

Meeting of the

STRATEGIC DEVELOPMENT COMMITTEE

Monday, 7 March 2011 at 7.00 p.m.

A G E N D A

VENUE

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

Members:	Deputies (if any):
Chair: Councillor Carli Harper-Penman Vice-Chair:	
Councillor Stephanie Eaton	Councillor Tim Archer, (Designated Deputy representing Councillor Dr. Emma Jones)
Councillor Dr. Emma Jones	
Councillor Bill Turner	Councillor Peter Golds, (Designated Deputy representing Councillor Dr. Emma Jones)
Councillor Kabir Ahmed	
Councillor David Edgar	Councillor Gloria Thienel, (Designated Deputy representing Councillor Dr. Emma Jones)
Councillor Shahed Ali	

[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: Alan Ingram, Democratic Services, Tel: 020 7364 0872, E-mail: alan.ingram@towerhamlets.gov.uk

LONDON BOROUGH OF TOWER HAMLETS
STRATEGIC DEVELOPMENT COMMITTEE

Monday, 7 March 2011

7.00 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.

3. UNRESTRICTED MINUTES

To confirm as a correct record of the proceedings the unrestricted minutes of the ordinary meeting of the Strategic Development Committee held on 20 January 2011.

PAGE NUMBER	WARD(S) AFFECTED
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3 - 10	
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4. RECOMMENDATIONS

To RESOLVE that:

- 1) in the event of changes being made to recommendations by the Committee, the task of formalising the wording of those changes is delegated to the Corporate Director Development and Renewal along the broad lines indicated at the meeting; and
- 2) in the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Corporate Director Development and Renewal is delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision.

5. PROCEDURE FOR HEARING OBJECTIONS

To NOTE the procedure for hearing objections at meetings of the Strategic Development Committee. **11 - 12**

Please note that the deadline for registering to speak at this meeting is:

4.00 pm: Thursday, 3rd March 2011

6. DEFERRED ITEMS

None. **13 - 14**

7. PLANNING APPLICATIONS FOR DECISION

7 .1 Bow Enterprise Park, Cranwell Close, London 15 - 52 Bromley-By-Bow;

8. OTHER PLANNING ITEMS

8 .1 Leamouth Peninsula North, Orchard Place, London, E14 53 - 140 Blackwall & Cubitt Town;

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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 7.00 P.M. ON THURSDAY, 20 JANUARY 2011

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

Members Present:

Councillor Carli Harper-Penman (Chair)

Councillor Stephanie Eaton
Councillor Dr. Emma Jones
Councillor Bill Turner
Councillor Kabir Ahmed
Councillor David Edgar
Councillor Shahed Ali

Other Councillors Present:

Nil

Officers Present:

Megan Nugent	– (Legal Services Team Leader, Planning, Chief Executive's)
Owen Whalley	– (Service Head Planning and Building Control, Development & Renewal)
Jerry Bell	– (Strategic Applications Manager Development and Renewal)
Jill Bell	– Head of Legal Services (Environment), Legal Services
Pete Smith	– (Development Control Manager, Development and Renewal)
Alan Ingram	– (Democratic Services)

COUNCILLOR CARLI HARPER-PENMAN (CHAIR) IN THE CHAIR

1. APOLOGIES FOR ABSENCE

No apologies for absence were submitted.

2. DECLARATIONS OF INTEREST

Councillor	Item(s)	Type of Interest	Reason
Carli Harper-Penman	7.1	Personal Personal	She was a member of Queen Mary University Alumni Association and was aware of comments made by QMU but this had no bearing on her consideration of the application. She had been contacted by Cllr Whitelock who had e-mailed her a copy of the representations as set out in the update report. However, she had not discussed the matter with Cllr Whitelock and had given no indication of any opinion.
Bill Turner	7.1	Personal	Had received email from Cllrs Whitelock and Francis and had received representations from others. He was a Ward Councillor for the application and had attended meetings of the Ocean Estate Tenants' and Leaseholders' Association in a general capacity.
Kabir Ahmed	7.1	Personal	Had received

			representations from Cllrs Whitelock and Francis.
David Edgar	7.1	Personal	Had received representations from interested parties but had not discussed the matter.
Stephanie Eaton	7.1	Personal	Had received representations from Councillors Whitelock and Francis and from other interested parties.
Shahed Ali	7.1	Personal	Had received correspondence from interested parties.
Dr Emma Jones	7.1	Personal	Had received correspondence from Councillors and residents.

3. UNRESTRICTED MINUTES

The Committee **RESOLVED**

That the unrestricted minutes of the meeting of the Committee held on 9 December 2010 be agreed as a correct record and signed by the Chair.

4. RECOMMENDATIONS

The Committee **RESOLVED** that:

- 1) In the event of changes being made to recommendations by the Committee, the task of formalising the wording of those changes is delegated to the Corporate Director, Development and Renewal along the broad lines indicated at the meeting; and
- 2) In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add

conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Corporate Director, Development and Renewal is delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision.

5. PROCEDURE FOR HEARING OBJECTIONS

The Committee noted the procedure for hearing objections, together with details of persons who had registered to speak at the meeting.

6. DEFERRED ITEMS

Nil items.

7. PLANNING APPLICATIONS FOR DECISION

7.1 438-490 Mile End Road, London, E1

Mr Owen Whalley, Service Head Planning & Building Control, briefly introduced the report concerning the application for planning permission at the site at 438-490 Mile End Road, E1.

The Chair then invited registered speakers to address the Committee.

Ms Brenda Daley, a local resident and Chair of the Ocean Estate Tenants' and Leaseholders' Association, speaking in objection to the application, stated that she was surprised at the application being submitted to Committee as numerous petitions had been sent in opposition to what people perceived as a monstrosity at their back door. The application had been refused twice and was not wanted by local residents. There were over 600 students in the proposal that had been agreed previously and the new application would bring in a further 600. She commented that while students came and went, local people were left with the persistent problems of rubbish, noisy parties, etc. Ms Daley expressed the opinion that another 56 flats were neither needed nor wanted and people wished to protect their quality of life but the developers only wanted to make money.

Mr Derek England, a local resident and member of the Ocean Estate Tenants' and Leaseholders' Association and also objecting to the application, stated that Ms Daley had made all the appropriate points and he did not wish to address the Committee.

Mr Charles Moran, speaking for the applicant, stated that the project had been the subject of substantial discussion over the past two to three years but was now underway with a completion date of mid-2012. The scheme provided a major new educational investment and employment possibilities. The developers had taken account of residents' views and the project had been

redesigned on several occasions accordingly. There had been very limited objections made to the latest application, which was aimed particularly at filling in the existing gap in the wall at Lindrop House. The proposal would maintain the proportions of the scheme, especially to the west of the building, which would be better balanced and was actually the furthest point away from neighbouring homes. The S106 contributions would also be increased, with additional finances and also the opportunity for £278,835 to be directed to the local Primary Care Trust for health provision. He felt that the changes proposed were relatively small but produced real benefits.

Mr Jerry Bell, Strategic Applications Manager, then made a detailed presentation of the report and indicated that details of a letter of objection received from Councillor Amy Whitelock, a Ward Member, together with the Officer response thereto, were included in the tabled update report. Mr Bell reminded Members about the history of the site and previous proposals, commenting that the current application would house 641 students, about 10% more than the scheme previously agreed. He added that there had been two objections, rather than one as quoted in the report, and these raised issues that had been addressed when the previously agreed scheme had been considered. The main difference between that and the new application related to the addition of another storey on the western elevation of the building, plus an extension of the building to Lindrop House. The S106 agreement had been adjusted pro rata for the extra student units and there had been additional health provision to mitigate the likely impact to doctors' and dentists' surgeries. It was considered that there would be very little visual impact regarding the additional storey as the development was along Mile End Road, which was a heavily trafficked location.

The Chair then invited questions from the Committee.

Members raised points regarding:

- Increased density arising from additional bedspaces; increased external floorspace; issues of height and bulk arising from the additional storey.
- Ownership of planning gain for new facilities.
- The rationale for S106 financial contributions relating to health facilities and whether this might be increased.
- How the use for student, rather than private accommodation might be protected.
- Buildings/areas with which the proposed development had been compared and considered appropriate.
- The need for extra bedspaces in view of the possible reduction in student numbers following Government policies.
- The effects on daylight/sunlight given that there had been failures to adhere to guidelines in the previously approved application.
- The need to accept that all areas needed a different approach owing to variations in character.
- The apparently more overbearing aspect of the development as seen from Mile End Road/Lindrop House.

- Other issues that might have been taken into account when assessing the impact of density, apart from public transport and at what point density might be considered too high.
- The actual number of concerns raised by local objectors.

Mr Bell responded to the questions in detail, commenting that:

- The new application included an increase in internal floorspace and density but not to a significant enough degree to warrant refusal, particularly in the context of the setting in Mile End Road.
- S106 contributions had been negotiated with the developer and were in line with Council policies. With regard to health contributions, the HUDU model was robust but there was currently no model to mitigate for student accommodation, although a contribution had been secured.
- The S106 agreement made provision for the building to be used for student accommodation only and not residential. This could be enforced and any future proposals for residential use would have to be submitted to the Committee.
- Buildings of a similar size had been used as comparisons and it was felt that the additional 2.8m in height of the new proposal would not be obvious from any view of the location.
- Any change of use due to reduction in overall student numbers would require to be considered afresh in line with current policies.
- The eastern end of the building remained unchanged, so any failures in daylight/sunlight guidelines would simply remain the same.
- 60 Commercial Road had been used as a reference for comparison but the HUDU model did not provide for health contributions in the case of a non-residential scheme. However, it had been necessary to use the most comparable and recent example available geographically.
- Factors to take into account when assessing density related to effects on travel, noise and infrastructure. A management plan would be in place to reduce impacts on the local community. This was included in the S106 agreement. Density in this case was considered acceptable.

The Chair then indicated that the matter would be put to the vote and, on a vote of nil for and six against, with one abstention, the Committee **RESOLVED**

That the Officer recommendation to grant planning permission at 438-490 Mile End Road, London, E1, for the erection of a new building ranging from 3 to 10 storeys to provide a new education facility comprising teaching accommodation and associated facilities, student housing, cycle and car-parking, refuse and recycling facilities be NOT ACCEPTED.

The Committee indicated that they were minded to refuse the planning application because of concerns over:

- The increase in height, bulk and scale of the new application and the potential impact of the increased density on the local community.
- Inappropriate design of the application and overdevelopment.
- The impact of the new application on sections 4B.1, 4B.9 and 4B.10 of the London Plan 2008.

The point was made that any differences in daylight/sunlight between the previously approved scheme and the current application should also be addressed.

In accordance with Development Procedural Rules, the application was DEFERRED to enable Officers to prepare a supplementary report to a future meeting of the Committee setting out proposed detailed reasons for refusal and the implications of the decision.

The meeting ended at 8.10 p.m.

Chair, Councillor Carli Harper-Penman
Strategic Development Committee

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Agenda Item 5

DEVELOPMENT COMMITTEE STRATEGIC DEVELOPMENT COMMITTEE

PROCEDURES FOR HEARING OBJECTIONS AT COMMITTEE MEETINGS

- 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 sent a letter that notifies them that the application will be considered by Committee. The letter will explain the provisions regarding public speaking. The letter will be posted by 1st class post at least five clear working days prior to the meeting.
- 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.
- 6.3 All requests from members of the public to address a Committee in support of, or objection to, a particular application must be made to the Committee Clerk by 4:00pm one clear working day prior to the day of the meeting. It is recommended that email or telephone is used for this purpose. This communication must provide the name and contact details of the intended speaker and whether they wish to speak in support of or in objection to the application. Requests to address a Committee will not be accepted prior to the publication of the agenda.
- 6.4 Any Committee or non-Committee Member who wishes to address the Committee on an item on the agenda shall also give notice of their intention to speak in support of or in objection to the application, to the Committee Clerk by no later than 4:00pm one clear working day prior to the day of the meeting.
- 6.5 For objectors, the allocation of slots will be on a first come, first served basis.
- 6.6 For supporters, the allocation of slots will be at the discretion of the applicant.
- 6.7 After 4:00pm one clear working day prior to the day of the meeting the Committee Clerk will advise the applicant of the number of objectors wishing to speak and the length of his/her speaking slot. This slot can be used for supporters or other persons that the applicant wishes to present the application to the Committee.
- 6.8 Where a planning application has been recommended for approval by officers and the applicant or his/her supporter has requested to speak but there are no objectors or Members registered to speak, then the applicant or their supporter(s) will not be expected to address the Committee.
- 6.9 Where a planning application has been recommended for refusal by officers and the applicant or his/her supporter has requested to speak but there are no objectors or Members registered to speak, then the applicant and his/her supporter(s) can address the Committee for up to three minutes.
- 6.10 The order of public speaking shall be as stated in Rule 5.3.
- 6.11 Public speaking shall comprise verbal presentation only. The distribution of additional material or information to Members of the Committee is not permitted.
- 6.12 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.
- 6.13 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.
- 6.14 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.
- 6.15 Speakers and other members of the public may leave the meeting after the item in which they are interested has been determined.

