |
| Intermediate Unit %    | -      | 36%   | 52%   | 12%   | -     |
| Social Rented Unit No. | -      | 14    | 42    | 82    | 45    |
| Social Rented Unit %   | -      | 7%    | 23%   | 45%   | 25%   |

- 8.34 While the percentage of private market dwellings does not meet the specified 25% being family dwellings, the number of family dwellings within the social rented component of the development would significantly exceed 45%, being 70% of the social rented units provided. This would be consistent with the approach of addressing the identified need for family housing, particularly within the social rented sector where overcrowding has been identified. Therefore, while the provision of family units fails to meet the 25% requirement over the entire site for intermediate and market housing, the large provision of family housing within the social rented sector would exceed the requirements and therefore the development could be considered generally within the purpose of policy HSG2 (Housing Mix) of the IPG.

### **Density of the Development**

- 8.35 The proposed development would have a density within phase two of 434 units per hectare or 1128 habitable rooms per hectare. For the development of the formal London Arena site as a whole the proposal would result in a density of 405 units per hectare or 1030.7 habitable rooms per hectare.
- 8.36 The London Plan 2008 provides a density matrix, setting out acceptable densities in terms of the accessibility of the site to public transport, in order to maximise the potential of sites while ensuring that the development is adequately supported by the transport network. The subject site is located within an area which has a Public Transport Accessibility Level (PTAL) of 5, which the matrix sets out acceptable density levels as 215-405 units per hectare or 650-1100 habitable rooms per hectare. While the density of the proposed application is slightly over the maximum of this range in terms of phase II, the development of the former London Arena site taken as a whole is within the range.
- 8.37 The Interim Planning Guidance 2007 (IPG) details a number of matters that should be included when assessing the appropriate density. These include the setting of the site, the local context and character, the need to protect and enhance amenity, the housing mix, access to town centres, open space provision, the impact on services and infrastructure and the provisions of other non-residential uses onsite. The IPG provides a density matrix to relate the setting of the site and its location to public transport to density.
- 8.39 The location of the site within the Central sub-region of the Isle of Dogs and with a PTAL of 5

provides for a density within the range of 650-1100 habitable rooms per hectare according to the matrix. Again the overall development on the former London Arena site as a whole would be within this range. The high quality design, proximity to town centres at Crossharbour District Centre and Isle of Dogs Major Centre, the quality public open space provided, provision of a range of uses and protection and enhancement of amenity support the density being near the top of the range.

- 8.40 It is therefore considered that the proposal is acceptable in terms of policy 3A.3 (Maximising the Potential of Sites) of the London Plan 2008 and policies HSG1 (Determining Residential Density) and IOD19 (Residential Uses in the Central Sub-Area) of the IPG.

### **Impact on the Amenity of Adjoining Occupiers and the Surrounding Area**

#### Daylight and Sunlight

- 8.41 The applicant has provided a Daylight and Sunlight Report with their application outlining the impact of the development on the daylight and sunlight received by adjoining buildings. The report has assessed the daylight and sunlight levels of the buildings adjoining the proposed development against the guidance provided in the BRE Report 209 "Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice" (1991) providing the results of the effect on daylight in terms of the Average Daylight Factor (ADF) test use in the BRE guidelines.
- 8.42 The report details that the existing buildings will continue to receive daylight levels that will meet and exceed the discretionary guidance of the BRE guidelines and the existing dwellings to the north-east and east of the site, at Peninsular Court and Jaguar Building, will not experience adverse impacts in regards to daylight. Daylight analysis for the previously consented buildings in phase I, currently being constructed on site, concluded that after the redevelopment of the site the proposed buildings will have no material daylight impact.
- 8.43 The report also details that there would be no material impact on sunlight reaching existing dwellings north-east and east of the Site or the buildings in phase I of the development currently being constructed on the site. It is therefore concluded that the proposed development would not have a significant effect on the sunlight or daylight received by the surrounding residential developments and the proposal would not impact significantly on the living conditions of any residents.

#### Privacy

- 8.44 The proposed development has redesigned the buildings of phase II of the consented development and has also resulted in a change of use of those buildings. The impacts of this in terms of privacy are primarily to the buildings within phase I of the development rather than on any other external site. The Council's UDP states that new developments should be designed to ensure that there is sufficient privacy for residents and that a distance of about 18 meters between opposite habitable rooms reduces inter-visibility to a degree acceptable to most people. The new design introduces residential apartments which overlook and are overlooked by the adjacent units in Building 2, the nearest building of the consented scheme.
- 8.45 Given that both building 1 and building 2 have windows of habitable rooms fronting each other at a distance of approximately 13m there would be a component of overlooking and reduced privacy. The previously consented scheme also had this component of overlooking and reduced privacy between the tower block of building 1 and building 2. This component of the scheme would impact on a 12 units in each of the 2 buildings. On balance, as the existing scheme already has this overlooking element and given the expected density of development in the Central Activity Zone, it is considered that the proposed scheme would not significantly increase the overlooking and would maintain privacy level in line with the existing consent scheme.



### Noise

- 8.46 Best practice dictates that items of building services plant associated with the new development should be designed to give a cumulative rating level of 10dB below the current prevailing background level at a distance 1m from the nearest residential facades. Compliance will ensure that the impact from any building services plant associated with the development does not increase existing background noise levels and that existing sensitive receptors in the vicinity, such as residential dwellings, would not be significantly impacted upon. A condition of consent should be included to ensure that services plant within the development is designed and constructed to this level.

### Construction

- 8.47 Submissions have raised concerns about continued construction effects impacting on the surrounding area. While it is acknowledged that the area is undergoing a number of developments and therefore has caused some disruption, the construction effects of the proposed development will be temporary in nature.
- 8.48 Demolition and construction is already controlled by requirements to adhere to numerous other legislative standards, such as Building Act 1984, Environmental Protection Act (EPA) 1990, Environment Act 1995 and Air Quality Regulations 2000 and Health and Safety at Work Act 1974. However, PPS23 makes provision for the inclusion of conditions of consent to mitigate effects of construction.
- 8.49 It is therefore recommended that if approved a condition of consent is included, which would require the submission of a Construction Management Plan in order to ensure that the best practice examples are followed to avoid, remedy and mitigate the effects of construction.

### Vehicle Traffic Movements

- 8.50 The Transport Assessment submitted with the application details the expected number of trips generated by the development. In term of motor vehicle traffic movements the amended phase II scheme would result in 42 fewer peak morning vehicle trips and 30 fewer peak afternoon vehicle trips. It is therefore considered that the proposed development would have a reduced impact on the noise and disruption associated with vehicle movements and result in a reduction to the impact on the surrounding occupiers and area.

### **Traffic and Servicing Issues**

- 8.51 The proposal is a mixed use development involving the provision 421 residential units. Also included is a Hotel C1, 195 Serviced Apartments (Sui Generis), with 3,225m<sup>2</sup> of A1, A2, A3, A4, A5 and B1, and a Health Club 1,126 m<sup>2</sup> of D2. The subject site is in an area with a PTAL accessibility rating of 5. The site is considered to have a good level of accessibility to public transport links. The site is adjacent to Cross harbour DLR Station. With regard to this station there are good pedestrian access via the existing footways and proposed pedestrian facilities from the site.

### Parking

- 8.52 The applicant has provided for 211 car spaces for the 421 residential units, which is a ratio of 0.5 spaces per unit which would be acceptable and in accordance with policy DEV19 (Parking for Motor Vehicles) of the IPG and London Plan 2008 policies 3C.17 (Tackling congestion and Reducing Traffic) and 3C.23 (Parking Strategy). Within this allocation there should be a provision of disabled parking at 10% of the total number of parking spaces. A condition of consent would adequately ensure that the provision of disabled bays is met.

- 8.53 The proposed hotel and serviced apartment will be provided with 4 car parking spaces, the retail uses 2 spaces and the health club 1 car parking space. These provisions would generally be in accordance with the maximum car parking space requirement in the IPG Planning Standard 3: Parking.
- 8.54 It is therefore considered that the vehicle parking provisions would be in accordance with policies 3C.17 (Tackling congestion and Reducing Traffic) and 3C.23 (Parking Strategy) of London Plan 2008. A S106 legal agreement should be entered into in order that the Traffic Management Order can be amended to exempt occupiers of this site from obtaining parking permits. This will ensure no overflow parking on the public highway.

#### Cycle Parking

- 8.56 The applicant is proposing a minimum of 274 secure bicycle parking spaces for residents of the development. While this number is lower than the 1 per unit provision required by Planning Standard 3: Parking of the IPG, the applicant is proposing that the bicycle parking provision be monitored by means of the Travel Plan, which would be secured by the S106 agreement, to ensure that a provision of 15% above the demand level for cycle parking is maintained. Flexibility in the form of cycle storage can be achieved by using a mixture of stand types. This would ensure that adequate cycle provision would be maintained onsite for the development and that the development would meet the principle of policy DEV 16 of the IPG and meets policy 3C.22 of the London Plan 2008.
- 8.57 50 cycle storage spaces will be provided at grade within the phase II development for the use of visitors. This would meet the provision for visitor cycling spaces required by Planning Standard 3: Parking and policy DEV16 of the IPG.

#### Hotel pick-up/drop-off Points

- 8.58 Vehicular access to the central courtyard of the amended phase II development would be limited to only accommodate servicing of retail units, emergency vehicles, taxis and drop-off access. It is therefore considered that the provision of hotel pick-up/drop-off is adequately catered for within the development and that vehicles and coaches picking up or dropping off passengers would not significantly impact on the safety and efficiency of the highway network, as this would take place within the courtyard area.

#### Deliveries

- 8.59 As with the hotel pick-up/drop-off, deliveries to the development would be able to access the central courtyard area. This would avoid significant conflict with traffic on the highway network and provide a safe and efficient location for deliveries to take place.

#### Trip Generation

- 8.60 The applicant has provided a Transport Assessment which details the trip generation Phase II of the proposed development as follows:

8.61

| Mode      | AM Peak |     | PM Peak |     |
|-----------|---------|-----|---------|-----|
|           | In      | Out | In      | Out |
| Walk      | 17      | 78  | 66      | 39  |
| Cycle     | 2       | 2   | 5       | 4   |
| DLR north | 11      | 113 | 70      | 26  |
| DLR south | 3       | 6   | 6       | 4   |
| JL west   | 14      | 92  | 56      | 22  |
| JL east   | 1       | 11  | 6       | 2   |
| Bus       | 3       | 17  | 12      | 5   |

|                |    |     |     |     |
|----------------|----|-----|-----|-----|
| Car Driver     | 16 | 15  | 28  | 26  |
| Car Passenger  | 4  | 6   | 20  | 9   |
| Taxi           | 3  | 8   | 9   | 6   |
| Motorcycle     | 0  | 4   | 4   | 3   |
| Goods Vehicles | 5  | 4   | 1   | 1   |
| <b>Total</b>   | 79 | 355 | 285 | 149 |

- 8.62 The amendments from the existing consent scheme for phase II are not considered to result in significant improvements over the existing scheme. The changes would result in a reduction in AM peak trip movements of 371 trips and a reduction in PM peak trip movements of 374 trips. In terms of purely private motor vehicle movements the result would be a reduction of approximately 11 AM peak trips and an increase 9 PM peak trips. It is considered that this would have negligible effects on the highway network.

#### Public transport capacity

- 8.63 The applicant's Transport Assessment includes sections on the impact of the development on the existing public transport. The Transport Assessment details that the impact of development would be negligible.

#### *Docklands Light Rail*

- 8.64 The existing maximum peak hour passenger capacity of the DLR north of Crossharbour is 9,125 per hour per direction (pphd). A Transport and Works Act submission has been approved for the introduction of 3 car trains on the Lewisham to Bank line. The Longer trains will increase the passenger planning capacity of each train from 365 to 547 people. The resultant passenger capacity will be 11,855pphd when the three car trains are introduced on the Lewisham to Bank Line, although there is further scope to increase line capacity by adding 3 car trains on the other routes.
- 8.65 The Phase II application scheme is expected to generate a maximum of 250 trips in the am peak and 191 trips in the PM peak on the DLR. This includes the worst case assumption that all of the Jubilee Line trips would use the DLR to access Canary Wharf London Underground Station. The maximum effect of the proposed development on the DLR line capacity would equate to no more that 1.32% of the total current capacity of the service. Therefore, the development will have a negligible effect on the capacity of the existing DLR service.

#### *London Underground*

- 8.66 The Jubilee Line currently has an operational service frequency of 24 trains per hour operating in either direction past Canary Wharf during the peak periods. This equates to a planning capacity of 16,104 pphd and a practical crush capacity of 31,776pphd based on details supplied by London Underground Limited. Following the introduction of the Public Private Partnership (PPP) between London Underground Limited and Tube lines it is planned that, over the next 4 years planned headways are set to decrease to 2 min (30 tphd). Based on London Underground's planning capacity this will result in a capacity of 20,130 pphd or a practical crush capacity of 39,720 pphd.
- 8.67 Phase II of the development proposals will result in a total of 117 AM peak hour and 87 PM peak hour two-way passenger trips on the Jubilee Line forecast to be generated by the development. Trips generated by the proposed development will account for 0.3% or less of the total peak hour current planning passenger capacity of the Jubilee Line and 0.2% or less of the practical crush capacity. The prospects will therefore have a negligible impact on the Jubilee Line.

#### *London Buses*

- 8.68 The proposed development is directly served by three bus routes operating along Limeharbour/East Ferry Road and one operating along Manchester Road. The nearest northbound bus stop is on Limeharbour outside Harbour Exchange, less than 2 minutes walk from the application site. As southbound buses terminate at the ASDA superstore, the use of buses in this direction would be minimal. A new Route 135 is under consultation which will have a daytime frequency of 6 buses per hour. The route will operate between Crossharbour Asda via Westferry Road, Canary Wharf, Commercial Street and Liverpool Street.
- 8.69 From the trip generation calculations for Phase II it has been identified that approximately 20 additional bus trips in the AM peak hour and 17 additional two-way bus trips in the PM peak hour are predicted to be generated by the proposed development. The expected number of bus passenger trips generated by the proposed Phase II development equates to no greater than a 1.07% of current bus service capacity and less than 0.98% of future bus service capacity. These effects are minimal and could be adequately accommodated in both the existing and proposed bus services as the highest impact equates to less than 2 additional passengers per bus. Therefore, it is considered that the development proposals will have a negligible impact on bus capacity.

#### Site-lines

- 8.70 The proposed amendments to phase II of the development result in a new vehicle entrance at the north end of the eastern side of the site onto Limeharbour. The vehicle carriageway will enter and exit the site under the DLR viaduct via split entrances approximately 250m south of the intersection of Limeharbour and Marsh Wall. The separate entrance and exit routes would provide room for queuing on exit and enable clear sightlines both north and south up Limeharbour. The distance of the entrance from the intersection of Limeharbour and Mash Wall would avoid conflict with traffic turning onto Limeharbour and provide sufficient vision distances to allow for safe turning out of the development.

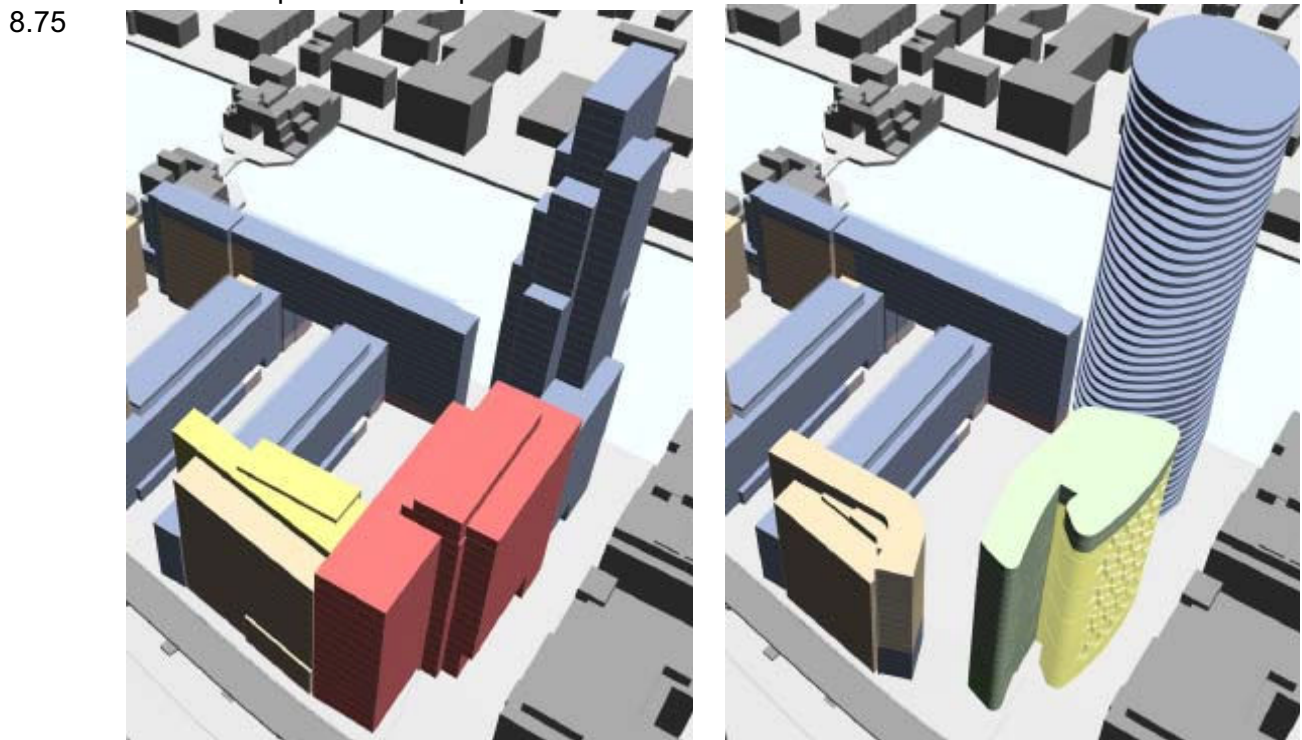
### **Design and Layout of the Development**

#### Mass and Scale

- 8.71 Assessment of the acceptable mass and scale of development on the site is somewhat dictated by the mass and scale of the buildings approved by previous planning permissions on the site, which must be considered as a material consideration in assessing this application. The previous planning permission, dated 3 October 2007 (PA/06/02068), approved the development of three buildings in the area of the site known as phase II. The current application seeks to change the design of these building. These buildings are known as Building 1 (the tower), Building 8 and Building 9, as shown in Figure 1 above. Phase I, currently under construction includes Building 2, Building 4, Building 5, Building 6 and Building 7.
- 8.72 The existing planning permission provides for Building 1 (the tower) to have a height of 42 storeys (136.7m AOD), Building 8 to have a height of 16 storeys (77.7m AOD) and Building 9 to have a height of 16 storeys (55.7m AOD). It should be noted that the floor heights in Building 8 are reflective of the office use. This application proposes to increase the height of the main tower, Building 1, by a total of 18.1m, the height of Building 8 is decreased by 9.5m and the height of building 9 is increased by 1m. Generally the height of the buildings is consistent with the existing approval, with the proposed increase to the height of Building 1 representing an additional 7% of the consented height.
- 8.73 Changes to the footprint of the all three buildings increase the outdoor space provided for on the site, resulting in decreased building footprints and a softening of the mass of the development at ground level, particularly Buildings 8 and 9.

The change in the height and design of Building 1 results in an increase in the mass of the building at higher levels as unlike the previously approved building, the amended design does not taper off. The changes to the massing of the buildings in phase II is highlighted by the massing diagram below.

8.74 It is considered that as the general massing of the development, being a large landmark tower with two subservient buildings to the east, has been approved under the previous planning permission, dated 3 October 2007 (PA/06/02068), and the proposed amendments do not significantly alter the massing of the development as a whole, that the scale and mass of the development is acceptable.



*Figure 2 – Showing the approved massing and proposed massing*

### Appearance

8.76 The proposed amendments to phase II retain and enhance the high quality appearance of the development. The tower building has been redesigned in order to create a landmark building. Architecturally the building is designed to respond to the needs for high rise residential living and develops a system that provides a unique appearance for the tower, through a process of shifting each floor along its vertical axis creating a twisting effect.

8.77 The design of this main tower draws attention and provides a changing view as one view the extent of the building. The use of translucent and light materials provides the allure of light and creates a softer context for the building. The spacious balcony provisions of Building 1 result in a successful expression of the residential function of the building.

8.78 The curved finishes to buildings 8 and 9 provide an entrance to the development from Limeharbour, resulting in smooth flowing appearance on a holistic scale. The facades of these buildings provide interest, due to the curves, balconies and bays on the facades creating texture and avoiding monotony in the façade appearance.

8.79 Overall the high quality of materials is considered to create a quality finish that will enhance the appearance of the buildings. Landscaping of the open space area will soften the mass of the buildings at the ground level when viewed from the immediate context of the development. The pathways and ground floor interactions of the buildings and outdoor

space will provide for a flow through the development enhancing the appearance of the development on a holistic scale adding human scale to the development.

### Materials

- 8.80 The materials proposed for the buildings in phase II of the development utilise a number of different finishes and materials, including bricks, metal panels, precast concrete and glass. The extensive use of translucent glass materials throughout the development, particularly on the balconies to Building 1 serves to soften the appearance of the buildings. The materials proposed are considered to be high quality and robust materials, which would add to the appearance of the development. To ensure that the quality of materials it is recommended, that if planning permission is approved, conditions of consent be included to require that the applicant submit samples of the external material. This will ensure that appropriate high quality materials are used in the development, the robustness of the materials and their ability to cope with the environmental conditions.

### Internal Amenity

- 8.81 Policy DEV2 (Character and Design) of the IPG and policy HSG 13 (Standard of Converted Dwellings) of the UDP seek to ensure adequate internal living conditions for future occupiers.
- 8.82 The applicant has provided a Daylight and Sunlight Report with their application outlining the daylight and sunlight received by the buildings in phase II of the development and the impact of the buildings on the adjoining buildings in phase I. It has assessed the daylight and sunlight levels of the proposed development against the guidance provided in the BRE Report 209 "Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice" (1991) providing the results of the effect on daylight in terms of the tests use in the BRE guidelines.
- 8.83 It is widely accepted that the most appropriate test, given the city centre location, is the Average Daylight Factor (ADF) test, which gives the interior illumination in the rooms taking into account the size of the windows. The tests carried out by the applicant show that the daylight and sunlight received by the habitable rooms of the residential buildings in phase II of the development will meet or exceed the BRE guidelines, providing acceptable sunlight and daylight levels to the future occupants of the development.
- 8.84 Policy HSG 13 (Standard of Converted Dwellings) of the UDP states that all new developments should have adequate provision of internal residential space in order to function effectively. The supporting detail of this policy states that internal design should take account of the criteria in the Supplementary Planning Guidance on Residential Space. The units proposed for the development provide generous living spaces and would result in units meeting or exceeding the overall minimum unit size for the intended occupancy levels. In addition the units have private open space balconies off the living rooms which provide additional living area.
- 8.85 As previously stated, the Council's UDP states that new developments should be designed to ensure that there is sufficient privacy for residents and that a distance of about 18 meters between opposite habitable rooms reduces inter-visibility to a degree acceptable to most people. Within phase II of the development the residential dwelling units are proposed within buildings 1 and 9. These building are separated by a distance well in excess of 18m between facing windows of habitable rooms. Building 8 of the development would consist of serviced apartment, which are not considered to be residential units and therefore would not be habitable room. While the distance between building 2 (in phase I of the development) and building 1 is less that the accepted 18m, the existing consented scheme would also have habitable rooms of building 9 and building 2 facing each other. It is therefore considered that the privacy between habitable rooms within the proposed development is acceptably maintained.