- 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.
- For each planning application where one or more Members have registered to speak in objection to the application, the applicant or his/her supporter can address the Committee for an additional three minutes.

Agenda Item 6

Committee: Strategic Development	Date: 7 March 2011	Classification: Unrestricted	Agenda Item No: 6
Report of: Corporate Director of Development and Renewal		Title: Deferred items	
Originating Officer: Owen Whalley		Ref No: See reports attached for each item	
		Ward(s): 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.
- 1.2 There are currently no items that have been deferred.

2. RECOMMENDATION

- 2.1 That the Committee note the position relating to deferred items.

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

Brief Description of background papers:
Application, plans, adopted UDP. draft
LDF and London Plan

Tick if copy supplied for register

Name and telephone no. of holder:
Eileen McGrath (020) 7364 5321

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Agenda Item 7.1

Committee: Strategic Development	Date: 7 th March 2011	Classification: Unrestricted	Agenda Item Number:
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Report of: Corporate Director of Development and Renewal	Title: Town Planning Application
Case Officer: Jane Jin	Ref No: PA/10/1734
	Ward: Bromley by Bow

1. APPLICATION DETAILS

Location: Bow Enterprise Park, Cranwell Close, London

Existing Use:

Proposal: Demolition of existing buildings and erection of new buildings between 3 to 20 storeys plus basement and comprising of Use Class B1 (up to 6220sq.m), flexible Use Class A1/A2/A3/A5 (up to 490sq.m), 557 residential units (Use Class C3) (up to 46,844sq.m) comprising 217x1bed, 234x2bed, 93x3bed, 6x4bed, 7x6bed with associated landscaping, highways and infrastructure works.

This application is accompanied by an Environmental Impact Assessment under the provisions of the Town & Country Planning (Environmental Impact Statement) Regulations 1999.

Drawing Nos/Documents: Drawings:
1587 PL 001REV E; 1587 PL 002 REV I; 1587 PL 003 REV G; 1587 PL 004 REV M; 1587 PL 005 REV H; 1587 PL 006 REV H; 1587 PL 007 REV K; 1587 PL 008 REV H; 1587 PL 009 REV H; 1587 PL 10 REV E; 1587 PL 011 REV E; 1587 PL 012 REV E; 1587 PL 013 REV E; 1587 PL 014 REV E; 1587 PL 015 REV F; 1587 PL 016 REV F; 1587 PL 017 REV E; 1587 PL 018 REV E; 1587 PL 019 REV E; 1587 PL 020 REV D; 1587 PL 21 REV D; 1587 PL 022 REV B; 1587 PL 023 REV C; 1587 PL 024 REV C; 1587 PL 025 REV C; 1587 PL 026 REV C; 1587 PL 027 REV D; 1587 PL 028 REV H; 1587 PL 029 REV E; 1587 PL 030 REV E; 1587 PL 031 REV E; 1587 PL 032 REV E; 1587 PL 033 REV E; 1587 PL 034 REV G; 1587 PL 036 REV F; 1587 PL 037 REV F; 1587 PL 038 REV B; 1587 PL 039 REV F.

Documents:
Volume 1: Environment Statement – Non Technical Summary by Entec dated July 2010;
Volume 2: Environmental Statement by Entec dated July 2010;
Volume 3: Environmental Statement Appendixes by Entec dated July 2010;

Response to the Initial Review of the Environmental Statement by Entec dated October 2010;
 Planning Statement by GeraldEve dated July 2010;
 Design and Access Statement by ORMS dated July 2010;
 Design and Access Statement Addendum by ORMS dated November 2010;
 Design and Access Statement Landscape and Public Realm Proposals by Townshend Landscape Architects dated July 2010;
 Waste Management Briefing Note by Hoare Lea dated July 2010;
 Energy Strategy by Hoare Lea dated July 2010;
 Sustainability Statement by Hoare Lea dated July 2010;
 Sustainability Appraisal by Entec July 2010;
 Addendum Transport Assessment & Travel Plan by Savell Bird & Axon dated July 2010;
 Statement of Community Involvement by PPS Group dated July 2010; and
 Employment & Training Statement by Leaside Regeneration Ltd dated July 2010

Applicant: Workspace Group plc
Ownership: Workspace 12 Ltd & Thames Water
Historic Building: N/A
Conservation Area: N/A

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS FULL PLANNING PERMISSION

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), Adopted Core Strategy (2010), associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that:

2.2 The scheme will provide an employment-led mixed used residential scheme which safeguards the employment uses on-site and would also facilitate locally-based employment, training and local labour opportunities for the local community together with the identified public realm improvements.

The scheme therefore accords with policies 3B.1 and 3B.3 of the London Plan, saved policies DEV3 and EMP1 of the Council's Unitary Development Plan (1998), and policies SP01 and SP06 of the Core Strategy 2010, which seek to support the growth of existing and future businesses in accessible and appropriate locations.

2.3 The building height, scale, bulk and design is acceptable and in line with regional and local criteria for tall buildings. As such, the scheme accords 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, policies DEV1, DEV2, DEV3 DEV27 and IOD16 of the Council's Interim Planning Guidance (October 2007) and policies SP10 and SP12 of the Core Strategy Development Plan Document 2010 which seek to ensure buildings and places are of a high quality of design and suitably located.

- 2.4 The proposal provides an acceptable amount of affordable housing and mix of units. As such, the proposal is in line with policies 3A.5, 3A.8, 3A.9 and 3A.10 of the London Plan (Consolidated with Alterations since 2004), saved policy HSG7 of the Council's Unitary Development Plan 1998, policies HSG2 and HSG3 of the Council's Interim Planning Guidance (2007) and policy SP02 of the Core Strategy Development Plan Document 2010 which seek to ensure that new developments offer a range of housing choices.
- 2.5 The scheme provides acceptable space standards and layout. As such, the scheme is in line with policy 3A.3 of the London Plan (Consolidated with Alterations since 2004) and policies DEV1 and DEV2 of the Council's Unitary Development Plan 1998, policies DEV1 and DEV2 of Council's Interim Planning Guidance (2007) and policy SP02 of the Core Strategy Development Plan Document 2010 which seek to provide an acceptable standard of accommodation.
- 2.6 The proposed amount of amenity space is acceptable and in line with saved policy HSG16 of the Council's Unitary Development Plan 1998, policies HSG7 of the Council's Interim Planning Guidance (2007) and policy SP02 of the Core Strategy Development Plan Document 2010, which seek to improve amenity and liveability for residents.
- 2.7 The development would form a positive addition to London's skyline, without causing detriment to local or long distant views, in accordance policies 4B.1, 4B.8, 4B.9 and 4B.10 of the London Plan (2008) and policy SP10 of the Core Strategy Development Plan Document 2010 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.
- 2.8 It is not considered that the proposal would give rise to any undue impacts in terms of privacy, overlooking, sunlight and daylight, and noise upon the surrounding residents. As such, the proposal is considered to satisfy the relevant criteria of saved policy DEV2 of the Council's Unitary Development Plan (1998), policy DEV1 of the Interim Planning Guidance (2007) and policy SP10 of the of the Core Strategy Development Plan Document 2010 which seek to protect residential amenity.
- 2.9 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, saved policies T16 and T19 of the Council's Unitary Development Plan 1998, policies DEV17, DEV18 and DEV19 of the Council's Interim Planning Guidance (October 2007) and policy SP08 and SP09 of the Core Strategy Development Plan Document 2010 which seek to ensure developments minimise parking and promote sustainable transport options.
- 2.10 Sustainability matters, including energy and climate change adaptability are acceptable and in line with policies 4A.4, 4A.6, 4A.7, 4A.14 and 4B.2 of the London Plan, policies DEV5 to DEV9 of the Council's Interim Planning Guidance (October 2007) and policies SP04, SP05 and SP11 of the of the Core Strategy Development Plan Document 2010, which seek to promote sustainable development practices.
- 2.11 Contributions have been secured towards the provision of affordable housing; education improvements; public realm improvements and open space provision; transport infrastructure improvements; social and community facilities; employment & training; health care provision and access to employment for local people in line with Regulation 122 of Community Infrastructure Levy; Government Circular 05/05; saved policy DEV4 of the Council's Unitary Development Plan 1998; policy IMP1 of the Council's Interim Planning Guidance (October 2007); and policy SP02 of the Core Strategy Development Plan Document 2010, which seek to secure contributions toward infrastructure and services required to facilitate proposed development.

3. RECOMMENDATION

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

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

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

Financial Contributions

- a) £358,791 towards Leisure; Libraries; and/or Community facilities;
 - b) £1,540,525 towards Education;
 - c) £527,684 towards Health Care;
 - d) £149,588 towards Public Realm;
 - e) £343,854 towards Open Space;
 - f) £130,000 towards cycle route and infrastructure provision;
 - g) £3,000 towards monitoring Travel Plan
 - h) £440,000 towards public transport infrastructure provision (TfL);
- Total: **£3,000,000**

Non-financial Contributions

- i) 35% affordable housing, measured in habitable rooms;
- j) Commitment to implement a Green Travel Plan;
- k) Commitment to use local labour in construction;
- l) Car-free agreement;
- m) Code of Construction Practice;
- n) Provision of two dedicated car club spaces and entering into an agreement with Carplus accredited operator;
- o) Provision of 40% electric car charging points;
- p) Public access to public open space;
- q) Provision of cycle stands by Devons Road DLR;
- r) Public access through 'Building C' during hours 08:30 to 18:00 Mondays to Fridays.
- s) any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

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

3.5 That the Corporate Director Development & Renewal is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

3.6 **Full Planning Permission Conditions**

- 1) Time Limit (3 years)
- 2) Building constructed in accordance with approved plans
- 3) External materials
- 4) Details of Ground Floor elevations – shop fronts; residential entrances; commercial entrances
- 5) 56 wheelchair/wheelchair adaptable units to be implemented
- 6) Disabled parking spaces to be implemented
- 7) Details of CCTV; security lighting and general lighting to be submitted
- 8) External roof top plant/ lift over-run and any enclosures
- 9) No A1/A2/A3 units to be amalgamated
- 10) Hours of operation for A3
- 11) Delivery and servicing plan

- 12) 560 Cycle spaces in the basement level
- 13) Refuse and recycling enclosures
- 14) BREEAM and Code for Sustainable Homes
- 15) Flue and extraction details for A3
- 16) Construction logistics plan
- 17) Boundary treatment
- 18) Hard and soft landscaping including; layout of public square details
- 19) Contamination
- 20) Water supply infrastructure (Thames Water)
- 21) Detail design of public square
- 22) Sustainable Surface water drainage scheme (EA)
- 23) Piling, Ground Source Heat Pumps or any other foundation design details (EA)
- 24) Ecological mitigation and management plan
- 25) Details of carnage/scaffolding
- 26) Noise levels for fixed plant.
- 27) Hours of construction
- 28) Any other conditions(s) considered necessary by the Corporate Director Development & Renewal

3.7 Full Planning Permission Informatives

- 1) Definition of Superstructure and practical completion
- 2) S106
- 3) Contact Thames Water
- 4) Roller Shutters
- 5) Contact National Grid
- 6) Any other informative(s) considered necessary by the Corporate Director Development & Renewal

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

4. PROPOSAL AND LOCATION DETAILS

Proposal

4.1 The proposal seeks planning permission for the demolition of existing buildings and erection of new buildings between 3 to 20 storeys plus basement. The uses comprise:

- Up to 6220sq.m of Use Class B1;
- Up to 490sq.m of flexible use class A1/A2/A3/A5; and
- 557 residential units (11 studios, 206x1bed, 234x2bed, 93x3bed, 6x5bed, 7x6bed).

The proposal also includes hard and soft landscaping, highways and infrastructure works, engineering works, plant and equipment and all associated works.

4.2 The proposal also includes a total of 134 car parking spaces (62 spaces have been designed for wheelchair access) and 560 cycle parking spaces within the basement.

Site and Surroundings

4.3 The site is known as Bow Enterprise Park and is located in the Ward of Bromley by Bow. The site is currently used for light industrial activity. The site is bounded by Devon's Road to the north, Violet Road to the west and the Docklands Light Railway (DLR) to the east. At the

northern end of the site is an operational public house which is a Grade II* Listed Building, known as The Widow's Son. Devon's Road DLR station is immediately adjacent to the site, and the site area is approximately 1.6ha.

- 4.4 The buildings on the application site currently runs along the edge of the site's boundary and turns it's back to the public highway and poorly relates to the Devons Road and Violet Road streetscapes. This also affects the setting of the Grade II* Listed Building and isolates its presence on the street. The existing railings along the edge of the public footpath separates the pedestrian access with the highway and this only dominate vehicular activities and creates poor pedestrian environment, leading to Devons Road DLR.
- 4.5 Immediately to the South, a consented scheme for Caspian Works is under construction which is a residential-led mixed use scheme. Along Violet Road, a mixture of 3 to 6 storey blocks of residential flatted building of post-war and recent construction prevail. The northern end of Violet Road and area around Campbell Road is comparatively open compared to Violet Road and is typified with 3-4 storey residential flatted buildings.

Relevant Planning History

4.6 The following planning history is relevant to the application:

- 4.7 PA/08/2712 Demolition of existing buildings and erection of new buildings between 3 to 20 storeys plus basement and comprising of use Class B1 (up to 6220 sq.m), Flexible Use Class A1/A2/A3/A5 (up to 490 sq.m), Residential Use Class (up to 46,844 sq.m, 559 units comprising of 35 x studios, 184 x 1 bed, 232 x 2 bed, 95 x 3 bed, 6 x 4 bed, 7 x 5/6 bed), hard and soft landscaping, highway and infrastructure works, engineering works, plant and equipment and all associated works.

This application was withdrawn due to concerns raised by officers in relation to the impact of the proposal on sunlight and daylight to residents in Violet Road.

5. POLICY FRAMEWORK

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

5.2 Government Planning Policy Guidance/Statements

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG4	Industrial, Commercial Development and Small Firms
PPS5	Planning for Historic Environment
PPS9	Biodiversity and Conservation
PPG10	Planning and Waste Management
PPG13	Transport
PPG17	Sports and Recreation
PPS22	Renewable Energy
PPG24	Noise
PPS25	Development and Flood Risk

5.3 **Spatial Development Strategy for Greater London (London Plan) Consolidated with alterations since 2004.**

2A.1	Optimising of sites
3A.1	Increasing London's supply of housing
3A.2	Borough's Housing Targets
3A.3	Maximising the potential sites
3A.5	Housing Choice
3A.6	Quality of new housing provision
3A.7	Large residential developments
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.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
3C.3	Sustainable transport in London
3D.12	Open Space Strategy
3D.13	Children and young people's play and informal recreation strategies
4A.1	Tackling climate change
4A.2	Mitigating climate change
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
4A.7	Renewable energy
4A.9	Adaptation to Climate Change
4A.11	Living Roofs and Walls
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 soundscapes
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.12	Heritage conservation
4B.15	Archaeology
4B.16	London view management framework
4B.17	View management plans

5.4 Unitary Development Plan 1998 (as saved September 2007)

Policies:	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV3	Mixed Use development

DEV4	Planning Obligations
DEV8	Protection of local views
DEV12	Provision of Landscaping in Development
DEV50	Noise
DEV51	Contaminated Land
HSG7	Dwelling mix & type
HSG13	Impact of Traffic
HSG16	Housing amenity space
EMP1	Promoting Employment Growth
EMP7	Work Environment
T16	Traffic Priorities for new development
T18	Pedestrian Safety and Convenience
T21	Existing Pedestrians Routes
U2	Consultation Within Areas at Risk of Flooding
U3	Flood Defences

5.5 Interim Planning Guidance for the purposes of Development Control

Policies:	IMP1	Planning obligations
	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
	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
	DEV20	Capacity of Utility Infrastructure
	DEV21	Flood Risk Management
	DEV22	Contaminated Land
	DEV25	Social Impact Assessment
	DEV27	Tall Buildings
	EE2	Redevelopment /Change of Use of Employment Sites
	HSG1	Determining Residential Density
	HSG2	Housing Mix
	HSG3	Affordable housing provisions in individual private residential and Mixed –use schemes
	HSG4	Varying the Ratio of social rented to intermediate housing
	HSG7	Housing Amenity Space
	HSG9	Accessible and adaptable homes
	CON4	Archaeology and Ancient Monuments
	CON5	Protection and Management of Important Views

5.6 Adopted Core Strategy Development Plan Document (September 2010)

SP02	Urban living for everyone
SP03	Creating healthy and liveable neighbourhoods
SP04	Creating a green and blue grid
SP06	Delivering successful employment hubs

SP08	Making connected places
SP09	Creating attractive and safe streets and spaces
SP10	Creating distinct and durable places
SP11	Working towards a zero-carbon borough
SP12	Delivering placemaking
SP13	Planning Obligation
LAP5 & 6	Bow Common

5.7 Supplementary Planning Guidance/Documents

SPG	Designing Out Crime
SPG	Residential Standards

5.8 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

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

6.1 The following were consulted regarding the application:

Greater London Authority – Stage I response

- 6.2
- § The land use approach is broadly consistent with the land use aspirations for the site as identified within the Lower Lea Valley Framework and is consistent with the objectives of the London Plan to deliver housing as part of mixed use development.
 - § The quantum of affordable housing proposed will be 35%, split as 80% social rent and 20% intermediate. The proposed offer will need to be supported by evidence to meet the policy test set out in 3A.10 regarding the maximum reasonable amount.
 - § With regards to the split 80:20, whilst the approach does not reflect the emerging strategic approach to affordable housing split, the approach is consistent with current policy in terms of meeting identified need within the borough and contributing to the London wide need for larger family units within the social rented sector.
 - § The proposal provides a density of 993 habitable room per hectare. The site is in an urban location and has a public transport accessibility level of 4. The London Plan guides a density range in this type of location between 450 and 700 habitable room per hectare. A higher density may be considered acceptable in cases where there are other strategic benefits associated with the application. In this case there is a significant contribution to family accommodation, private and public amenity space and high quality design. Having regard to particular circumstances of this case, the density is broadly acceptable in this instance.
 - § The housing mix caters for a range of family accommodation.
 - § The overall design principles of site layout, massing and urban design are supported for this scheme. It appears to successfully respond to a range of complex site constraints including the listed pub building, incorporating light industrial and commercial with residential activities, and providing a range of unit types and residential settings within the site.
 - § The proximity of the building at its closest to the DLR station and bus interchange. The height scale and massing is supported as making a positive contribution to the skyline. There is no impact on strategic views.

- § The architecture is high quality and is set in the context of other similar scale buildings in the vicinity of the development.
- § The landscape and open strategy remains fairly robust as previously submitted and allocates play space for each age groups as identified within the SPG.
- § All flats have been designed to meet the Lifetime Home Standards and 10% of flats will be wheelchair accessible or adaptable.
- § The following needs further discussion:
 - § 1. Affordable housing – further discussion and testing is required regarding the affordable housing quantum.
 - § *[Officer's comment: The applicant has submitted Viability Assessment and its findings support 35% affordable housing]*
 - § 2. Urban design – further discussion is required regarding the use of public square, the design rationale and delivery mechanism for public art at the entrance to the DLR and an assessment against the Mayor's Housing SPG and Housing design guide.
 - § *[Officer's Comment: Public Art is no longer a part of the development proposal and there is insufficient funding as relates to the viability assessment to secure this. Officers consider that the space would be better utilised for cycle docking station which is secured as part of the S106]*
 - § 3. Transport – TfL require further discussion regarding a financial contribution towards buses; the design of the Devons Road/Violet Road junction; further details of the layout and accessibility of new bus stops; full details of the design of the station entrance
 - § *[Officer's comment: The financial contributions are discussed under S106 contributions and the junction improvements are no longer pursued by the Council].*

Metropolitan Police Authority

- 6.3 Initially requested a provision of policing floorspace within the development however since withdrawn their representation.

English Heritage

- 6.4 EH recommended 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. EH also consider that the omission of the piers, a feature of the proposed block in the earlier version, make the proposed structure more visually intrusive in relation to the Grade II* listed public house.
- [Officer's Comment: The Council's Design Conservation Officer has taken into account these comments and on balance does not consider the omission of the pillars to significantly impact the Listed Pub. The overall scheme significantly enhances the setting of the listed building and therefore is supported.]*

6.5 Environment Agency

EA have no objection to the proposal subject to the two suggested planning conditions in relation to surface water discharge and piling details.

English Heritage (Archaeology)

- 6.6 The present proposals are not considered to have an affect on any significant archaeological remains. The map regression exercise has shown that the site has been subject to considerable truncation in the past, including railway cuttings and sidings. The general archaeological potential for the area is also considered to be low, as there are few known finds or spots of archaeological interest.

London City Airport

- 6.7 The proposed development has been examined from an aerodrome safeguarding aspect and does not conflict with safeguarding criteria. Accordingly, London City Airport has no safeguarding objection to the proposal subject to a planning condition.

Natural England

- 6.8 No objections subject to a condition which requires the developer to produce an Ecological Mitigation and Management Plan.

London Fire and Emergency Authority

- 6.9 The Brigade is satisfied with the proposals.

National Air Traffic Services Safeguarding

- 6.10 The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS Limited has no safeguarding objections to this proposal.

British Waterways

- 6.11 After due consideration of the application details, British Waterways has no objections to the proposed development but make the following comment:

‘...the proposed development would bring more people to the area who would benefit from the waterside location, its surroundings, and the convenient links provided by the towpath. However this puts additional pressure on local open spaces, such as the Limehouse Cut and its towpath, and it is therefore considered that the proposed development presents an opportunity to contribute to environment improvements of the local canal environment. We would therefore request a financial contribution from the development to help improve the Limehouse Cut environment...’

[Officer's comments: Financial contributions are discussed later in this report under the heading S106 Contributions]

Olympic Delivery Authority

- 6.12 Olympic Delivery Authority Planning Decisions Team has no comment to make in respect of the proposals set out in the application.

NHS Tower Hamlets

- 6.13 Impact on Healthcare: This development is not the only proposed scheme taking place in this locality; it along with others will cumulatively contribute towards demands on health including GP services. The development will therefore have a significant impact on healthcare in the locality in which it is sited. The planning contribution required to mitigate this impact has been calculated using Health Urban Development Unit Model version 2.

- 6.14 Provision of A5 use Class: The contention is that an over-concentration of fast food outlets does ‘detract from the ability to adopt healthy lifestyles. Within Bow Common there are already a number of hot food takeaways. Close to the development within 200m there are at least 3 hot food take-aways. We feel that the provision of this level of A5 uses is an over-concentration and in line with Policy SP03 of the core strategy and as such no A5 uses should be approved on the development. *[Officer's comment: A5 uses have now been*

omitted from the proposal.]

Thames Water

- 6.15 Thames Water have no objections subject to the attachment of two conditions requiring the details of drainage and water supply be provided.

National Grid Policy

- 6.16 Due to the nature of the planning application and the presence of National Grid apparatus within the above mentioned site, the contractor should contact National Grid before any physical works are carried out to ensure that the apparatus is not affected by the works.
[Officer's comment: An informative will be included for the applicant to contact National Grid]

LBTH Education Development Team

- 6.17 The proposed dwelling mix has been assessed for the impact on the provision of school places. The mix is assessed as requiring a contribution of £1,749,940.

LBTH Waste Policy and Development

- 6.18 The consideration of alternatives and options has been reviewed and the quantity of containers per block/bin storey checked; which has displayed a quality approach. This will ensure that enough capacity for residential waste is provided for and will increase the likelihood of residents participating in our recycling service.

LBTH Ecology Officer

- 6.19 To date no comments have been received.

LBTH Transport and Highways Team

- 6.20 Parking:

The site has a PTAL rating of 3 and 4 which demonstrates that an average level of public transport service is available within the immediate vicinity of the site. The applicant has advised that they are willing to enter into a permit free agreement. A total of 141 car parking spaces are proposed at the basement level of which 136 are associated with the 557 residential units, representing a provision of 0.24 which is in line with parking provision as set out in Planning Standard 3 of the IPG. The remaining 5 car parking spaces are for the use of non-residential land uses, this also is in line with policy which states that the maximum parking for B1/light industrial is 1 space per 1250sq.m.

[Officer's comment: It should be noted that the parking levels have been reduced to 134 spaces in total]

Cycle Parking:

A total of 620 cycle spaces are to be provided for the residential units (560 for residents and 60 for visitors to the residential units). In addition a further 28 cycle spaces are to be provided for the staff and visitors to the non-residential uses. The applicant has confirmed that all cycle parking is to be provided in the form of Sheffield stands. In addition S106 monies are sought to improve cycling route and infrastructure. The Highways team raise no objection to this provision.

Servicing arrangements:

The applicant has indicated that all servicing will take place from an on-site location and has submitted swept path analysis drawings which demonstrate that a service vehicle can enter and exit the site in a forward gear. The Highways team raise no objection to this provision.