- 8.86 Buildings will be naturally ventilated wherever possible. Each apartment will be provided with continuous mechanical ventilation servicing toilets, bathrooms and kitchen areas. All occupied rooms will be provided with natural fresh air intake points. This will ensure that all living units are sufficiently ventilated.
- 8.87 It is therefore considered that the proposed residential buildings in the amended phase II development would receive adequate sunlight, daylight and ventilation and the size of the units would provide sufficient living space to ensure acceptable internal living amenity.
- 8.88 It is therefore considered that the proposed development would have adequate and acceptable internal amenity and that the development would be in accordance with policies DEV2 (Character and Design) of the IPG and HSG 13 (Standard of Converted Dwellings) of the UDP.

#### Micro-Environment

- 8.89 Planning guidance contained within the London Plan 2008 places great importance on the creation and maintenance of a high quality environment for London. Policy 4B.10 (Large-scale buildings – design and impact) of the London Plan 2008 requires that *“All large-scale buildings including tall buildings, should be of the highest quality design and in particular: ... be sensitive to their impacts on micro- climates in terms of wind, sun, reflection and over-shadowing”*. Wind microclimate is therefore an important factor in achieving the desired planning policy objective. Policy DEV1 (Amenity) of the IPG also identifies microclimate as an important issue stating that:

*“Development is required to protect, and where possible seek to improve, the amenity of surrounding and existing and future residents and building occupants as well as the amenity of the surrounding public realm. To ensure the protection of amenity, development should: ...not adversely affect the surrounding microclimate.”*

- 8.90 The applicant has undertaken an assessment of the impact of the proposed development on the microclimate surrounding the buildings. The assessment has focused on the suitability of the Site for desired pedestrian use (i.e. leisure walking at worst, with standing conditions at entrances and in retail areas, and sitting/standing conditions in public realm areas during summer) and the impact relative to that use. Three configurations were assessed in a wind tunnel:
- Configuration 1: Proposed development with the existing surrounding buildings;
  - Configuration 2: Proposed development with the cumulative surrounding buildings (Cumulative Impact Assessment);
  - Configuration 3: Proposed development with the detail mitigation design and cumulative surrounding buildings and mitigations (Residual Impact Assessment).
- 8.91 The tests were conducted on a 1:300 scale model devoid of trees or landscape detail to generate a relatively windy microclimate. The pedestrian level wind microclimate at the Site was quantified and classified in accordance with the widely accepted Lawson Comfort Criteria. The wind conditions around the existing, undeveloped site are considered relatively calm, being in general suitable for standing/entrance use or better even during the windiest season. The prevailing wind direction is south westerly.
- 8.92 The microclimate modelling showed the impact of the proposed development, in the absence of mitigation, is generally negligible. However, there were a few locations on-site where in the absence of mitigation; wind conditions would be moderate to minor adverse. These areas include a number of entrances and localised thoroughfares. The cumulative impact of other known planning applications in the vicinity of the Site make a beneficial contribution to the wind microclimate of the proposed development. Additional development around the Site will increase the shelter on-site and will eliminate many of the adverse impacts identified for the

proposed development. The modelling showed that when mitigation measures introduced in Configuration 3, which consist of the proposed open space and landscaping proposals for the scheme the entrance location on the south side of Building 1 being sheltered by proposed building columns on either side of the entrance, suitable mitigation was provided, achieving standing/entrance conditions at required locations. The residual impact of the proposed development is therefore expected to be negligible to minor beneficial.

- 8.93 It is therefore considered that the proposed development would be acceptable in terms of the impact on microclimate conditions surrounding the development and would not significantly impact on the pedestrian amenity on the site in accordance with London Plan policy 4B.10 (Large-scale buildings – design and impact) and policy DEV1 (Amenity) of the IPG.

#### Landscaping

- 8.94 Landscaping within the entire Former London Arena site equates to a total of 16,000m<sup>2</sup> of the 25,500m<sup>2</sup> site. Within the amended phase II development there is approximately 7,000m<sup>2</sup> of open space for landscaping. Further, on top of this there is 750m<sup>2</sup> of Brown Roof Area on Building 9 and 615m<sup>2</sup> of Green Roof Area on Building 8, which although not accessible to the occupants or public provide habitats for local wildlife, adding to the amenity of the landscaping. The changes to the previously consented scheme proposed in this application allow for an increase of 2,000m<sup>2</sup> of additional landscaping within the Phase II portion. This landscaping is made up of a mix of and additional 1,000m<sup>2</sup> of soft landscaping and 1,000m<sup>2</sup> of hard surface landscaping.
- 8.95 Site permeability will be greatly improved and coordinated within this new proposal. A new at grade east to west link will be provided between Limeharbour and the Millwall Dock edge, enhancing existing pedestrian circulation in the general vicinity. In addition to the enhanced pedestrian circulation route around the site, vehicular entry to the internal courtyard/piazza will be introduced from Limeharbour, between buildings 8 and 9. Vehicular movement will be strictly controlled and be for hotel and tower drop-off only.
- 8.96 The proposed development is considered to greatly enhance the public realm within the development providing an area of quality amenity space that will compliment the quality and design of the buildings. To ensure that the landscaping provided within the development provides acceptable planting and quality materials it is recommended that conditions be included on any granted planning permission that landscape plans and landscape management plans are provided and approved by Council prior to the commencement of construction.
- 8.97 It is therefore considered the proposed development would be in accordance with policy DEV12 (Provision of Landscaping in Development) of the UDP, policies DEV1 (Amenity), DEV2 (Character and Design) and Dev 13 (Landscaping and Tree Preservation) of the IPG and policies 4A.11 (Living Roofs and Walls), 4B.1 (Design Principles for a Compact City) and 4B.10 (Large-Scale Buildings – Design and Impact) of the London Plan 2008.

#### Play Areas/Amenity Space

- 8.98 The proposed amended phase II scheme has resulted in a total area of landscaping of approximately 7,000m<sup>2</sup>. This represents a 2,000m<sup>2</sup> increase in the amount of landscaping in the previously consented scheme. 1,000m<sup>2</sup> of this additional landscaping is provided as soft landscaping. The outdoor amenity space of the development is made up of both shared hard surfaces, with strictly controlled vehicle access, and soft landscaped area.
- 8.99 The proposed child yield of phase II of the development is approximately 136 children, which equates to a requirement of 1,360m<sup>2</sup> of dedicated play space in accordance with The Mayor of London Supplementary Planning Guidance (Providing for Children and Young People's Play and Informal Recreation), which states "A minimum of 10 sq m of dedicated playspace



*per child (existing and new provision) is recommended as a basis for assessing existing and future provision – subject to verification in the local play strategy.”* The open space identified within phase II of the development for opportunities to play totals approximately 5,350m<sup>2</sup>.

- 8.100 Within the entire development on the Former London Arena site the space identified as opportunities for play equates to 11,500m<sup>2</sup> and includes formal and informal child play areas. Overall the increased soft landscaping and outdoor amenity space within amended scheme represent a increased opportunity for play space and is considered to be acceptable in terms of policy 3D.13 (Children and Young People’s Play and Informal Recreation Strategies) of the London Plan 2008 and

#### Views

- 8.101 The site does not fall within a designated Strategic view Consultation Area under the adopted UDP or IPG. The development will introduce a new larger tower (Building 1), designed to be a visible landmark, into the skyline. It is considered that this is acceptable within the Central Area Zone and in the context of the previous planning permission, which permitted a tower of similar height on the site.
- 8.102 The application is supported by a detailed assessment of local and long distance views included within the Environmental Statement. While the proposed development can be seen in the foreground of the view from General Wolfe’s Statue in Greenwich Park towards the Canary Wharf Cluster (shown in Figure 3 below), it is considered that the given the development that has already been consented on the site that the impact of the amendments proposed to phase II within this application would not significantly impact on any views. The proposal is therefore considered in accordance with policy DEV27 of the IPG and policies 4B.10 (Large-scale Buildings – Design and Impact) 4B.16 (London View Management Framework) and 4B.18 (Assessing Development Impact on Designated Views) of the London Plan 2008.

8.103



*Figure 3 – Showing the impact of the proposed development on the view towards the Canary Wharf Cluster from General Wolfe's Statue in Greenwich Park*

#### Access

- 8.104 The scheme will yield much needed accommodation including social rented and intermediate affordable housing. The access statement submitted highlights the developer's commitment to provide all accommodation to lifetime homes standards. Most of the units will have relative ease of access to disabled parking bays. 10% of the units provided will be wheelchair accessible design. Conditions of consent can be included on the application to ensure that the provisions are met adequately for mobility impaired persons.
- 8.105 The development would be considered in accordance with policies DEV3 (Accessibility and inclusive design) and HSG9 (Accessible and Adaptable Homes) of the IPG and policy 3A.5 (Housing Choice) of the London Plan 2008

#### **Sustainability**

- 8.106 The London Plan 2008 has a number of policies aimed at tackling the increasingly threatening issue of climate change. London is particularly vulnerable to matters of climate change due to its location, population, former development patterns and access to resources. IPG and the policies of the UDP also seek to reduce the impact of development on the environment, promoting sustainable development objectives.

#### Energy

- 8.107 Policy 4A.3 (Sustainable Design and Construction) of The London Plan 2008 states that boroughs should ensure future developments meet the highest standards of sustainable design and construction, seeking measures that will among other matters will:
- Reduce the carbon dioxide and other omissions that contribute to climate change;
  - Minimise energy use by including passive solar design, natural ventilation and