Refuse Arrangement:

On-street refuse collection is acceptable from this site, however as with all the highway works, the alteration that are required to facilitate refuse collection will be done under s278 Agreement at the applicant's expense.

Travel Plan:

A Framework Travel Plan has been submitted in support of this application. The requirement for Travel Plans should be included as part of a Section 106 Agreement.

LBTH Energy Efficiency Unit

- 6.21 Considers that the proposed development should target a Code Level 4 rating for all residential units and BREEAM Excellent for all non-residential elements. Full justification, including an evidence base, should be provided where the Code for Sustainable Homes Level 4 and BREEAM Excellent ratings cannot be met.

[Officer's comment: The applicant has confirmed that Code for Sustainable Homes Level 4 rating in all residential units will be achieved and a BREEAM excellent rating for commercial elements]

LBTH Environmental Health (Contaminated Land)

- 6.22 Considers that the desk based works which form the Phase 1 Land Quality Assessment and the additional intrusive site investigation undertaken is satisfactory. They consider that a qualitative and quantitative assessment of the data in order to quantify the potential risks to site receptors will be required and this has been conditioned.

LBTH Policy

- 6.23 The proposal addresses issues such as sustainability with design, permeability and accessibility, inclusivity and good urban design. And provides for a sustainable mix of uses within an identifiable local area. This approach strongly complies with the Council's Core Strategy policies and vision for places.
- 6.24 The issue of the loss of a proportion of employment floorspace is one that the Council would rather resist where this is possible, particularly as the borough's SIL areas are set to be delineated with development pressured on Fish Island. The AMR has shown a notable drop in employment floorspace over the monitoring period and this is a trend that the Council would prefer to limit. However, the additional benefits that the scheme will deliver – including high-quality employment units, significant delivery of residential enhancements to the neighbourhood centre with accompanying environmental improvements – outweigh the limited loss of floorspace in this case and there are no policy objections to the scheme as proposed.

LBTH Strategic Transport

- 6.25 We are seeking to improve public realm of the surroundings at Devons Road and Southern Grove Road. Financial contributions should be sought to improve public realm and

landscaping of Southern Grove.

LBTH Sustainability

- 6.26 S106 funding should be secured to improve cycle route and other cycling infrastructure within the vicinity of this development.

LBTH Housing Strategy

- 6.27 The development would produce 35% affordable housing by habitable room, this is acceptable. The proposed tenure split between social rent and intermediate accommodation is 80:20 (by habitable rooms) in favour of social rent.
- 6.28 The proposal provides an under provision of two beds for social rent, but we find this acceptable in this instance. This is due to the over provision of family accommodation for social rent. There is no provision of 3 bed accommodation in the intermediate element and we would normally prefer provision of 3 beds in this tenure. Again, in this instance we find this acceptable as there will already be a high child density on the development due to the large provision of family housing or social rent. In addition, this is the type of housing in most need in this borough.
- 6.29 All units, across the tenures should comply with the Lifetime Homes standards. The proposal will also deliver a policy compliant 10% provision of wheelchair units. The applicant proposed to provide the majority of the wheelchair units on the ground level, which is supported and enable these units to fully comply with our accessibility criteria.

LBTH Access Officer

- 6.30 Not all wheelchair housing units show a wheelchair charging points at the entrance.
[Officer's comment: The plans have been amended to show charging area near the entrances].

The gradient 1:40 from the development to the DLR is the desired level change which is consistent with best practice contained within 'Inclusive Mobility' by the DFT. *[Officer's Comment: The gradient achieved is 1:21 which is compliant with the British Standards]*

7. LOCAL REPRESENTATION

- 7.1 A total of 781 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:	4	Objecting:	4	Supporting:	0
No. of petitions received:	0				

- 7.2 The following issues were raised in representations that are material to the determination of the application, and they are addressed in the next section of this report:
- 7.3
1. Proposed building up to 20 storeys is too tall for the area
 2. loss of early morning sunlight from the proposal on the western side of Violet Road
 3. Poor outlook and being overlooked
 4. Uncertainty as to whether the employment space and retail space will be delivered, and whether these spaces will be turned into residential units as evident from other recent

developments

5. Nuisance from construction and proposed highway works
6. Insufficient onsite parking
7. views and light levels reduced
- 8 Overcrowding

Officer's Comment: Residents objections are dealt with in section 8 of this report.

8. MATERIAL PLANNING CONSIDERATIONS

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

1. Land Use & Employment
2. Housing
3. Design
4. Amenity
5. Transport
6. Sustainability
7. Section 106 Agreement

Land Use and Employment

8.2 The application site does not fall within any designation within the adopted Unitary Development Plan, 1998, (UDP). However, it is adjacent to Industrial Employment Areas and the site is in an employment use at present.

8.3 Within the adopted Core Strategy 2010 (CS) the site is identified in LAP 5 and LAP6 (Bow Common) as a vision for creating a new centre in and around Devons Road DLR integrating the transport node with mixed use development. There is no other formal designation within the CS. The proposal is in line with the vision as identified and the proposed uses (A1/A2/A3 and B1 uses) would create a new centre around Devons Road DLR.

8.4 The site is currently occupied by Bow Enterprise Park, an industrial estate with some 30 small single storey units and 2 larger units within B1 and B8 uses. The estate has a total of 7,432sq.m of employment floorspace.

8.5 The proposal will provide up to 6,220sq.m of B1 Use Classes. The B1(a) is proposed to be located to the northern end of the site along with the proposed retail spaces, which would provide activate the frontage and pedestrian route along and to the DLR station. The B1(c) uses (light industrial) are proposed to be contained within the rear of the site alongside the DLR tracks with servicing and vehicular access.

8.6 The proposed B1(a) will provide for a gross floor area of 4,302sq.m and will be located over five floors within the northern end of the site. The spaces are proposed as open plan which will allow for flexible layout for future users. The proposed B1(c) provides 1,903sq.m located on the eastern side of the site, along the DLR tracks. The proposed workspaces are also open plan, which allows for flexible layout for future users and in particular for Small Medium Enterprises (SME). The applicant have indicated that the combined employment spaces have the potential to provide a range of unit sizes, and being subdivided to create over 50 new units.

8.7 Policy SP06 sets out that the Council promotes 'the creation of a sustainable diversified and balanced economy by ensuring a sufficient range, mix and quality of employment

uses and spaces, with a particular focus on the small and medium enterprise sector.’ Supporting text to the policy indicates that industrial and warehousing related employment activities, such as some of those existing on-site have been in decline for some time. Therefore, the proposed redevelopment of the site to provide SME units offers the potential to address modern employment floorspace needs as part of an integrated development.

8.8

The proposal will provide intensified employment offer on site. The applicant indicates that currently out of 32 units, 10 units within the site are vacant which represents 30% of the total lettable floorspace. This is mainly due to the existing units being design for industrial uses which is in decline in East London area. It is indicated that there would be an increase of net employment from 100 existing jobs to 300 new jobs on completion of the proposed development.

8.9

The proposed development is considered to improve the employment offer than that currently exists on-site. Whilst the proposal would result in a loss of a proportion of employment floorspace, the benefits of the proposed scheme, one of which is the higher quality employment floorspace, and the likely higher job densities outweigh the limited loss of floorspace. The proposal would retain majority of employment floor space in a modernised and more employment generating format. This will deliver benefits to the local environment and local economy as set out in the Core Strategy; and promote employment growth and small businesses as set out in policies EMP1 and EMP8 of Unitary Development Plan 1998.

Housing

Density

8.10 Policy HSG1 of the IPG specifies that the highest development densities, consistent with other Plan policies, will be sought throughout the Borough. The supporting text states that, when considering density, the Council deems it necessary to assess each proposal according to the nature and location of the site, the character of the area, the quality of the environment and type of housing proposed. Consideration is also given to standard of accommodation for prospective occupiers, microclimate, impact on neighbours and associated amenity standards.

8.11 The site has a public transport accessibility level (PTAL) of 3 and 4. For urban sites with a PTAL range of 4, the IPG and London Plan seeks to provide a density of between 450-700 habitable rooms per hectare on the site. The proposed residential density would be 884 habitable rooms per hectare. In numerical terms, the proposed density would exceed the density range, 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.

8.12 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 Although the density is higher than the range of the London Plan and IPG, it is considered acceptable for the following reasons which are analysed in depth later in the report:

- There are no material impacts identified for neighbours, for example, overshadowing, microclimate, loss of outlook, loss of privacy that on balance would warrant of refusal of permission.
- There are no material impacts identified for future residents including noise and air quality as discussed later in section 8 under 'Amenity for future occupiers';
- There are insufficient symptoms of overdevelopment for example, poor design (see 'Design'), insufficient floorspace for residential accommodation, inappropriate housing mix (See 'Housing');
- The proposal provide an excess of the required amenity spaces (see 'Housing');
- The scheme is considered to be of high architectural quality (See 'Design');
- The scheme has acceptable access to public transport (See 'Transport');
- The GLA stated within their Stage 1 response that such a density is acceptable having regard to the scheme's provision of significant contribution to family accommodation, private and public amenity space and high quality design and suitable access to sustainable nodes of transport.

8.14 In light of the above, the density is considered acceptable given that the proposal poses no material adverse impacts and is appropriate to the area and context.

Affordable Housing

8.15 Adopted UDP Policy HSG3 seeks an affordable housing provision on sites capable of providing 15 or more units in accordance with the Plan's strategic target of 25%. Policy 3A.9 of the London Plan states that boroughs should seek the maximum reasonable amount of affordable housing taking into account the Mayor's strategic target that 50% of all new housing in London should be affordable as well as the borough's own affordable housing targets. Policy SP02 of the CS 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 until 2025, with requirement of 35% - 50% of affordable housing provision on site providing 10 new residential units or more (subject to viability).

8.16 A total of 171 of 557 residential units within the proposal will be affordable, which represents a total provision of 35% based on habitable rooms. The scheme therefore satisfies the Council's CS and Housing Needs Survey targets.

8.17 The applicant has also carried out a viability assessment to ensure that 35% of affordable housing can be delivered in the current economic climate and also without any Grant Funding from Housing and Communities Agency (HCA). The viability toolkit was been tested by an independent consultant, appointed by the Council, and it has been confirmed that the proposal can only deliver 35% affordable housing and a reduced S106 contribution and no more. The CS accepts that the level of affordable housing is subject to the viability of a scheme. In any event, even without granting funding the scheme can deliver 35% and is therefore acceptable. In relation to S106 contribution, this is discussed at Chapter 8.101 of this report.

Housing Mix

8.18 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”.

- 8.19 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.”
- 8.20 Pursuant to Policy HSG7 of the UDP 1998, 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. On developments of 30 dwellings or more, family dwellings should normally be in the form of family houses with private gardens. The proposal provides sufficient family housing accommodation and on the ground floors which have access to their private gardens. The total amount of family units (i.e. 3 bed units or more) equate to 19% of the total units proposed. The proposal also includes 5 and 6 bedroom family sized units which is welcomed as they are in much demand in this borough. The following Table 1 below shows the breakdown of the residential mix.

Table 1 Residential Mix

Unit Size	Total Units in the scheme	Affordable Housing						Market Housing		
		Social Rented			Intermediate			Private Sale		
		Units	%	Target %	Units	%	Target %	Units	%	Target %
Studio	11	0		0	0		0	11	3	0
1 bed	206	27	21	20	22	49	37.5	157	41	37.5
2 bed	234	34	27	35	23	51	37.5	177	46	37.5
3 bed	93	52	41	30	0	0	25	41	11	25
4 bed	0	0	0	10	0	0		0	0	
5 bed	6	6	11	5	0	0	0	0	0	0
6 bed	7	7			0	0	0	0	0	0
Total	557	126			45			386		

- 8.21 Policy SP02 of the CS seeks to create mixed use communities. A mix of tenures and unit sizes assists in achieving these aims.
- 8.22 According to policy HSG2 of the IPG, the family housing provision in Social rented, Intermediate and Private sale components should be 45%, 25% and 25%, respectively. The proposal provides 52%, 0% and 11% family housing in Social Rented, Intermediate and private sale units, respectively. Whilst there are no family sized units within the Intermediate, the Council’s Housing Officer is satisfied with the dwelling mix as there is an over provision of family sized units within the social rent where there is high demand and in need throughout the borough, and therefore the proposed mix is satisfactory. In addition, the proposed 6 bedroom accommodations are houses, integrated with the development, fronting Violet Road with its own private front and rear gardens and therefore this is most welcomed.

Social Rented/Intermediate Shared Ownership and Housing Mix

- 8.23 The following Table 2 summaries the affordable housing social rented/intermediate split proposed against the London Plan and IPG.

Table 2.Social Rent/Intermediate Split

Tenure	The Proposal	IPG 2007	London Plan 2008	CS 2010	Draft London
Social Rent	80%	80%	70%	70%	60%
Shared Ownership	20%	20%	30%	30%	40%
Total	100%	100%	100%	100%	100%

- 8.24 As it can be seen from the table above, there is a change in the nature of the tenure split over time. The proposed tenure split is reflective of the IPG targets. This is considered to be acceptable given that the proposal would provide the much needed social housing in the borough and the large proportion of the social housing are family units. The Council's Housing Officer is also satisfied with the proposed tenure mix.

Wheelchair Housing and Lifetime Homes

- 8.25 Policy HSG9: Accessible and Adaptable Homes of the IPG and Policy SP02 require housing to be designed to Lifetime Homes Standards including 10% of all housing to be designed to a wheelchair accessible or 'easily adaptable' standards. A total of 56 units (10%) are provided, in compliance with this policy. The wheelchair units are also vary in size and there are family sized accommodation which have been designed to a wheelchair accessible or 'easily adaptable' standards.

Floorspace Standards

- 8.26 Saved policy HSG13 'Conversions and Internal Space Standards for Residential Space' of the adopted UDP 1998 and Supplementary Planning Guidance 'Residential Space' (adopted 1998) set the minimum space standards for residential developments.
- 8.27 The proposed flats have total floor areas and individual room areas comply and some flats and houses provide over and above the minimum standards.

Amenity Space

- 8.28 Pursuant to PPS3, paragraph 16 states that, the matters to consider, when assessing design quality in 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*". Further still, paragraph 17 of PPS3 states that "*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*".
- 8.29 Saved policy HSG 16 'Housing Amenity Space' of the adopted UDP 1998 requires schemes to incorporate adequate provision of amenity space. The Residential Space SPG 1998 sets the minimum space criteria. Similarly, Policy HSG7 'Housing Amenity Space' of the IPG sets minimum criteria for private as well as communal and children's

playspace.

The proposal provides an on site provision involving the creation of a linear public open space within the central part of the development site). A linear open space is proposed to connect up with the linear stretch of open space with the neighbouring Caspian Wharf development to the South, linking the open spaces down to the Limehouse Cut Canal as shown in Figure 1 below. The amenity space standards of the UDP and IPG are summarised in Table's 3 and below.

Figure 1 Open Space Provision



Table 3 Amenity Space and 1998 SPG standards

Tenure	Proposed	SPG Requirement	Total (m²)
Family Units	106	50sqm of private space per family unit	5,300
Non-family units	451	50sqm plus an additional 5sqm per 5 non-family units;	500
Child Bed spaces	144	3sq.m per child bed space	432
Total			6,232

8.30 The Table 4 below indicates the amenity space required in accordance with Policy HSG7 of the IPG:

Table 4 Interim Planning Guidance

Units	Total	Minimum Standard (sqm)	Required Provision (sqm)
Studio	11	6	66
1 Bed	206	6	1,236
2 Bed	234	10	2,340
3 Bed	93	10	930
4 Bed	0	10	0
5 Bed	6	10	60
6 Bed	7	10	70
TOTAL	557		4,702
Communal amenity		50sqm for the first 10 units, plus a further 5sqm for every additional 5 units	595
Child bed spaces		144	432
Total Housing Amenity Space Requirement			5,729sq.m.

8.31 The redevelopment proposes to provide amenity space for all residents on the form of balconies, roof top terraces and private gardens. The total private amenity space provision equates to approximately 11sq.m. per dwelling. The communal amenity space and child play space will be provided as a flexible space in the centrally located public accessible open space.

8.32 As detailed below within Table 5, the application proposes a total of 6079sq.m of private amenity space, which exceeds the IPG requirement of 4,702sq.m and the Adopted UDP requirement of 5,800sq.m. Policy HSG7 of the IPG also requires 595sq.m of communal open space and 432sq.m of child play space for this development. The London Plan

requires a child play space quantum of 1,918sq.m based on approximately 144 children living within the proposed development with a requirement of 10sq.m per child. As detailed above, the application proposes a flexible communal and play space area, which totals 4,455sq.m in area. This space is over and above the minimum required for child play space and communal open space. It is therefore considered that the proposal satisfies the requirements of both the Interim Planning Guidance and the London Plan.

8.33 It should also be noted that part of the open space in a form of public square at the northern end of the site, creating improved entrance to the DLR and active frontage around the Grade II* Listed pub. This area equates to 1,005sq.m as part of proposed centrally located publicly accessible open space.

Table 5 Proposed Amenity Space (sq.m)

	LBTH Policy Requirement		London Plan Policy Req't	Proposed within scheme
	UDP	IPG		
Private Amenity Space	5800	4702.	N/A	6,079
Communal and Publicly Accessible Open Space		595	N/A	4,455 flexible communal and child play space and publicly accessible open space including public square
Child Play Space	432	432	1,918	
Total	6232	5729	1,918	10,534

8.34 The proposal is considered to be an exemplar development which provides beyond the minimum requirement in quantity but also creating a quality usable space for both the future residents of the development and the public in general. The open space which is located centrally also benefits from natural surveillance from the proposed units. This is ideal for child play spaces, for all age groups.

Design

Introduction

8.35 PPS1 promotes high quality and inclusive design, creating well-mixed and integrated developments, avoiding segregation, with well planned public spaces. The PPS recognises that good design ensures attractive, useable, durable and adaptable places and is a key element in achieving sustainable development.

8.36 Policy 4B.1 of the London Plan ‘Design Principles for a Compact City’ requires schemes, inter alia, to create/enhance the public realm, respect local context/character and be attractive to look at.

8.37 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.

- 8.38 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. Policy DEV3 of the IPG seeks to ensure inclusive design principles are incorporated into new development. Policy SP10 of the Core Strategy Development Plan Document (2010) reinforces this.

Tall Buildings

- 8.39 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. Policy 4B.10 'Large-Scale Buildings – Design and Impact' provides further guidance on design considerations, including context, attractiveness and quality.
- 8.40 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.
- 8.41 Policy 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.

Analysis

- 8.42 The application proposes the erection of buildings at various heights from 3 storeys to 20 in height. The tallest building is at 20 storeys adjacent to the DLR tracks and is articulated as 3 elements using north-south axis of the site. The three parts of the tall building creates slenderness and is broken down into part 20, part 18 and part 14 storey building. The rationale for the taller building in this location is also considered to be appropriate in the context of providing a transition from the three towers at the Crossways to the recently approved and currently under construction of Caspian Wharf to the south of the site.
- 8.43 The proposed tall building element of the development is considered to be well thought out in the context of the overall site layout and massing distribution of the proposed development. The tall building marks the new public square as proposed in front of the DLR station as a 'Place' and is considered to contribute to the enhancing the existing streetscapes. The Place also identifies the DLR as a destination whereas currently, the entrance to the DLR station is not clearly defined within the streetscape. The public square around the Grade II* Listed Pub and the location of the tall building to the south of the Pub also respects and enhance the current setting of the Pub. The architectural quality is also considered to be of high standard which would improve the streetscene and the locality in general.

Buildings of similar height have been approved on the St Andrews Hospital site to the North East of the proposal where two towers of 18 and 27 storeys in height are proposed

- 8.44 The proposal also is inline with the Bow Common Vision as part of delivering placemaking as identified in the Core Strategy. The proposal would deliver the priorities in delivering a neighbourhood centre around the Devons Road DLR through identifying and marking the

centre with a public square and tall building and active street frontages.

- 8.45 GLA have also stated in their Stage I response that:
'The proximity of the building is at its closest to the DLR station and bus Interchange. The height scale and massing is supported as making a positive contribution to the skyline. There is no impact on strategic views. The building will be visible from certain local views, but this will contribute to identifying Devons Road DLR station and improve legibility within the area. The architecture is high quality and is set in the context of other similar scale buildings in the vicinity of the development.'
- 8.46 Policy DEV27 of the IPG (2007) provides a number of criteria against which the proposal has been assessed including design, impact, sustainability, strategic views and mix of uses. On balance, it is considered that the proposal complies with this policy.

Massing, scale and design

- 8.47 The proposed massing is well distributed across the site. The low and mid-rise buildings are proposed to the southern end of the site with greater massing to the eastern boundary (adjacent to DLR railway tracks). It is considered that buildings of this scale are can sit more comfortably against the DLR track. As it can be seen from Figure 2, the taller building rationalises with the massing of the buildings to the eastern boundary. To the Violet Road frontage the heights of the building are lower than the buildings along eastern boundary, and rises from three storey terraced family dwelling houses integrated with the development to 4, 5 and 6 storey at the highest. This reflects the existing scale of buildings on Violet Road. The difference in massing along Violet Road and treatment of the facades helps to break up the long elevation and articulate the scheme by presenting distinct residential blocks.

The applicant has sought to introduce interest and artistic interpretation by including an overhang over stairs from the public square leading directly to Devons Road DLR. The overhang serves two functions as it allows light to the stairway through a "square void" whilst introducing a visual cue at street level.

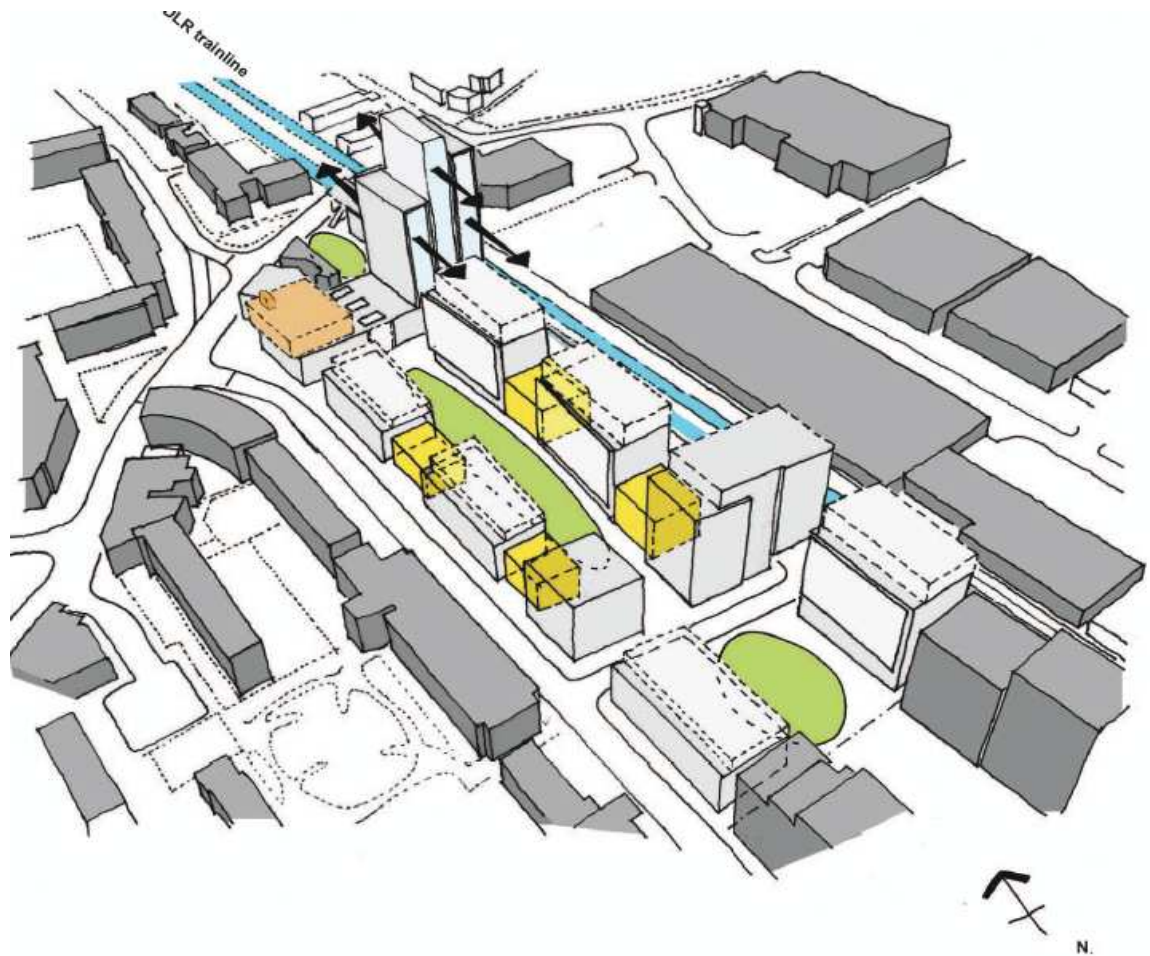


Fig 2 Massing Diagram

Heritage Issues

- 8.48 PPS5 (Planning and the Historic Environment) requires local planning authorities who consider proposals which affect a listed building to have special regard to the preservation of the setting of the listed building as the setting is often an important part of the building's character.