- vegetation on buildings;
  - Supply energy efficiently and incorporate decentralised energy systems and renewable energy; and
  - Promote sustainable waste behaviour in new and existing developments, including support for local integrated recycling schemes, CHP and CCHP schemes and other treatment options.
- 8.108 Policies 4A.4 (Energy Assessment), 4A.5 (Provision of heating and cooling networks) and 4A.6 (Decentralised Energy: Heating, Cooling and Power) of the London Plan 2008 further the requirements for sustainable design and construction, setting out the requirement for an Energy Strategy with principles of using less energy, supplying energy efficiently and using renewable energy; providing for the maximising of opportunities for decentralised energy networks; and requiring applications to demonstrate that the heating, cooling and power systems have been selected to minimise carbon dioxide emissions. Policy 4A.7 (Renewable Energy) of the London Plan goes further on this theme, setting a target for carbon dioxide emissions as a result of onsite renewable energy generation at 20%
- 8.109 The applicant has provided a Sustainability Statement, Energy Statement and Environmental Impact Assessment in support of the application for the amended development of phase II. The application documents detail that the buildings in phase II of the development have designed with sustainability as one of the major objectives and outline the following passive design features and energy efficiency measures as being incorporated into the design of the buildings to reduce primary energy consumption:
- The three buildings in phase II have been placed around a courtyard and as a result, some of the buildings will face in each of the four compass directions. The architectural design has taken account of this, using appropriate measures to encourage daylight and natural ventilation;
  - Glazing is to be selected with consideration for the heat gains and losses during summer and winter while avoiding glare. For the residential uses within the scheme, all habitable rooms will have good levels of natural light with windows sized and located in accordance with Simplified Assessment Procedure (SAP) requirements recommendations;
  - Combined Heat and Power (CHP) coupled with a 64 m<sup>2</sup> thermal storage tank and biomass boilers will provide the majority of hot water and heating service for the proposed development. The remainder of the heating demand will be supplied by high efficient gas boilers;
  - U-values for the proposed development meet or exceed the requirements of the building regulations Part L 2006. Robust detailing will reduce air leakage at joints and boundaries between surfaces, improving the overall air tightness of the buildings;
  - Low-energy light fittings, combined with daylight and presence detection in the commercial and public (landlord) portions of the proposed development, where applicable, will reduce the amount of time that lights are left on when not strictly required. External lighting will be controlled by a combination of time switches and daylight sensors, as appropriate. These measures will reduce energy wastage and associated CO<sub>2</sub> emissions;
  - The residential apartments within Building 1 (Tower) and the hotel rooms and serviced apartments located within Building 8 will be comfort cooled. For comfort cooling it is proposed to use vapour-compression units, using the adjacent Dock water as the heat rejection media rather than the ground. The amount of cooling which can be provided through the use of the dock water is higher than that which could be provided by ground source heat pumps. For the purpose of the proposed development's energy strategy it has been assumed that the dock water system will reduce the CO<sub>2</sub> emissions due to comfort cooling by 70%;
  - Buildings will be naturally ventilated wherever possible. Each apartment will be provided with continuous mechanical ventilation serving toilets, bathrooms, and kitchen areas. All occupied rooms will be provided with natural fresh air intake points;
  - For the hotel, serviced apartments and retail uses, Building Energy Management

Systems (BEMS) will allow for control with systems defaulting to off, where appropriate, to minimise energy wastage. Each residential unit's heating system will have a time switch and a thermostat to encourage energy efficiency. In addition, units will also be fitted with a heating, cold water service and electricity supply meter to measure and charge for community usage, thus providing the residents a financial incentive to conserve energy and resource usage. Meters will be provided to apportion heat and electricity from the CHP plant or hot water and electricity for the energy centres to other tenants such as the Health Club within the development.

8.110 The use of Low and Zero Carbon (LZC) heating systems will reduce CO2 emissions throughout the proposed development's lifetime from a design baseline (that includes passive design and energy efficiency measures) as follow (See Table 4.8):

- a 13% CO2 saving through the use of CHP;
- a 12% CO2 saving through the use of Bio-diesel boilers and dock-water cooling; and
- a further potential 13.1% CO2 saving through the use of the thermal store coupled with the CHP.

Collectively the LZC technologies to be employed on-site will reduce the 'design' CO2 emissions by a minimum of 23.4% and a potential maximum of 31.5% for the Site as a whole.

8.111 The Council's Energy Efficiency Unit has reviewed the application and concluded that *"the general structure of the energy strategy is reasonable, however further information is required to demonstrate the strategy meets the requirements of the policies set out in the London Plan..."* As such in order to ensure the proposal acceptable in terms of the policy requirements it is recommended, if approved, that the application included conditions of consent, as provided by the Energy Efficiency Unit, to ensure that the development would meet suitable energy efficiency and renewable energy measures. If conditions are included as recommended it is considered that the proposed development would meet policies 4A.3 (Sustainable Design and Construction), 4A.4 (Energy Assessment), 4A.5 (Provision of heating and cooling networks), 4A.6 (Decentralised Energy: Heating, Cooling and Power) and 4A.7 (Renewable Energy) of the London Plan 2008.

8.112 It is also considered that the proposal would be consistent with the policy DEV6 (Energy Efficiency and Renewable Energy) of the IPG, in that the proposed renewable energy production onsite exceeds 10% of the sites predicted energy requirements.

#### Biodiversity

8.113 The subject site is currently a construction site devoid of any natural habitat, as it is currently occupied by construction buildings and equipment associated with the construction of phase I of the consented development. The proposed landscape strategy for the development sets out proposals for planting semi-mature trees, incorporating hedging and climbers on suitable vertical faces and to provide green walls. In addition to this the proposal provides for a brown roof space on Building 9 as well as a green (Sedum) roof on Building 8. This follows much the same provision as the existing consented scheme for the area within phase II; however the proposed scheme offers an additional 1,000m<sup>2</sup> of soft landscaping.

8.114 The proposed soft landscaping at ground level and on the brown and green roof tops would comprise approximately 52% of the site area for the proposed phase II scheme, which in the absence of any existing vegetation would provide significant habitat and biodiversity benefits to the site. The submission of a biodiversity strategy is recommended to ensure that this potential is fully realised and this should be secured by way of conditions of consent if the planning permission is granted.

8.115 It is therefore considered that the proposed development would be consistent with policy CP31 (Biodiversity) of the IPG and Policy 3D.14 (Biodiversity and Nature Conservation) of the London Plan 2008.

## Water

### *Water run-off*

- 8.116 Infiltration based SUDS techniques are limited by the impermeable nature of the geology and the basement car park planned for the Site. Surface attenuation is also restricted by the limited amount of open space available. In this regard a green roof of approximately 613.8 m<sup>2</sup> in extent and a brown roof of approximately 752.9 m<sup>2</sup> in extent will be installed on Buildings 8 and 9 respectively and soft landscaping of approximately 3,709 m<sup>2</sup> developed at ground level. Rainwater harvesting will also be introduced on-site with stored rainwater providing the primary source for irrigation and car washing water supplies.
- 8.117 British Waterways have confirmed that in principle, the existing 11 surface water outfalls along Millwall Inner Dock can be reused to discharge a small percentage of the proposed development's surface water into Millwall Inner Dock.
- 8.118 Collectively, rainwater harvesting combined with the attenuating properties of the proposed green areas and surface drainage to the Millwall Inner Dock, will result in an approximate 33% reduction of surface runoff rates generated by the climate change corrected 1 in 100 year storm. This equates to approximately 209 m<sup>3</sup> which means that runoff from the proposed development incorporating climate change will be less than runoff from the previous development.
- 8.119 It is considered that the proposed development maximises the potential of the site, given the constraints of the basement and geology to mitigate water runoff and potential flooding events. Therefore it is considered that the development is in accordance with policies CP37 (Flood Alleviation) and DEV8 (Sustainable Drainage) of the IPG and policies 4A.13 Flood Risk Management) and 4A.14 (Sustainable Drainage) of the London Plan 2008.

### *Water use*

- 8.120 The proposed development will cause an increase in water demand to meet the needs of the new occupants, especially when other consented schemes in the Isle of Dogs are taken into account. These increases will be offset by the adoption of a variety of water-saving devices in the residential Properties and the rainwater harvesting mentioned above. To ensure that the appropriate low flow devices are provided to maximise the mitigation of water usage it is recommended a condition be included on the consent if approved to require the submission of details of water saving techniques within the development.
- 8.121 The proposed development is therefore considered in accordance with policy DEV69 (Efficient Use of Water) of the UDP, policy DEV7 (Water Quality and Conservation) of the IPG and policy 4A.16 of the London Plan 2008.

## Construction Waste and Recycling

- 8.122 Demolition of the previous buildings on site has already taken place and was completed in August 2006. The total amount of material that has already been excavated and removed off-site is approximately 80,000m<sup>3</sup> under the existing planning permission. A further 20,000m<sup>3</sup> will be removed in accordance with the existing planning permission also. Therefore, the waste generated from demolition and excavation and site preparation is somewhat outside the scope of assessment under this consent.
- 8.123 The developer has assessed and stated that the proposed development would result in approximately 9,882m<sup>3</sup> waste during construction, over the construction period. This equates to 3,294m<sup>3</sup> per year throughout the three year anticipated construction period.

- 8.124 Conditions of consent should require a Site Waste Management Plan to be submitted to ensure that the development is implemented in accordance with the principles of the waste hierarchy and that reuse and recycling of waste reduces the unnecessary landfilling of waste. If development is undertaken in accordance with an appropriate Site Waste Management Plan the development would be considered to be in accordance with policy CP39 (Sustainable Waste Management) of the IPG and policy 4A.28 (Construction, excavation and demolition waste) of the London Plan 2008.

## **Planning Obligations**

### Financial Contributions

- 8.125 As part of the previous planning permission, dated 3 October 2007 (PA/06/02068), for development on the site a S106 legal agreement was agreed between the Council and the applicant, including financial contribution totalling over £4.4 million. This financial contribution was negotiated in order to provide financial assistance to projects to mitigate the impacts of the development on matters such as transport, highways infrastructure, open space and recreational facilities, public realm, education, healthcare and local employment.
- 8.126 The applicant in negotiation with Council officers has proposed a pro-rata increase in the S106 payment as part of the new application, in order to mitigate the additional impact of the changes to the scheme. This has been supported by a Financial Toolkit provided by the developer.
- 8.127 It should also be noted that the provision of a new community centre within phase I of the development equates to a benefit for uses and the local community and would equate to an additional benefit of approximately £1,600 per unit across the entire development on the Former London Arena Site.

### Affordable Housing

- 8.128 Provision within a S106 legal agreement should be made to ensure the provision of the affordable housing in accordance with the application as stated above.

### Parking and traffic

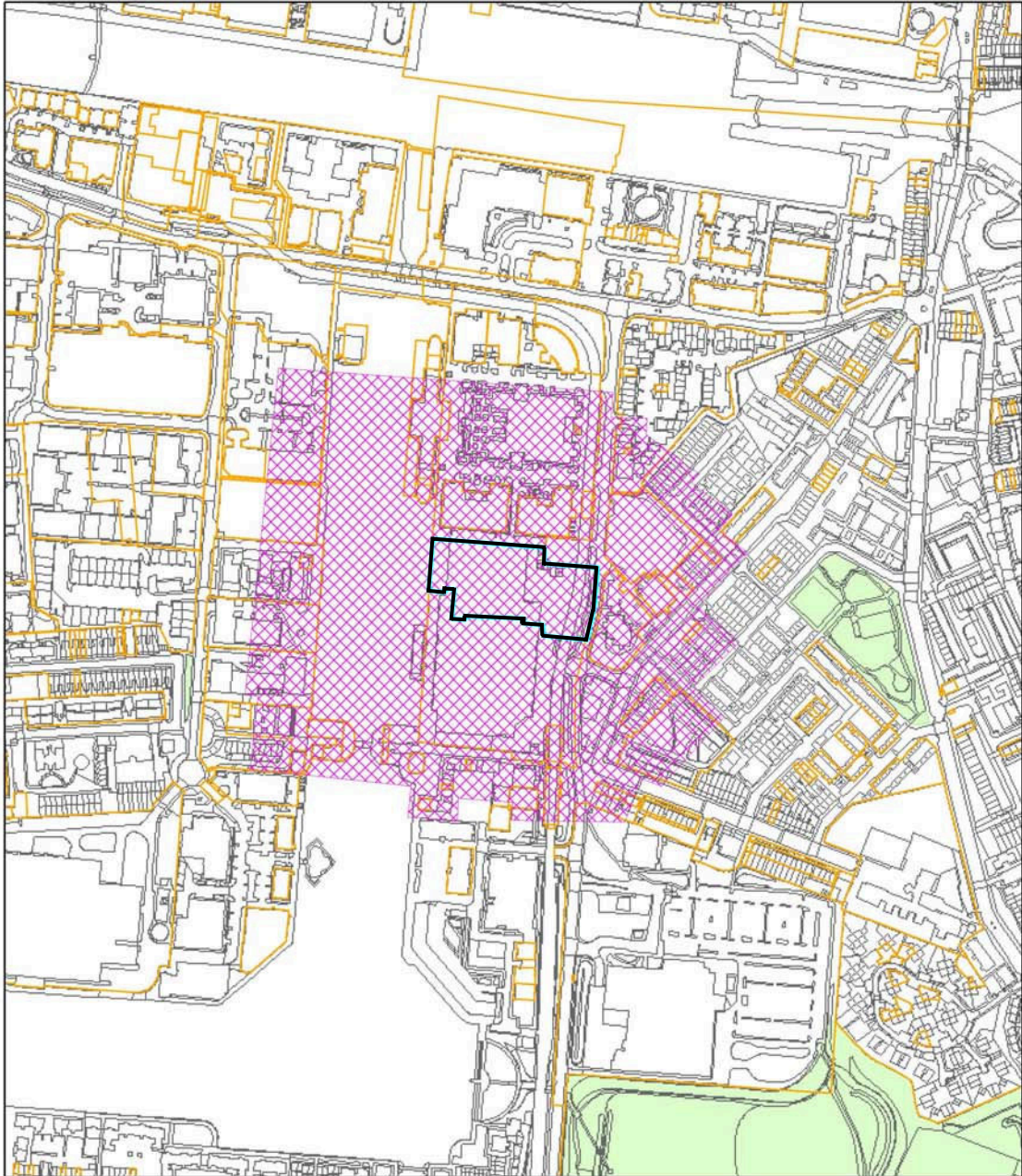
- 8.129 The applicant has proposed onsite parking within the basement of the scheme for 218 cars, which is well within the maximum parking requirement. The site is located in the Central Activity Zone, has a high PTAL, and to ensure that there will be no overspill from the development onto the public parking spaces, it is recommended that the applicant be required to enter into a S106 agreement in order that the Traffic Management Order can be amended to exempt occupiers of this site from obtaining parking permits.
- 8.130 The applicant has also proposed the inclusion of highway works for the general improvement to the existing pedestrian network and the introduction of a green man phase at the junction of Marsh Wall and Limeharbour.
- 8.131 The travel plan provision and the links to the provision of secure cycle spaces within the development should be included in the S106 legal agreement.