- 8.49 Policy 4B.11 of the London Plan (2008) seeks to protect and enhance London's historic environment. Furthermore, Policy 4B.12 states that Boroughs should ensure the protection and enhancement of historic assets based on an understanding of their special character.

- 8.50 Policy CON1 of the IPG (2007) states that planning permission will not be granted for development which would have an adverse impact upon the setting of a listed building.

- 8.51 As explained earlier, the proposal improves the setting of the Grade II* Listed Building due to creation of a new public square around the Building which opens up the space around it. Currently, the existing buildings on the application site turn their backs on the streets resulting in the listed building being an isolated feature on the street. The new active frontages and public square will activate the listed building and better integrate it to the proposed development and the general activities surrounding it.

- 8.52 Therefore, in accordance with the aforementioned policies, the proposal will enhance the setting of the listed building.

Connectivity

- 8.53 The proposal vastly improves public realm in the area and connectivity within and around the development. The incorporation of the public square and publicly accessible open space positively redefines the DLR station public access around it. The proposal also includes pedestrian access through the centre of the site enabling people to use the central courtyard garden. The access to the site is via B1 Employment space and will be provided during working hours 8am to 6pm, which will be secured through S106. This will provide direct public access to the open space during the day. Outside the working hours, public access will still be achieved via Violet Road.
- 8.54 Apart from the servicing area for the employment spaces along the eastern boundary, abutting the DLR railway tracks, the site is not gated and will be open to the public. This is considered to have significant benefits to the local community in enhancing the provision of usable open space.

Safety and Security

- 8.55 In accordance with DEV1 of the UDP (1998) and DEV4 of the IPG (2007), all development is required to consider the safety and security of development, without compromising the achievement of good design and inclusive environments. The development of the scheme was also done through discussions with the Metropolitan Police Crime Prevention Officer prior to submission to ensure that the scheme was developed with safety and security in mind. The main reason for the public access through the B1 Employment space rather than an open alley access was purely to allow direct access to the open space but also to avoid any potential anti-social behaviour. Given that the proposed centrally located open space can be accessed via Violet Road at hours outside working hours, the controlled access through the building is considered appropriate and is supported by the Crime Prevention Officer. In addition, to ensure the safety and security of the scheme it is recommended a condition to secure a CCTV and lighting scheme is submitted for approval.

Amenity

Daylight and Sunlight

- 8.56 DEV2 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 policy DEV2 is concerned with the impact of development on the amenity of residents and the environment.
- 8.57 Policy DEV1 of the IPG 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. This policy is supported by policy SP10 of the Core Strategy 2010.
- 8.58 Policy 4B.10 of the London Plan refers to the design and impact of large scale buildings and includes the requirement that in residential environments particular attention should be paid to privacy, amenity and overshadowing.
- 8.59 The submitted Environmental Statement details that residential flats are to be considered 'sensitive receptors', which contain habitable rooms*. These are:
- 2-6 Violet Road;

- 10-40 Violet Road;
- 42-44 Violet Road;
- 46-62 Violet Road;
- 75 Devons Road (Widows Son Pub);
- 100-136 Devons Road;
- 140-156 Devons Road;
- 204-228 Campbell Road;
- 205-235 Campbell Road;
- 237 Campbell Road; and
- Caspian Wharf Consented Development

* The UDP (1998) advises that habitable rooms include living rooms, bedrooms and kitchens (only where the kitchen exceeds 13sq.m.).

- 8.60 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 room's use.
- 8.61 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.
- 8.62 The report identifies that there are some reductions in the VSC and ADF levels to the surrounding residential properties. In some instances, the baseline conditions of VSC and ADF levels to the existing residential habitable rooms do not meet the BRE guidelines and this is typical in an urban environment. Nonetheless, the report identifies that of the rooms which already comply with the BRE guidelines, 90% of those habitable rooms will remain to meet the BRE guidelines for VSC levels and that 85% of the habitable rooms will meet BRE guidelines for ADF values.
- 8.63 For those rooms that were already beneath the BRE guidelines in the existing situation, there will be a further reduction of ADF levels for some of these rooms. These rooms are located on the lower floors of these properties where potential for daylight is lowered due to the presence of balconies above windows or the windows being set back within the building. For these rooms which were below the BRE Guidelines in the existing situation, may experience reductions of between 0.01-0.25 ADF which is considered a small absolute loss and unlikely to be noticeable.
- 8.64 Rooms that do experience greater daylight reductions are located on the ground floor level on flats on Violet Road opposite the site. The applicant has further tested and demonstrated that even with a reduction in storey height of the proposed development this makes little difference to the rooms. This is mainly due to existing low levels already experienced which is inhibited by the existing design of the building and that any development of this site of any height will be not have any positive impact to the habitable rooms which already experience low levels.
- 8.65 In relation to Sunlight the residual availability of sunlight to the existing neighbouring dwellings will, on the whole, remain adequate and that there will be no material impact arising from the proposal.
- 8.66 It is necessary to have regard to the particular circumstances of the location in question

and the assessment should be made in the context of the site. Whilst the proposal would evidently result in reduction of availability of daylight into habitable rooms of some neighbouring dwellings, the regenerative benefits that the proposal would bring to the area and the Borough as a whole in terms of affordable housing and numerous financial contributions, on balance, it is considered that a refusal on the grounds of a loss of daylight to some dwellings could not be substantiated in this instance.

Overshadowing

- 8.68 The submitted Environmental Statement includes an overshadowing assessment it demonstrates that the extent of permanent overshadowing that will arise from the proposed development will not result in any material detrimental impact on existing neighbouring amenity or result in unacceptable levels of overshadowing of the proposed new amenity space.

Air Quality

- 8.69 The submitted Environmental Statement demonstrates that exposure to poor air quality is extremely small and exposure to dust from the demolition and construction to the existing residents is also small. Nonetheless a condition will be attached requiring the submission and approval of a Construction Management Plan, which should detail measures to reduce dust escape from the site during demolition and construction. Such matters are also covered by separate Environmental Health legislation.

Noise and Vibration

- 8.70 The submitted Environmental Statement demonstrates that noise impact has been given comprehensive consideration to the satisfaction of the Council's Environmental Health Team. Appropriate and reasonable mitigation measures have been identified to safeguard internal living areas from unacceptable levels of noise, also agreed by the Environmental Health Team. Therefore, the scheme complies with PPG24 and other relevant guidance and standards which seek to minimise the adverse effects of noise.
- 8.71 In terms of noise emitted by the proposed development and its impact upon nearby residents, conditions have been attached to ensure any plant and machinery to be installed incorporates adequate noise attenuation measures. In addition, opening hours to any A3/A4/A5 uses will also be restricted through a planning condition.
- 8.72 In terms of noise and vibration during demolition and construction, conditions have been attached which restrict construction hours and noise emissions, and a condition has been attached requiring the submission and approval of a Construction Management Plan which will further assist in ensuring noise reductions. The applicant is also required to submit details of any plant and machinery proposed prior to commencement of development. Such matters are also covered by separate Environmental Health legislation.

Loss of Outlook and overlooking

- 8.73 In terms of loss of outlook, this impact cannot be readily assessed in terms of a percentage or measurable loss of quality of outlook. Rather, it is about how an individual feels about a space. It is consequently difficult to quantify and is somewhat subjective. Nevertheless, in the opinion of officers, given the separation distances and roads separating the proposed development and the existing residential developments along Violet Road and Devons Road; and similarities in the heights of the buildings, it is considered that the development would not create an unacceptable sense of enclosure or

loss of outlook to habitable rooms near the site.

- 8.74 An objection was received on the grounds of overlooking from the proposed development. The existing residential blocks on Violet Road are located opposite side of the Road to the proposed development which on average has 20m separation distance. This is considered to be acceptable and is a typical urban environment where habitable rooms would overlook a road to another habitable room on the opposite side and therefore it is not considered that the proposal will cause undue overlooking and subsequent loss of amenity.

Micro-Climate

- 8.75 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.”

- 8.76 Within the submitted Environmental Statement, the applicant has assessed the likely impact of the proposed development on the wind climate with no landscaping, by placing an accurate model of the proposed building in a wind tunnel. 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.
- 8.77 The measured wind conditions for the completed development is classified to be suitable for pedestrian usage and suitable for standing/entrance use. One area of centrally located open space at the southern end of the site was windier than desired however mitigation measure is suggested by a way of planting trees. This is considered acceptable, given that planting of trees is proposed within the open space in any event and would be secured via a planning condition. As such no significant effects are predicted.
- 8.78 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), policy DEV1 (Amenity) of the IPG and policy SP10 (Creating distinct and durable places) of the Core Strategy DPD (2009).

Transport & Highways

- 8.79 In consideration of national policy, PPG13 ‘Transport’ seeks to integrate planning and transport from the national to local level. Its objectives include: promoting more sustainable transport choices; promoting accessibility using public transport, walking and cycling; and reducing the need for travel, especially by car. Both PPS1 ‘Delivering Sustainable Development’ and PPS3 ‘Housing’ seek to create sustainable developments.

- 8.80 Pursuant to regional policy, The London Plan (Consolidated 2008), 2A.1 'Sustainability Criteria', 3A.7 'Large Residential Developments', state that developments should be located in areas of high public transport accessibility. In addition to this criteria Policy 3C.1 'Integrating Transport and Development' also seeks to promote patterns and forms of development that reduce the need for travel by car. Policy 3C.2 advises that, in addition to considering proposals for development having regard to existing transport capacity, boroughs should "...take a strategic lead in exploiting opportunities for development in areas where appropriate transport accessibility and capacity exists or is being introduced". Policy 3C.19 'Local Transport and Public Realm Enhancements' indicates that boroughs (as well as TFL) should make better use of streets and secure transport, environmental and regeneration benefits, through a comprehensive approach of tackling adverse transport impacts in an area. In respect of Policy 3C.20 'Improving Conditions for Buses', the Mayor, TFL and boroughs will work together to improve the quality of bus services, including consideration of the walkways *en route* to bus stops from homes and workplaces, to ensure they are direct, secure, pleasant and safe.
- 8.81 In respect of local policy, the Core Strategy 2010, Policies SP08 and SP09 of the Core Strategy DPD (2009) broadly seek to deliver an accessible, efficient and sustainable transport network. UDP 1998 Policy T16 states that the consideration of planning applications will take into account the requirements of the proposed use and any impact posed. Policy T18 indicates that priority will be given to pedestrians in the management of roads and the design and layout of footways. Improvements to the pedestrian environment will be introduced and supported in accordance with Policy T19, including the retention and improvement of existing routes and where necessary, their replacement in new management schemes in accordance with Policy T21.
- 8.82 Having regard for the IPG, DEV17 'Transport Assessment' states that all developments, except minor schemes, should be supported by a transport assessment. This should identify potential impacts, detail the schemes features, justify parking provision and identify measures to promote sustainable transport options. DEV18 'Travel Plans' requires a travel plan for all major development. DEV19 'Parking for Motor Vehicles' sets maximum parking levels pursuant to Planning Standard 3.
- 8.83 The PTAL rating for the site is good (Level 4), with the Devons Road DLR station adjacent to the site and a number of local bus services. Bromley By Bow Underground station, which is served by the District and Hammersmith & City lines are situated within an approximate 8 minute walk from the site.
- 8.84 The proposal includes a total of 134 car parking spaces (which has been reduced from 141 initially proposed) in the basement level, 62 of which will be for disabled parking use which represents one space per wheelchair accessible unit and one additional space per accessible core. A total of 620 cycle spaces are to be provided for the residential units (560 for residents and 60 for visitors to the residential units). In addition a further 28 cycle spaces are to be provided for the staff and visitors to the non-residential uses. The applicant has confirmed that all cycle parking is to be provided in the form of Sheffield stands. All vehicular access for parking and servicing is on-site via the access road off Violet Road.
- 8.85 In addition, a total financial contribution of £440,000 towards public transportation infrastructure and improvements to cycle route and its infrastructure has been included within the s106 agreement.

Vehicular Parking

- 8.86 The scheme proposes to provide 134 car parking spaces, 62 of which are for disabled

use. This provision is to be located in the basement and will be accessible via a vehicular ramp. The parking provision is the equivalent of approximately 0.24 spaces per residential unit, and is within the maximum standards of 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).

- 8.87 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.
- 8.88 The proposed development would also provide two car club spaces which are located on-site. One is proposed to be located within the basement level which can be accessed by the residents of the development and one is located on the access road off Violet Road for residents of the area. These spaces together with the requirement of the applicant to enter into an agreement with Carplus accredited operator will be secured through s106 agreement.

Cycle Parking

- 8.89 The application proposes 560 secure cycle parking spaces at basement level and additional 60 spaces at street level for visitors. A further 28 cycle spaces are to be provided for the staff and visitors to the non-residential uses at street level. This represents a provision in excess of 1 space per residential unit, and is therefore in excess and in accordance with Planning Standard 3: Parking and policy DEV16 of the IPG.
- 8.90 The applicant has also considered a location for any future Cycle Docking Station for the Cycle Hire Scheme within the proposed public square which promotes sustainable travel. Given that this location is adjacent to a DLR station, this would be an ideal opportunity and location for the cycle docking station to be in this locality. However, given that the required specific details of the Cycle Docking Station currently unknown for this location and TfL are the party who need to enter into an agreement with the applicant in the future, a condition is imposed for details of the cycle docking station to be submitted to the Council in consultation with TfL.

Servicing and Refuse Collection

- 8.91 Plant, delivery and servicing spaces within the proposed development are located at ground floor level along the eastern boundary of the site, adjacent to the DLR tracks. Residential refuse collection would be carried out from Violet Road with direct access to bin stores, matching the existing arrangements with existing residential dwellings on Violet Road. The refuse collection of the non-residential uses will be carried out on site from servicing areas. This is acceptable to the Council's Highways department.

Delivery service plan and construction logistics plan

- 8.92 TfL have requested the submission of a delivery service plan and a construction logistics plan. Conditions securing the submission of a Construction Management Plan and a Delivery and Service Plan have been recommended.

S106 contributions

- 8.93 Given the large amount of additional residents and employment the development would bring to the area, the Council and TfL have determined that contributions for transport

infrastructure and public realm improvements are required via the s106 agreement to ensure that the development can be accommodated within the existing transport network. This is discussed further within the Section 106 Agreement section of this report, below.

Energy Efficiency and Sustainability

- 8.94 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.
- 8.95 Policy 4A.1 (Tackling Climate Change) of The London Plan 2008 outlines the energy hierarchy will be used to assess applications:
- Using less energy, in particular by adopting sustainable design and construction measures;
 - Supply energy efficiently, in particular by prioritising decentralised energy generation; and
 - Using renewable energy
- 8.96 Policy 4A.3 (Sustainable Design and Construction) 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.
- 8.97 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%. Policy 4A.9 promotes effective adaptation to climate change.
- 8.98 The applicant has followed the energy hierarchy set out in policy 4A.1 of the consolidated London Plan and the proposals aim to reduce total site carbon emissions by 30%.
- Be Lean – The scheme has been designed in accordance with Policy 4A.3 in seeking to minimise energy use through passive design measures. The overall CO₂ emission reductions from 2006 building regulations including unregulated energy from energy efficiency are 10%. For the various elements of the scheme the following reductions are predicted through energy efficiency alone compared to a 2006 building regulations baseline:
- Residential – 20%
 - Office – 16%

- retail – 5%
- Light Industrial – 4%

Be Clean – Decentralised energy is proposed through the provision of a community heating system. It is anticipated that the system will be fed by a 200kWe CHP Engine and result in a 20% reduction in total CO2 emissions. The energy centre is proposed to be located in the basement.

Be Green – Through the maximisation of the CHP system to deliver space heating and hot water it is acknowledged that meeting 20% of the buildings energy demand through renewable technologies is not feasible. The proposals include the installation of Photovoltaic array (250m²) producing 25kWe peak to reduce proposed emissions by 1.4%.

Principally the Sustainable Energy Strategy is considered appropriate for the development. The London Plan energy hierarchy has been followed appropriately.

- 8.99 London Borough of Tower Hamlets requires all new residential development to achieve a Code for Sustainable Homes Level 4 rating and all non-residential development to achieve a BREEAM excellent rating. This is to ensure the highest levels of sustainable design and construction in accordance with Policies 4A.3 of the London Plan Spatial Development Strategy for Greater London (Consolidated with Alterations since 2004) dated February 2008 and DEV 5 of the London Borough of Tower Hamlets Interim Planning Guidance which seek the highest standards of sustainable design and construction principles to be integrated into all future developments.
- 8.100 The proposals initially stated that the applicant seeks to achieve a Code for Sustainable Homes Level 3 rating for the Market Units and Level 4 rating for the affordable units. However, this has now been agreed and committed to delivering all residential to Code Level 4. It was also confirmed that the offices, retail and industrial elements will target a BREEAM excellent rating.

Section 106 Agreement

- 8.101 Regulation 122 of the Community Infrastructure Levy Regulations 2010, brings into law policy tests for planning obligations which can only constitute a reason for granting planning permission where they meet the following tests:
- (a) The obligation is necessary to make the development acceptable in planning terms;
 - (b) The obligation is directly related to the development; and
 - (c) The obligation is fairly and reasonably related in scale and kind to the development.
- 8.102 Circular 05/2005 explains (paragraph B3) that planning obligations (s106 agreements or unilateral undertakings) are “*intended to make acceptable development which would otherwise be unacceptable in planning terms.*” Obligations may be used to prescribe the nature of the development, or to secure a contribution from a developer to compensate for loss or damage caused by a development or to mitigate a development’s impact. The outcome of these uses of planning obligations should be that the proposed is made to accord with published local, regional, or national planning policies.

A planning obligation must be:

- (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.

8.103 The Council's Saved Policy DEV4 of the adopted UDP; Policy IMP1 of the Tower Hamlets Core Strategy and Development Control Plan September 2007; and Policy SP13 of the adopted Core Strategy say that the Council will seek to enter into planning obligations with developers where appropriate and where necessary for a development to proceed.

8.104 The applicant has submitted a viability toolkit as part of the application submission and the Council appointed DVS consultants who have independently reviewed the toolkit. Given that deliverability of the affordable housing is the key and is identified as a priority in the Council's Core Strategy, it was found that the scheme could not support any additional s106 payment above £3 million pounds. This equates to £5,385 per residential units.

8.105 The financial contribution is still considered to be an acceptable offer in the current economic climate and will still meet the test of the CIL regulations and the Circular. The amounts have been apportioned appropriately and heads of terms are as follows:

Leisure and/or Community Facilities.

8.106 A contribution of £358,791 will be secured towards Leisure and/or Community Facilities, which includes libraries. The proposed development will increase demand on libraries, leisure facilities and our emerging leisure centre strategy identifies the need to develop further leisure opportunities to align with population growth. Sport England as the Department for Culture, Media and Sport (DCMS) agency tasked with implementing sports policy have developed a sports facility calculator for s106 purposes. This calculates (based on population figures and research based demand data) the amount of water space and sports hall required by new developments. It then uses building cost index figures to calculate the cost associated. The figure has been derived from the model but also taking the viability into account a total leisure/Community facilities/Libraries contribution of £358,791 is sought.

Highways and Transport Contribution

8.107 A total financial contribution of £686,406 is sought towards transport infrastructure and improvements. This includes:

- £440,000 towards bus capacity improvements. This includes £20,000 towards the installation of DAISY screens in the communal area. In this instance, the DAISY screen could be installed within the proposed public square leading to the DLR.
- TfL have identified that the development is likely to generate additional bus trips to the capacity of an extra peak hour bus when the existing bus network has capacity constraints. Therefore financial contribution is sought to mitigate the impact of the development. The amount would contribute towards the total cost of providing an additional bus over three years and would ensure consistency with London Plan Policy 'Match development to transport capacity'.
- £130,000 towards cycle route and infrastructure as identified within Tower Hamlets Cycle Strategy: Cycle connections.
- £3,000 towards Travel Plan monitoring and implementation

Education

8.108 The Council's Education department have requested contribution towards education

within the Borough. Taking into viability and child yield into consideration, a contribution towards £1,540,525 education school places is sought.

Health

- 8.109 Financial contribution of £527,684 has been identified having considered the viability which can contribute towards the development of health and wellbeing centres within the Local Area Partnership 5 and 6.

Public Realm and Open Space

- 8.110 A contribution is sought towards provision of open space to mitigate on existing open space from the uplift of the population. Given that the proposal would provide a publicly accessible open space and taking viability into consideration, a contribution of £343,854 is sought towards improving nearby local open spaces.

There is also the need to improve the public realm in the area. Whilst the proposed development would help to improve the public realm around the DLR station, as part of the LIP2 programme, public realm improvements to Devons Road and Southern Grove has been identified. A contribution of £149,588 is sought to contribute towards the public realm improvements.

Affordable housing

- 8.111 Through the toolkit, it has been identified that the developer can provide 35% affordable housing in the absence of any grant funding. Provision within the S106 legal agreement should be made to ensure the provision of 35% affordable housing is secured.

Other Planning Issues

Biodiversity

- 8.112 The site and surroundings are not designated for nature conservation, and neither the Environment Agency nor British Waterways raised any objections to the proposal on such grounds. The application proposes mitigation measures such as the provision of new habitats for wild birds within and around the proposed building. As such, it is considered that the proposed development would not have a direct adverse impact on the biodiversity of the area. Through the implementation of the proposed mitigation measures, the proposal is considered acceptable and in accordance with policy guidance.

Environmental Statement

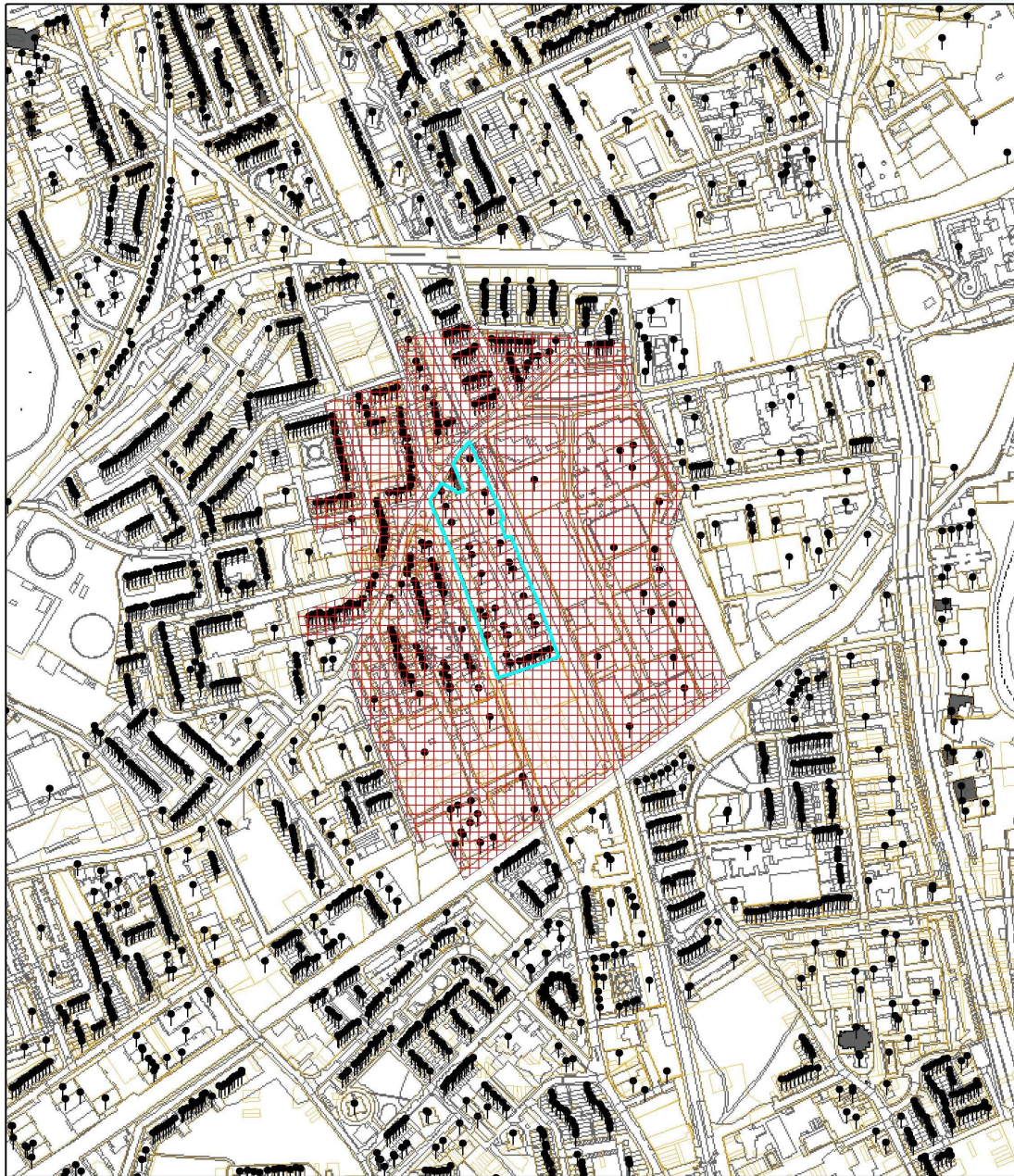
- 8.113 The Environmental Statement and further information/clarification of points in the ES have been assessed as satisfactory by Council's independent consultants Land Use Consultants and Council Officers. Mitigation measures required are to be implemented through conditions and/ or Section 106 obligations.