## **Conclusions**

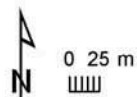
- 8.132 All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.



# Planning Application Site Map



-  Planning Application Site Boundary
-  Other Planning Applications
-  Consultation Area
-  Land Parcel Address Point



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 Stationary Office (c) Crown Copyright. London Borough of Tower Hamlets LA086568

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# Agenda Item 7.4

|   |  |   |                               |
|---|--|---|-------------------------------|
| <b>Committee:</b><br>Strategic Development                    | <b>Date:</b><br>10 <sup>th</sup> July 2008 | <b>Classification:</b><br>Unrestricted          | <b>Agenda Item No:</b><br>7.4 |
| <b>Report of:</b><br>Corporate Director Development & Renewal |  | <b>Title:</b> Planning Application for Decision |                               |
| <b>Case Officer:</b><br>Simon Ryan                            |  | <b>Ref No:</b> PA/08/00775                      |                               |
|   |  | <b>Ward(s):</b> Blackwall and Cubitt Town       |                               |

## 1. APPLICATION DETAILS

|                           |   |
|---------------------------|---|
| <b>Location:</b>          | 25 Churchill Place, London E14  |
| <b>Existing Use:</b>      | Construction site (Office – Use Class B1)   |
| <b>Proposal:</b>          | Erection of a 23 storey office building (Use Class B1) incorporating car parking, servicing and plant at basement level, together with associated infrastructure, landscaping and other works incidental to the application.  |
| <b>Drawing Nos:</b>       | <ul style="list-style-type: none"><li>• Drawing nos. KPF-SK-000, 001, 002, 003, 004, 005, 006, 007, 008, 009, 010, 011, 012, 013, 014, 015, 016, 017, 018, 019, 020, 021, 022, 023, 024, 025, 026, 027, 028, 029, 030 and SKP-546-01-B1</li><li>• Design and Access Statement (dated April 2008)</li><li>• Planning Statement (dated April 2008)</li><li>• Visual Impact Study (prepared by Miller Hare)</li><li>• Sustainability Statement (prepared by Hilson Moran)</li><li>• Energy Assessment Statement of Intent (prepared by Hilson Moran)</li><li>• Waste Management Strategy (prepared by Hilson Moran)</li><li>• Flood Risk Assessment (prepared by Arup)</li><li>• Transport Assessment (prepared by Steer Davies Gleave)</li><li>• Interim Travel Plan (prepared by Steer Davies Gleave)</li><li>• Wind Assessment (prepared by BLWTL)</li><li>• Daylight/sunlight/shadow assessment (prepared by Gordon Ingram Associates)</li></ul> |
| <b>Applicant:</b>         | Canary Wharf Ltd  |
| <b>Owner:</b>             | Canary Wharf Ltd  |
| <b>Historic Building:</b> | N/A   |
| <b>Conservation Area:</b> | 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, the Council's Interim Planning Guidance (2007), associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that:

- The scheme will consolidate the sustainable future economic role of the area as an important global financial and legal centre, whilst also facilitating locally-based employment, training and local labour opportunities for the local community together with numerous public realm improvements. The scheme therefore accords with policy 3B.4 of the London Plan, CP11 of the Council's Interim Planning Guidance (October 2007), and saved policies DEV3 and CAZ1 of the Council's Unitary Development Plan (1998), which seek to develop London's regional, national and international role, ensure appropriate development and protect sites in employment use.

- The building height, scale, bulk and design is acceptable and in line with regional and local criteria for tall buildings. As such, the scheme is in line with policies 4B.8, 4B.9 and 4B.10 of the London Plan 2008, saved policies DEV1, and DEV2 of the Council's Unitary Development Plan 1998 and policies CP48, DEV1, DEV2, DEV3 DEV27 and IOD16 of the Council's Interim Planning Guidance (October 2007), which seek to ensure buildings are of a high quality design and suitably located.
- The development would form a positive addition to London's skyline, without causing detriment to local or long distant views, in accordance policies CP48 and CP50 of the Council's Interim Planning Guidance (2007) and policies 4B.1, 4B., 4B.8 and 4B.9 of the London Plan (2008) which seek to ensure tall buildings are appropriately located and of a high standard of design whilst also seeking to protect and enhance regional and locally important views.
- Sustainability matters, including energy, are acceptable and in line with policies 4A.4, 4A.6, 4A.7, 4A.14 and 4B.2 of the London Plan and policies DEV5 to DEV9 of the Council's Interim Planning Guidance (October 2007), which seek to promote sustainable development practices.
- Transport matters, including parking, access and servicing, are acceptable and in line with London Plan policies 3C.1 and 3C.23 of the London Plan, policies T16 and T19 of the Council's Unitary Development Plan 1998 and policies DEV17, DEV18 and DEV19 of the Council's Interim Planning Guidance (October 2007), which seek to ensure developments minimise parking and promote sustainable transport options.
- Contributions have been secured towards the provision of transport infrastructure improvements; open space and public realm improvements; social and community facilities and access to employment for local people in line with Government Circular 05/05, policy DEV4 of the Council's Unitary Development Plan 1998 and policy IMP1 of the Council's Interim Planning Guidance (October 2007), which seek to secure contributions toward infrastructure and services required to facilitate proposed development.

### 3. RECOMMENDATION

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

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

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

#### Financial Contributions

- Provide **£307,249** towards the provision/conversion of pitches to AstroTurf in accordance with the Council's Sports Pitch Strategy
- Provide **£546,014** towards open space and public realm improvements
- Provide **£655,217** towards transport infrastructure, specifically:
  - Docklands Light Railway three carriage capacity enhancement works;
  - Crossrail; and
  - Canary Wharf Underground station improvements
- Provide **£342,415** towards social & community and employment & training initiatives, these being:
  - Sustainable transport initiatives*; improvements to facilitate walking, cycling and sustainable transport modes, including improvements in accordance with the Cycle Route Implementation Plan
  - Heritage and culture*; improvements to preserve and enhance the history and

- character of the Docklands/Isle of Dogs area
- iii. *Idea Store*; Contribution to mitigate the increased demand upon the existing Idea Store, particularly upon the IT infrastructure and the free wireless service
- iv. *Access to Employment*; A contribution towards the Skillsmatch Service
- v. *Isle of Dogs Community Foundation*; A contribution towards social and community facilities
- e) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

(Total s106 contribution of **£1,850,895**)

#### Non-Financial Contributions

- f) TV Reception - mitigation of any impacts on TV Reception
- g) Publicly Accessible Open Space and Walkways - Maintenance of new publicly accessible open space within the development together with unrestricted public access
- h) Code of Construction Practice - To mitigate against environmental impacts of construction
- i) Access to employment - To promote employment of local people during and post construction, including an employment and training strategy
- j) Any other planning obligation(s) considered necessary by the Corporate Director of Development & Renewal

- 3.2 That the Corporate Director Development & Renewal be delegated authority to negotiate the legal agreement indicated above.
- 3.3 That the Corporate Director Development & Renewal be delegated authority to impose conditions [and informatives] on the planning permission to secure the following matters:

#### **Conditions**

- 1) Time Limit (3 years)
- 2) Phasing programme details
- 3) Particular details of the development
  - External materials;
  - External plant equipment and any enclosures;
  - Hard and soft landscaping; and
  - External lighting and security measures
- 4) Full particulars of energy efficiency technologies required
- 5) Submission of BREEAM Offices assessment required.
- 6) Hours of construction
- 7) Biodiversity Action Plan required
- 8) Demolition and Construction Management Plan required including feasibility study and details of moving freight by water during construction
- 9) Noise control limits
- 10) Land contamination assessment required
- 11) Groundwater quality assessment required
- 12) Long term groundwater quality monitoring and assessment plan required
- 13) No infiltration of surface water drainage into the ground
- 14) Express consent required for piling and other penetrative foundation designs
- 15) Details of additional cycle parking spaces
- 16) Green Travel Plan required
- 17) Programme of archaeological work required
- 18) Scheme of access to new flood defences required
- 19) Drainage strategy details required

- 20) Protection of public sewers
- 21) Impact study of the existing water supply infrastructure required
- 22) Control of development works (restricted hours of use for hammer driven piling or impact breaking)
- 23) Bellmouth Passage to be kept open during construction of Crossrail
- 24) Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal.

### **Informatives**

- 1) Section 106 agreement required
- 2) Contact Thames Water
- 3) Contact London City Airport regarding cranes and scaffolding
- 4) Contact LBTH Building Control
- 5) Contact British Waterways
- 6) Contact Environment Agency
- 7) Contact London Fire & Emergency Planning Authority
- 8) Any other informative(s) considered necessary by the Corporate Director Development & Renewal

- 3.4 That, if within 3-months of the date of this Committee the legal agreement has not been completed, the Corporate Director Development & Renewal be delegated authority to refuse planning permission.

## **4. PROPOSAL AND LOCATION DETAILS**

### **Proposal**

- 4.1 The applicant is seeking consent to build a tower of 23 storeys in height (130m AOD) accommodating 80,535 sq.m. (GIA) of office floorspace (Use Class B1).
- 4.2 The application site has permission for the construction of a 15 storey office building of 80.77m (AOD) in height under the Enterprise Zone consent for the original Canary Wharf Estate. The 23 storey building proposed within the current application is approximately 49 metres higher and provides approximately 33.5% more floorspace.
- 4.3 The scheme includes one level of basement (which is under construction in accordance with the approved Enterprise Zone consent). Above this is a promenade level which will create a footpath around the southern boundary of site linking with that associated with 20 Churchill Place and the Idea Store together with the associated mall area. The building will be accessed at ground level which sits above promenade level. The building is accessed from ground level, which also contains access to an existing pedestrian link to the west which bridges Bellmouth Passage over to Montgomery Street.
- 4.4 The proposal also includes 8 car parking spaces (6 of which are disabled spaces) within the basement and 138 cycle parking spaces within the existing Churchill Place car park.

### **Site and Surroundings**

- 4.5 The site is located at the eastern end of the Canary Wharf Estate, and is bounded by Churchill Place and South Colonnade to the north, Bellmouth Passage with 20 Canada Square and Montgomery Square beyond to the west and 10 Churchill Place to the east. To the south is South Dock. The site is immediately adjacent to the dock on its southern and western boundaries.
- 4.6 The application site is approximately 0.36 hectares in area. The application site is predominantly surrounded by office buildings; however proposals for the neighbouring Wood

Wharf to the east and south are likely to include a large number of residential units.

## Planning History

4.7 The following planning decisions are relevant to the application:

EZ/91/4 The application site has planning permission for a 15 storey building of 80.77m (AOD) in height to provide approximately 60,300sq.m. of office floorspace under the Enterprise Zone Consent for the original Canary Wharf estate. The permission also included a pedestrian link to Montgomery Street. This consent has been implemented by way of completion of the substructure and the basement level, whilst the pedestrian link and cycle lift are currently under construction.

## 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 1998 (as saved September 2007)

|            |   |  |
|------------|---|--|
| Proposals: |   | Flood Protection Area<br>Central Area Zone<br>Water Protection Area<br>Site of Nature Conservation Importance<br>East – West Crossrail   |
| Policies:  | DEV1<br>DEV2<br>DEV3<br>DEV4<br>DEV8<br>DEV12<br>DEV51<br>DEV55<br>DEV69<br>CAZ1<br>CAZ4<br>T16<br>T18<br>T21<br>U2<br>U3 | Design Requirements<br>Environmental Requirements<br>Mixed Use development<br>Planning Obligations<br>Protection of local views<br>Provision of Landscaping in Development<br>Contaminated Land<br>Development and Waste Disposal<br>Water Resources<br>Location of Central London Core Activities<br>Special Policy Areas<br>Impact of Traffic<br>Pedestrian Safety and Convenience<br>Existing Pedestrians Routes<br>Consultation Within Areas at Risk of Flooding<br>Flood Defences |

### Interim Planning Guidance for the purposes of Development Control

Proposals: Development site ID52 – Identifies preferred uses as Employment (Use Class B1) and retail and leisure (A1, A2, A3, A4, A5)  
Major Centre  
Flood Risk Area  
Site of Importance for Nature Conservation  
Draft Crossrail boundary  
Public Open Space (Isle of Dogs wharves)  
Blue Ribbon Network

Core Strategies: IMP1 Planning Obligations

|           |       |  |
|-----------|-------|--|
|           | CP2   | Equal Opportunity                                    |
|           | CP3   | Sustainable Environment                              |
|           | CP4   | Good Design  |
|           | CP5   | Supporting Infrastructure                            |
|           | CP7   | Job Creation and Growth                              |
|           | CP11  | Sites in Employment Use                              |
|           | CP27  | Community Facilities                                 |
|           | CP29  | Improving Education and Skills                       |
|           | CP31  | Biodiversity   |
|           | 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               |
|           | CP43  | Better Public Transport                              |
|           | CP48  | Tall Buildings                                       |
|           | CP50  | Important Views                                      |
| Policies: | DEV1  | Amenity  |
|           | DEV2  | Character & Design                                   |
|           | DEV3  | Accessibility & Inclusive Design                     |
|           | DEV4  | Safety & Security                                    |
|           | DEV5  | Sustainable Design                                   |
|           | DEV6  | Energy Efficiency & Renewable Energy                 |
|           | DEV7  | Sustainable Drainage                                 |
|           | DEV15 | Waste and Recyclables Storage                        |
|           | DEV16 | Walking and Cycling Routes and Facilities            |
|           | DEV17 | Transport Assessments                                |
|           | DEV18 | Travel Plans   |
|           | DEV20 | Capacity of Utility Infrastructure                   |
|           | DEV21 | Flood Risk Management                                |
|           | DEV22 | Contaminated Land                                    |
|           | DEV24 | Accessible Amenities and Services                    |
|           | DEV27 | Tall Buildings                                       |
|           | EE2   | Redevelopment /Change of Use of Employment Sites     |
|           | SCF1  | Social and Community Facilities                      |
|           | OSN3  | Blue Ribbon Network and the Thames Policy Area       |
|           | CON4  | Archaeology and Ancient Monuments                    |
|           | CON5  | Protection and Management of Important Views         |
|           | IOD1  | Spatial Strategy                                     |
|           | IOD2  | Transport and movement                               |
|           | IOD5  | Public open space                                    |
|           | IOD7  | Flooding   |
|           | IOD8  | Infrastructure capacity                              |
|           | IOD10 | Infrastructure and services                          |
|           | IOD13 | Employment Uses in the Northern sub-area             |
|           | IOD16 | Design and Built Form in the Northern sub-area       |
|           | IOD17 | Site allocations in the Northern sub-area            |

### **Spatial Development Strategy for Greater London (London Plan)**

|       |  |
|-------|--|
| 3A.18 | Protection and enhancement of social infrastructure and community facilities |
| 3B.1  | Developing London's economy  |
| 3B.2  | Office demand and supply   |
| 3B.3  | Mixed use development  |
| 3C.1  | Integrating transport and development  |

|       |  |
|-------|--|
| 3C.2  | Matching development to transport capacity       |
| 4A.2  | Mitigating climate change                        |
| 4A.4  | Energy assessment                                |
| 4A.6  | Decentralised energy: heating, cooling and power |
| 4A.7  | Renewable energy                                 |
| 4A.12 | Flooding   |
| 4A.13 | Flood risk management                            |
| 4A.14 | Sustainable drainage                             |
| 4A.16 | Water supply and resources                       |
| 4A.18 | Water and sewerage infrastructure                |
| 4A.20 | Reducing noise and enhancing townscapes          |
| 4B.1  | Design principles for a compact city             |
| 4B.2  | Promoting world class architecture and design    |
| 4B.3  | Enhancing the quality of the public realm        |
| 4B.5  | Creating an inclusive environment                |
| 4B.8  | Respect local context and communities            |
| 4B.9  | Tall buildings - location                        |
| 4B.10 | Large-scale buildings – design & impact          |
| 4B.15 | Archaeology                                      |
| 4B.16 | London view management framework                 |
| 4B.17 | View management plans                            |
| 4C.20 | Development adjacent to canals                   |
| 5C.1  | The strategic priorities for North East London   |
| 5C.3  | Opportunity areas in North East London           |

### **Government Planning Policy Guidance/Statements**

|       |  |
|-------|--|
| PPS1  | Delivering Sustainable Development                 |
| PPS22 | Renewable Energy                                   |
| PPS25 | Development and Flood Risk                         |
| PPG4  | Industrial, Commercial Development and Small Firms |

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

- 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 & Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.
- 6.2 The following were consulted regarding the application:

### **LBTH Cultural Services**

- 6.3 The proposal would result in a significant increase in the daytime population of the Canary Wharf. As such, it is suggested that developer contributions should be sought to mitigate the impact of the development, and contribute to the implementation of the Council's Sports Pitch Strategy in order to address demand on pitches by the daytime workforce population. Cultural Services have also stated that consideration should be given to securing contributions to mitigate the impact of the additional working population upon existing and proposed open space within the immediate vicinity, and the development of future parks, in particular the proposed open space adjacent to the Blackwall Tunnel ventilation shaft.

#### Officer Comment:

As detailed above within paragraph 3.1, s106 contributions have been sought towards the

Council's Sports Pitch Strategy and also open space and public realm improvements.

## **LBTH Environmental Health**

### Contaminated Land

- 6.4 The proposal is acceptable subject to a condition requiring further contamination investigation and mitigation works.

#### Officer Comment:

As detailed above within paragraph 3.3, a condition requiring a site investigation to investigate and identify potential contamination has been added.

### Daylight & Sunlight

- 6.5 No comments received.

## **LBTH Idea Stores, Strategy and Projects**

- 6.6 The proposed development will generate a significant increase in the daytime population of the Canary Wharf estate. A contribution should be sought towards the increased demand on the neighbouring Idea Store service, particularly towards IT infrastructure and upgrading the free wireless network.

#### Officer Comment:

As detailed above within paragraph 3.1, s106 contributions have been sought towards social & community and employment & training initiatives, which include contributions towards the Idea Store service.

## **LBTH Cleansing**

- 6.7 No objections.

## **LBTH Energy Efficiency**

- 6.8 LBTH Energy Efficiency has raised concerns with regard to the lack of information within the submitted Energy Assessment Statement of Intent. In particular:
- No assessment of the energy demand and carbon dioxide emissions of the proposed development has been provided;
  - Energy efficiency and passive design measures have not been assessed in the context of carbon dioxide emissions savings;
  - There is a lack of any serious consideration to incorporate Co-generation and Tri-Generation technologies into the development;
  - There is a lack of any detailed feasibility study of renewable energy technologies and there is no commitment to the 20% renewable energy target;

LBTH Energy Efficiency also suggests the addition of a condition requiring the submission of a BREEAM Offices assessment regarding sustainable design and construction.

#### Officer Comment:

At the time of drafting this report, the applicant is providing further information in order to address the above concerns of LBTH Energy Efficiency, together with the energy based concerns of the GLA, as detailed at paragraph 6.15 below. It is expected that these issues will be resolved prior to the Strategic Development Committee meeting. Furthermore, a full assessment of all energy matters is conditioned to be provided prior to the commencement of development. A condition requiring the submission of the requested BREEAM assessment is attached, as detailed at paragraph 3.3 above.



### **British Waterways (Statutory Consultee)**

6.9 No objections.

### **Crossrail (Statutory Consultee)**

6.10 Crossrail have recommended that a condition be attached requiring Bellmouth Passage to be kept clear during the construction of Wood Wharf, for the purposes of the construction of Crossrail.

#### Officer Comment:

As detailed in paragraph 3.3, the required condition has been attached.

### **English Heritage (Statutory Consultee)**

6.11 No comments received.

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

6.12 No objections, subject to the following conditions being attached to the planning permission:

1. Scheme of access to new flood defences required
2. Site investigation and risk assessment required
3. Long term groundwater quality monitoring and assessment plan required
4. No infiltration of surface water drainage into the ground is permitted
5. Express consent required for piling and other penetrative foundation designs

#### Officer Comment:

As detailed above in paragraph 3.3, the requested conditions have been attached.

### **Government Office for London (Statutory Consultee)**

6.13 No comments received.

### **Greater London Authority (Statutory Consultee)**

6.14 The Council have received the GLA's Stage I comments upon the application. The GLA largely support the application, stating:

*"The provision of large-scale office floorspace meets strategic planning policy in respect of the development of the Canary Wharf business district and its contribution to London's world city status. The design is of a high standard and preserves strategic views. There are outstanding issues relating to energy and transport. The final details of the section 106 agreement, including affordable housing contributions, are yet to be agreed."*

#### Officer Comment:

The applicant is providing additional information regarding energy efficiency and the level of cycle parking, as requested by the GLA, and expect to have resolved these issues prior to the Strategic Committee meeting. Furthermore, it is considered that issues relating to cycle parking shortfalls and further information regarding energy efficiency can be secured by way of condition. With regard to GLA's request for a s106 off-site affordable housing contribution, this matter is discussed at paragraph 8.29 onwards.

### **London City Airport (Statutory Consultee)**

6.15 No objections.

### **London Fire and Emergency Planning Authority (Statutory Consultee)**

6.16 No objections.

**London Thames Gateway Development Corporation (Statutory Consultee)**

6.17 No comment.

**London Underground Ltd (Statutory Consultee)**

6.18 No objections.

**Natural England (Statutory Consultee)**

6.19 No comments received.

**National Air Traffic Services (Statutory Consultee)**

6.20 No objections.

**Port of London Authority (Statutory Consultee)**

6.21 No objections subject to a condition requiring the applicant to investigate further the use of waterways for freight movement during construction.

Officer Comment:

This request has been included within the Demolition & Construction Management Plan condition, as detailed at paragraph 3.3 above.

**Transport for London (TfL) (Statutory Consultee)**

6.22 TfL's comments concluded that the proposal is acceptable in principle. However, the following issues were identified as being unclear or inconsistent with strategic planning policy:

1. The proposed level of cycle parking (presently 138 spaces) should be increased to 332 spaces in accordance with London Plan Policy 3C.22;
2. The methodology for the trip generation is unacceptable and requires clarification;
3. The cycle lift can only accommodate two cyclists at once and would act as a disincentive. As such a ramp should be considered;
4. More information regarding the pedestrian environment is required;
5. A Delivery and Servicing Plan should be requested;
6. An impact assessment of Canary Wharf Underground station is desired; and
7. A contribution towards the cost of constructing Crossrail is requested.

Officer Comment:

1. In response to the shortfall in cycle spaces, the applicant has responded as follows: "Cycle parking spaces have been provided in accordance with BREEAM standards for sustainable office buildings. The spaces equate to about 3.3% of employees being able to cycle to work, which exceeds the 1.8% of Canary Wharf employees who cycle. Cycle demand would be monitored as part of the Travel Plan and the Canary Wharf Cordon and Employee surveys and if demand increases above the level provided for then further cycle parking provision would be provided. The amount of cycle parking proposed, which would provide for 3.3% of employees to cycle to work is similar to the levels of cycle parking that has been proposed for the recent Heron Quays West and Riverside south planning applications". This approach has been accepted by the GLA on a previous application within the Canary Wharf estate (Heron Quays West, ref. PA/07/03088) and, together with future monitoring through the Travel Plan required within the s106 agreement, is considered to be acceptable in

this instance.

2. The applicant has responded to this point and the comments will be forwarded to the GLA.
3. At the time of drafting this report, the applicant is preparing a response to this point and it expected that the issue will be resolved prior to the committee meeting. It should also be noted that the previous Enterprise Zone consent has been implemented by way of the construction of the basement, which incorporates a cycle lift. As such, it is not considered that an objection on these grounds could be substantiated.
4. The applicant has provided the additional information as requested.
5. A delivery and servicing plan has been requested within the s106, as detailed within paragraph 3.1 above.
6. An impact assessment of Canary Wharf Underground station will be required within the aforementioned Travel Plan.
7. A contribution towards Transport Infrastructure has been requested, as detailed at paragraph 3.1, above.

#### **Commission for Architecture and the Built Environment (CABE)**

6.23 No comment.

#### **British Broadcasting Corporation (BBC)**

6.24 No comments received.

#### **Greenwich Maritime World Heritage Site**

6.25 No objections.

#### **Isle of Dogs Community Foundation**

6.26 No comments received.

#### **The Inland Waterways Association**

6.27 No comments received.

#### **London Borough of Greenwich**

6.28 No comments received.

#### **London Borough of Southwark**

6.29 No comments received.

#### **London Wildlife Trust**

6.30 No comments received.

#### **Metropolitan Police**

6.31 No objections.

#### **National Grid**

6.32 No objections.

## **Thames Water**

- 6.33 Thames Water has identified an inability of the existing waste water and water supply infrastructures to accommodate the needs of the proposal. As such, Thames Water have requested a number of conditions be attached to any planning permission, requiring the submission of impact study, and a drainage strategy is to be submitted and approved prior to the commencement of any development. A number of informatives are also recommended.

### Officer Comment

Relevant conditions have been added in order to address Thames Water's concerns.

## **7. LOCAL REPRESENTATION**

- 7.1 A total of 1,021 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: | 0 | Objecting: | 0 | Supporting: | 0 |
| No of petitions received:   | 0 |            |   |             |   |

## **8. MATERIAL PLANNING CONSIDERATIONS**

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

1. Land Use
2. Design, Mass and Scale
3. Transport and Highways
4. Amenity
5. Energy and Renewable Technology
6. Section 106 Planning Contributions
7. Other Issues

### **Land Use**

- 8.2 The adopted UDP (1998) designates the application site within the Central Area Zone which seeks to promote commercial development. The application site has an extant planning permission for a 15 storey office building under the Enterprise Zone consent for the original Canary Wharf estate. The application site is also identified as a development site (ID52) within the Interim Planning Guidance Isle of Dogs Area Action Plan, with preferred uses as Employment (B1) and Retail & Leisure (A1, A2, A3, A4 & A5). It is also located within the Northern sub-area; the main focus of commercial development on the Isle of Dogs and a landmark location for major corporate occupiers.
- 8.3 In light of the extant planning permission upon the site and given the office-based nature of the proposal, it is considered that it is in keeping with the character and function of the area, which is predominantly commercial. The application therefore accords with Policy CAZ1 of the UDP (1998) which seeks to develop the Central Activities Zone in order to foster London's regional, national and international role, and Policy IOD13 which promotes high-density office-based employment uses in the Northern sub-area.

### **Design, Mass and Scale**

- 8.4 Policy 4B.8 of the London Plan states that tall buildings will be promoted where they create attractive landmarks enhancing London's character, help to provide a coherent location for economic clusters of related activity or act as a catalyst for regeneration and where they are

also acceptable in terms of design and impact on their surroundings. Policy 4B.9 of the London Plan (February 2008) provides detailed guidance on the design and impact of such large scale buildings, and requires that these be of the highest quality of design.

- 8.5 Policy DEV6 of the UDP 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.
- 8.6 Policies CP1, CP48 and DEV27 of the IPG October 2007 states that the Council will, in principle, support the development of tall buildings, subject to the proposed development satisfying a wide range of criteria.
- 8.7 Good design is central to all the objectives of the London Plan. Chapter 4B of the London Plan refers to 'Principles and specifics of design for a compact city' and specifies a number of policies aimed at high quality design, which incorporate the principles of good design. These principles are also reflected in policies DEV1 and 2 of the UDP and the IPG.
- 8.8 Policies DEV1 and DEV2 of the UDP and policy CP4 of the IPG October 2007 state that the Council will ensure development create buildings and spaces of high quality design and construction that are sustainable, accessible, attractive, safe and well integrated with their surroundings.
- 8.9 Policy IOD16 of the Isle of Dogs AAP (IPG, 2007) states, inter alia, that the Northern sub-area will continue to be a location for tall buildings and new tall buildings should help to consolidate this cluster and provide new landmarks consistent with the national and international role and function of the area. It also goes on to state that building heights will respect and complement the dominance of One Canada Square and heights should progressively reduce from this central landmark through to the periphery of the Northern sub-area.
- 8.10 The application proposes the erection of a 23 storey building at a height of 130 metres (AOD). This is seven storeys and 49.23 metres above the Enterprise Zone consented height limit of 80.77m (AOD), as detailed at paragraph 4.3, above.
- 8.11 In terms of form, massing and scale, the proposed development responds well to the context of the existing office buildings within the Canary Wharf estate. At 130m (AOD) in height, the proposed building is taller than the neighbouring 20 Canada Square and 20 Churchill Place which are both 80.77m (AOD) high, however somewhat lower than One Churchill Place immediately to the north, which stands at 160m (AOD). It is considered that the proposal's intermediate height sits comfortably within the massing of the Canary Wharf tall building cluster and maintains the progressive reduction in height away from One Canada Square.
- 8.12 With regard to the architectural design, the main facades of the building comprise of steel and glass, and are raised above ground so creating a glazed two-storey height lobby at ground level, providing visual permeability from Churchill Place through to South Dock. The four facades of the building are angled away from the ground, and the corners of the building are 'cut-away', adding visual interest. The submitted Design & Access statement details that the materials for the paved areas around the base of the building will be consistent with the estate's existing public infrastructure.
- 8.13 Policy DEV27 of the IPG (October 2007) provides criteria that applications for tall buildings must satisfy. Considering the form, massing, height and overall design against the requirements of the aforementioned policy, the proposal is considered to be in accordance with the policy as follows:
  - the development creates an acceptable landmark building to the edge of the Canary Wharf Estate, invigorating the South Dock and complementing the existing tall buildings;

- it contributes to an interesting skyline, from all angles and at night time;
- the site is not within a strategic view corridor;
- the site is not within a local view corridor and would not impact adversely on local landmarks;
- the scheme provides adequate, high quality and usable amenity space;
- the proposal also includes an appropriate S106 contribution towards open space provision and management;
- the scheme enhances the movement of people, including disabled users, through the public open space and promenade whilst securing high standard of safety and security for future users of the development;
- the scheme meets the Council's requirements in terms of micro-climate;
- demonstrates consideration of sustainability throughout the lifetime of the development, including the achievement of high standards of energy efficiency, sustainable design, construction and resource management;
- the impact on biodiversity will not be detrimental;
- whilst the development is not mixed use, the immediate area houses a wide variety of commercial uses and as such, the proposal is considered appropriate and will contribute positively to the social and economic vitality of the surrounding area;
- the site is located in an area with good public transport accessibility;
- takes into account the transport capacity of the area and includes an appropriate S106 contribution towards transport infrastructure, to ensure the proposal will not have an adverse impact on transport infrastructure and transport services;
- conform with Civil Aviation requirements; and
- does not interfere, to an unacceptable degree, with telecommunication and radio transmission networks.

8.14 It is considered that the proposed building will contribute positively to the Canary Wharf cluster and help to animate the South Dock. In light of supporting comments received from the Council's Design Department regarding the form, height, massing and design of the development, and subject to conditions to ensure high quality detailing of the development is achieved, it is considered that the proposal is acceptable in design terms and accords with the abovementioned policy and guidance set out in the London Plan (2008) and IPG (2007).

### **Transport & Highways**

8.15 Policy T16 of the UDP and policies DEV17, DEV18 and DEV19 of the IPG October 2007 require new development to take into account the operational requirements of the proposed use and the impact (Transport Assessment) of the traffic that is likely to be generated. In addition, policy objectives seek to ensure that the design minimizes possible impacts on existing road networks, reduces car usage and, where necessary, provides detailed mitigation measures, to enable the development to be acceptable in planning terms.

8.16 Vehicular access to the development will be gained from the Cartier Circle. A ramp from the Circle which leads to the Churchill Place car park (underneath 20 Churchill Place) will also serve the basement car park area of the proposed building. This area will house eight vehicular parking spaces, six of which will be for disabled users. The submitted Transport Assessment details that access for service vehicles will be provided at ground level, where two servicing bays will be located. A total of 138 cycle parking spaces will be provided for the development within the adjacent Churchill Place car park, with lift access from ground level immediately in front of the entrance building.

8.17 The site is located within an area of excellent public transport accessibility (PTAL 6a). There are four DLR stations within one kilometre of 25 Churchill Place; Blackwall to the north-east, Poplar to the north-west and Canary Wharf and Heron Quays to the west. The closest station is Canary Wharf, which is a 4 minute walk away. There are five bus services and one dedicated night bus service which travel through the estate, with a further route due to be launched by TfL this year. The area is also well served by official cycle routes.

## Section 106 Contributions

- 8.18 Given the large amount of additional employment the development would bring to the area, the Council and TfL have determined that a contribution to the value of £655,217 for transport infrastructure is required via the s106 agreement in order to ensure that the development can be accommodated within the existing transport network. This is discussed further within paragraph 8.25.

## Cycle Parking

- 8.19 TfL have raised concerns with regard to level of cycle parking. TfL cycle parking standards require a total of 332 stands for the proposed development, whilst the application provides 138. It is therefore considered necessary to attach a condition requesting the submission of cycle parking details prior to the implementation of development.
- 8.18 As detailed above within paragraph 6.23, the applicant has responded to TfL's comments by stating that cycle parking spaces have been provided in accordance with BREEAM standards for sustainable office buildings. The spaces equate to about 3.3% of employees being able to cycle to work, which exceeds the 1.8% of Canary Wharf employees who cycle. Cycle demand would be monitored as part of the Travel Plan and the Canary Wharf Cordon and Employee surveys and if demand increases above the level provided for then further cycle parking provision would be provided. The amount of cycle parking proposed, which would provide for 3.3% of employees to cycle to work is similar to the levels of cycle parking that has been proposed for the recent Heron Quays West and Riverside south planning applications". This approach has been accepted by the GLA on a previous application within the Canary Wharf estate (Heron Quays West, ref. PA/07/03088) and, together with future monitoring through the Travel Plan required within the s106 agreement, is considered to be acceptable in this instance.

## Vehicular Parking

- 8.19 As detailed above, the proposal includes 8 vehicular parking spaces at basement level, 6 of which are designated for disabled use. TfL have raised no objections on the basis of vehicular parking levels within the proposal.

## Servicing and Refuse Provisions

The applicant has provided a waste management strategy which details that waste produced in the buildings will be consolidated in the basements, where waste and recyclables will be transported by road to suitable waste transfer and recycling storage. The Council's Cleansing Department have commented positively upon the waste management strategy.

## **Amenity**

- 8.20 Policy DEV2 of the UDP and policy DEV1 of the IPG October 2007 state that development is required to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm.
- 8.21 The application site is not located within or adjacent to any residential development. The site is located to the north and west of the Wood Wharf site, which is expected to incorporate residential units in the future, however in light of the greater scale of the existing commercial buildings than that of the proposal within this area of the estate, it is not considered that the proposal would impact upon the amenity of any future residential occupiers in Wood Wharf. As such, the impact upon amenity is limited to users of the development and the surrounding Canary Wharf Estate. The Council's Environmental Health Department have raised no

objections on the grounds of loss of amenity created by the proposed development.

### **Energy and Renewable Technology**

8.22 Policies 4A.2, 4A.4, 4A.6 and 4A.7 of the London Plan (2008) 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. The latter London-wide policies are reflected in policies CP3, DEV5 and DEV6 of the IPG Oct 2007. 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 20% of the predicted energy requirements on site.

8.23 As detailed earlier in this report, the Council's Energy Efficiency department and the GLA have raised concerns with regard to the depth of the applicant's Energy Assessment Statement of Intent. In particular:

- No assessment of the energy demand and carbon dioxide emissions of the proposed development have been provided;
- Energy efficiency and passive design measures have not been assessed in the context of carbon dioxide emissions savings;
- There is a lack of any serious consideration to incorporate Co-generation and Tri-Generation technologies into the development;
- There is a lack of any detailed feasibility study of renewable energy technologies and there is no commitment to the 20% renewable energy target;

In light of the above comments, a condition is to be attached to the planning permission requiring full details of the energy efficiency measures and preferred energy technologies to be submitted and agreed by the local planning authority, along with the requested information above. The condition also states that the energy technologies should reduce carbon dioxide emissions from the development by at least 20%.

### **Section 106 Contributions**

8.24 The application proposes 80,535 sq.m. of B1 office floorspace. In light of the extant Enterprise Zone permission for 60,300 sq.m. of office floorspace, the contribution should be considered on the uplift only, which equates to 20,235 sq.m.

#### Transport Infrastructure

8.25 A payment of **£655,217** towards transport infrastructure, specifically:

- i. Docklands Light Railway three carriage capacity enhancement works;
- ii. Crossrail construction; and
- iii. Canary Wharf Underground station improvements

#### Open Space and Public Realm Improvements

8.26 The provision of **£546,014** towards open space and public realm improvements, to mitigate the impact of the additional working population upon existing and proposed open space within the immediate vicinity, and the development of future parks, in particular the proposed open space adjacent to the Blackwall Tunnel ventilation shaft.

#### Sports Pitch Strategy

8.27 Provide **£307,249** towards the provision/conversion of pitches to Astroturf in accordance with the Council's Sports Pitch Strategy, to accommodate the additional demand upon sports pitches created by the additional employees within the estate/Borough.



## Social & Community and Employment & Training Initiatives

- 8.28 Provide **£342,415** towards social & community and employment & training initiatives, these being:
- i. *Sustainable transport initiatives*; improvements to facilitate walking, cycling and sustainable transport modes, including improvements in accordance with the Cycle Route Implementation Plan
  - ii. *Heritage and culture*; improvements to preserve and enhance the history and character of the Docklands/Isle of Dogs area
  - iii. *Idea Store*; Contribution to mitigate the increased demand upon the existing Idea Store, particularly upon the IT infrastructure and the free wireless service
  - iv. *Access to Employment*; A contribution towards the Skillsmatch Service
  - v. *Isle of Dogs Community Foundation*; A contribution towards social and community facilities.

## Other Section 106 Contribution Matters

- 8.29 AS detailed earlier within this report, the GLA have requested that a contribution towards offsite affordable housing is provided.
- 8.30 With regard to such a contribution, policy 3B.3 of the London Plan (2008) is relevant. This states: *“Within the Central Activities Zone and the north of the Isle of Dogs Opportunity Area, wherever increases in office floorspace are proposed they should provide for a mix of uses including housing, unless such a mix would demonstrably conflict with other policies in this plan.”* Policy 5G.3 of the London Plan targets this policy at the CAZ and Isle of Dogs Opportunity Area. Paragraph 5.178 states: *“As a general principle, mixed use development in CAZ and the north of the Isle of Dogs Opportunity Area will be required on-site or nearby within these areas to create mixed-use neighbourhoods. Exceptions to this will only be permitted where mixed-uses might compromise broader objectives, such as sustaining important clusters of business activities, for example in much of the City and Canary Wharf, or where greater housing provision, especially of affordable family housing, can be secured beyond this area. In such circumstances, off-site provision of housing elsewhere will be required as part of a planning agreement.”*
- 8.31 In considering the above, it is not considered reasonable for the applicant to make a contribution towards off-site affordable housing in order to make the proposed development acceptable in planning terms, particularly when considering the following:
- The Council is currently meeting its housing targets;
  - The development complies with Policy 3B.1 in developing London’s Economy and policies 3B.2 and 3B.3 which encourage developments that meet office demand and rejuvenate office-based activities in the CAZ. The key impact raised in these policies from such developments is upon transport infrastructure, which has been appropriately addressed within this report;
  - According to the definition for CAZ within the London Plan, these areas are to promote finance, specialist retail, tourist and cultural uses and activities. This report identifies that the site is appropriate for commercial development, and with the proposed development providing approximately 4,153 jobs, this is considered a significant contribution towards the target of 100,000 new jobs by 2016 within Isle of Dogs as set out in Policy 5C.1 of the London Plan; and
  - The consented and implemented office development in 1991 was not required to provide a contribution towards off-site affordable housing. Furthermore, given that the aforementioned consent has been implemented by way of construction of the basement, a considerable commercial development could be constructed on site which provides considerably less in the form of planning contributions and the aforementioned London Plan employment targets.

## **Other Planning Issues**

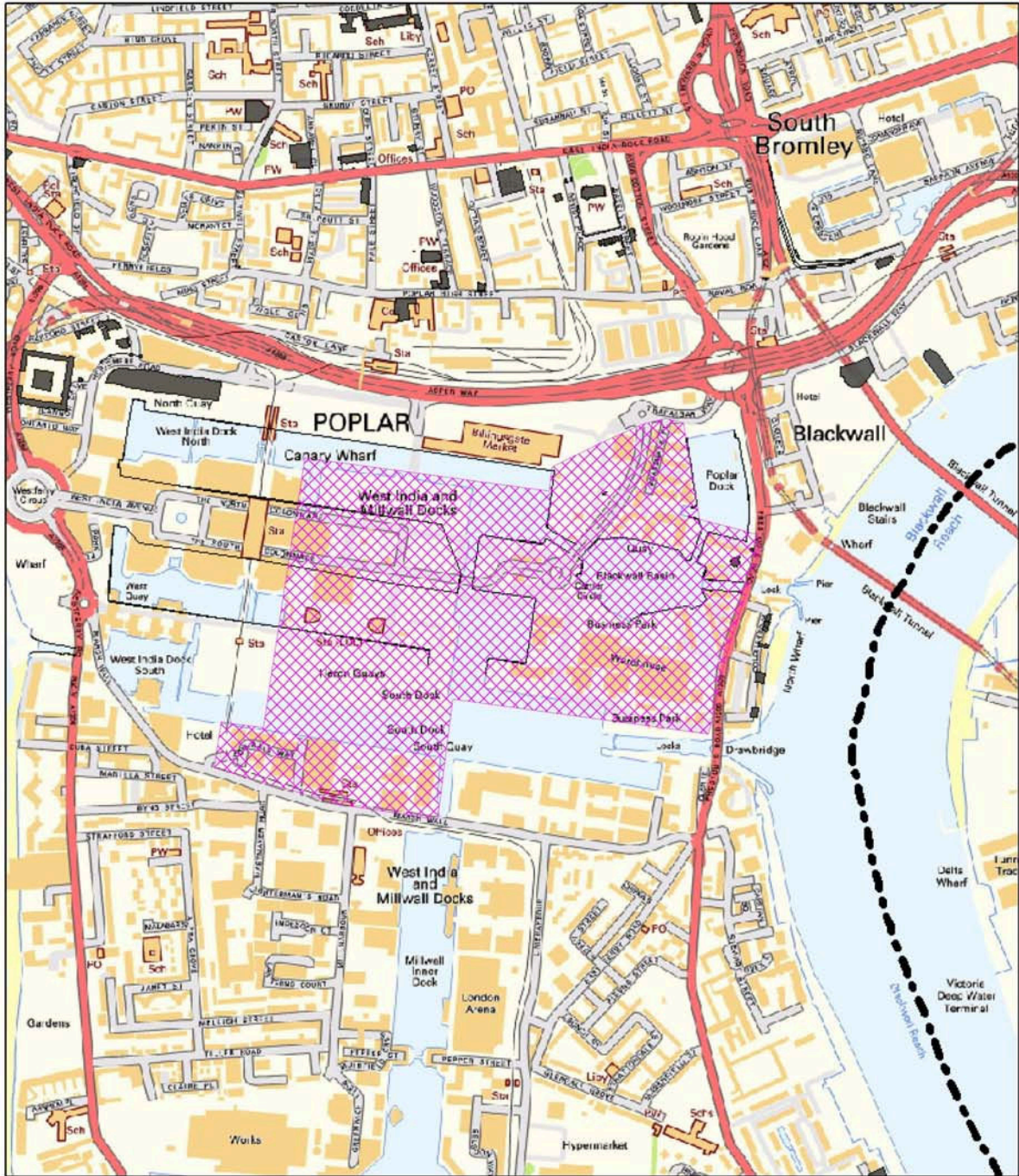
### Biodiversity

8.32 Whilst no objections have been raised on the grounds of impact upon biodiversity, given the site's designation as a site of nature conservation importance, the attachment of a condition requiring the submission and agreement of a Biodiversity Action Plan is considered necessary.

## **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.

# Planning Application Site Map



-  Planning Application Site Boundary
-  Other Planning Applications
-  Consultation Area
-  Land Parcel Address Point



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 Stationary Office (c) Crown Copyright. London Borough of Tower Hamlets LA086568

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