Conclusions

- 8.114 All other relevant policies and considerations have been taken into account. The proposed development is considered to bring positive regenerative benefits to the local community; with improvements to public realm; delivery of open space, public square; affordable and family housing; high quality design and financial contributions towards infrastructure and services. 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



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Agenda Item 8.1

Committee: Strategic Development	Date: 7 th March 2011	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director of Development and Renewal		Title: Application for planning permission	
Case Officer: Elaine Bailey		Ref: PA/10/01864	
		Ward: Blackwall and Cubitt Town	

1. APPLICATION DETAILS

NOTE: The application site falls wholly within the planning functions of the London Thames Gateway Development Corporation (LTGDC). London Borough of Tower Hamlets is a statutory consultee on this application. This report therefore provides an officer recommendation which is intended to form the basis for the Borough's observations to LTGDC. The Strategic Development Committee is requested to consider the endorsement of this recommendation.

Location: Leamouth Peninsula North, Orchard Place, London, E14

Existing use: Currently a cleared site. Previously occupied by 'Pura Foods Ltd' for industrial purposes (Use Class B2).

Proposal: Hybrid planning application for the comprehensive redevelopment of the Leamouth peninsula for mixed-use development to provide up to 185,077 sq.m (GEA) of new floor space and up to 1,706 residential units (use class C3) comprising:

1) Full planning application for development of **Phase 1**, at the southern end of the site, comprising the erection of 5 buildings, namely G, H, I, J & K, and alterations to existing building N, to provide:

- 537 residential units (use class C3)
- 5,424sqm of office and flexible business workspace (use class B1)
- 382sqm retail, financial and professional services, food and drink (use class A1, A2, A3, A4 A5)
- 1,801sqm of leisure (use class D2)

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

Brief Description of background paper:	Tick if copy supplied for register	Name and telephone no. of holder
Application case file, plans, adopted UDP, London Plan, adopted Core Strategy 2010		Development Control 020 7364 5338

- 1,296sqm of community uses (use class D1)
- 249sqm art gallery (use class D1)
- 2,390sqm energy centre 275 car parking spaces

2) Outline planning application for Phase 2, at the northern end of the site, comprising Buildings A, B, C, D E, F & M (with all matters reserved except for access and layout) and to provide:

- Maximum of 1,169 residential units (use class C3)
- 2,424sqm of office and flexible business workspace (use class B1)
- 1,470sqm of retail, financial and professional services, food and drink (use class A1, A2, A3, A4 A5)
- 1,800sqm of arts and cultural uses floorspace (use class D1)
- 4,800sqm of educational floorspace (use class D1)
- Storage and car and cycle parking
- Formation of a new pedestrian access (river bridge) across the River Lea
- Formation of a new vehicular access and means of access and circulation within the site, new private and public open space and landscaping and works to the river walls.

Application is also supported by an Environmental Statement under the provisions of the Town and Country Planning (EIA) Regulations 1999.

Drawing Nos:

Outline Parameter Plans:

OPA-001 Rev 00 (SOM); OPA-002 Rev 00 (SOM); OPA-003 Rev 00 (SOM); OPA-004 Rev 00 (SOM); OPA-005 Rev 00 (SOM); OPA-006 Rev 00 (SOM); OPA-101 Rev 00 (SOM); OPA-102 Rev 00 (SOM); OPA-103 Rev 00 (SOM); OPA-104 Rev 00 (SOM); OPA-105 Rev 00 (SOM); OPA-106 Rev 00 (SOM); OPA-107 Rev 00 (SOM); OPA-108 Rev 00 (SOM); OPA-109 Rev 00 (SOM)

ASK-354 00 Illustrative Plan showing revised.

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Detailed Planning Application Drawings:

Detailed Drawings by SOM

DPA-001 Rev 00; DPA-002 Rev 00; DPA-010 Rev 00; DPA-011 Rev 00; DPA-012 Rev 00; DPA-013 Rev 00; DPA-014 Rev 00; DPA-020 Rev 00; DPA-021 Rev 00; DPA-022 Rev 00; DPA-023 Rev 00.

Detailed Drawings by Jestico & Whiles:

2334-DPA-G-100 Rev P05; 2334-DPA-G-101 Rev P09; 2334-DPA-G-102 Rev P10; 2334-DPA-G-103 Rev P09; 2334-DPA-G-104 Rev P09; 2334-DPA-G-200 Rev P08; 2334-DPA-G-201 Rev P09; 2334-DPA-G-206 Rev P05; 2334-DPA-G-207 Rev P05; 2334-DPA-G-210 Rev P05.

Detailed Drawings by Glenn Howells Architects

DPA-H-050 Rev P1; DPA-H-100 Rev P3; DPA-H-101 Rev P1; DPA-H-102 Rev P1; DPA-H-103 Rev P1; DPA-H-104 Rev P1; DPA-H-105 Rev P1; DPA-H-106 Rev P1; DPA-H-107 Rev P1; DPA-H-108 Rev P1; DPA-H-109 Rev P1; DPA-H-110 Rev P1; DPA-H-111 Rev P1; DPA-H-112 Rev P1; DPA-H-113 Rev P1; DPA-H-114 Rev P1; DPA-H-115 Rev P1; DPA-H-116 Rev P1; DPA-H-117 Rev P1; DPA-H-118 Rev P1; DPA-H-119 Rev P1; DPA-H-200 Rev P1; DPA-H-201 Rev P1; DPA-H-202 Rev P1; DPA-H-203 Rev P1; DPA-H-204 Rev P1; DPA-H-205 Rev P1; DPA-H-300 Rev P1

Detailed Drawings by SOM

DPA-I-101 Rev 01; DPA-I-102 Rev 01; DPA-I-103 Rev 01; DPA-I-104 Rev 01; DPA-I-105 Rev 01; DPA-I-106 Rev 01; DPA-I-107 Rev 01; DPA-I-108 Rev 01; DPA-I-109 Rev 01; DPA-I-201 Rev 01; DPA-I-202 Rev 01; DPA-I-203 Rev 01; DPA-I-251 Rev 00; DPA-I-501 Rev 01; DPA-I-502 Rev 00; DPA-I-503 Rev 00; ASK-354 00 – Illustrative plan showing proposed pedestrian bridge as part of Phase 1; ASK - 0353 - 00 (dated 25 January 2011) – Phase 1 ground floor plan showing revised ground floor entrances.

Detailed Drawings by John Pardey Architects

0913-DPA-J-101 Rev P1; 0913-DPA-J-102 Rev P1; 0913-DPA-J-201 Rev P0; 0913-DPA-J-301 Rev P0; 0913-DPA-K-101 Rev P0; 0913-DPA-K-102 Rev P0; 0913-DPA-K-103 Rev P0; 0913-DPA-K-201 Rev P0; 0913-DPA-K-301 Rev P0; 0913-SK110 – 124 – 01.

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Documents:

- Planning Statement (GVA Grimley)
- Cover letter relating to plan amendments and update to the accommodation schedule (GVA) 27 January 2011
- Development Specification (GVA Grimley) July 2010
- Environmental Statement (Waterman) incorporating:
 - Townscape and Visual Impact Assessment (Waterman / Cityscape)
- Sustainability Statement (Waterman) July 2010
- Planning Statement (GVA Grimley) July 2010
- Design and Access Statement July 2010
- Design Guidelines (SOM)
- Transport Assessment (WSP)
- Energy Strategy (Hoare Lea)
- Landscape Strategy (Capita Lovejoy) July 2010
- Cultural Strategy (Future City)
- Statement of Community Involvement (Polity UK)
- Affordable Housing Viability Submission (September 2010)

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Name and telephone no. of holder
Development Control 020 7364 5338

Applicant: Clearstorm Limited (part of Ballymore Group)

Owners: Schedule attached to Cert C of planning application form.

Historic buildings: None.

Conservation areas: None.

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1. Officers have considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan 1998, (Saved policies); associated Supplementary Planning Guidance, the London Borough of Tower Hamlets Interim Planning Guidance (IPG 2007); the adopted Core Strategy (2010), as well as the London Plan (2008) and the relevant Government Planning Policy Guidance and has found that:

1. The provision of 19.6% affordable housing (or 11% without grant funding) together with the proposed cascade mechanism would fail to contribute towards meeting the borough's affordable housing need and affordable housing targets, contrary to the aims of PPS3, Policy 3A.9 of the London Plan (2008), Policy HSG3 of the IPG (2007) and Policy SP02 in the Core Strategy (2010) which seek to ensure the borough meets the overall strategic target for affordable housing.

2. The overall under provision of family housing would result in an unacceptable housing mix contrary to policy 3A.9 and 3A.10 in London plan, policy HSG2 and HSG3 in the IPG (2007) and policy SP02 in the Core Strategy (2010) which seek to ensure developments provide an appropriate housing mix to meet the needs of the borough.

3. Given the significance of this strategic site in terms of the Council's overall growth agenda and the vision for Leamouth (especially housing growth, the provision of affordable housing, improved connectivity and the delivery of required social/community infrastructure to support development), the proposal, viewed alongside financial viability constraints and the inability of the scheme to satisfactorily mitigate the various impacts and accommodate associated infrastructure requirements, will fail to deliver a sustainable, liveable, vibrant, accessible and inclusive community, contrary to policies S01, SP02 and SP13 of the adopted Core Strategy (2010).

4. The proposal, by virtue of the proposed solid encroachment of the northern bridge landing on to the foreshore, fails to provides sufficient information to ensure necessary mitigation against nature conservation contrary to Policy 3D.14 and Policy 4B.1 of the London Plan (2008); the London Biodiversity Action Plan (2008); Policy DEV57 of Tower Hamlets UDP (1998) (saved policies); Policy DEV7 of Tower Hamlets IPG (2007) and Policy SP04 of Tower Hamlets Core Strategy (2010) which seeks to protect and enhance biodiversity value.

5. The proposed encroachment of the northern bridge landing into the

river is likely to impede flood flow and/or reduce storage capacity, thereby increasing the risk of flooding contrary to PPS25, Policy 4A.13 of the London Plan (2008), Policy DEV21 of Tower Hamlets IPG (2007) and Policy SP04 of the Core Strategy (2010) which seek to reduce the risk and impact of flooding.

6. The encroachment of the northern bridge landing in to the deepest part of the river is considered to have adverse impact on the navigational function of the river, and considered unacceptable by the Council and the Port of London Authority, contrary to Policy SP04 (4) of the Core Strategy (2010) and Policy OSN3 of the IPG (2007) which seek to deliver a network of high quality usable and accessible water spaces through protecting and safeguarding existing water spaces from inappropriate development and using water spaces for movement and transport.

3. RECOMMENDATION

3.1 That Committee resolve to **formally object** to the application for the reasons set out above.

3.2 Notwithstanding, the position outlined above, if LTGDC is minded to approve the application, it is recommended that this is subject to a number of conditions relating to:

- Permission valid for 3 years
- Submission of reserved matters
- Approved plans
- Accordance with approved phasing plan
- Constructed in accordance with the drawings hereby approved
- Contamination remediation reports
- Landscape plan
- Details of disabled access and egress
- Details of emergency access and widening works
- Details and samples of external materials
- Ambient noise & noise insulation
- Refuse store details
- External lighting scheme
- Details of the proposed unit sizes for the A1- A5 uses
- Restriction to level of A5 floorspace
- Details of opening hours of non residential uses
- Details of directional signage and way finding
- Details of shared surfaces and cycling route
- Details of cycle storage
- Lifetime Homes
- 10% wheelchair accessible units
- Security management scheme & secured by design details
- Sustainable Homes Code Level 4
- BREEAM rating of excellent
- Details on CHP, swimming pool heat load and site heat network.
- Further details regarding PV technologies
- Construction management plan
- Environmental management plan

- Details of ventilation/extraction for non-residential uses
- Details of shared surface and boundary treatment
- Details of post excavation work (following previous programme of recording and historic analysis)
- Design details and method statements for ground floor structures to ensure the proposed location of Crossrail structures and tunnels.
- Details on fire brigade access and water supplies and ring main
- Drainage plans including details of minimum water pressure head and flow rates
- Details of en-route aviation obstruction lighting at the top of the tallest structure
- Separate systems of drainage for foul and surface water
- No building/other obstruction within 3m of public sewer
- Restriction of 1995 Permitted Development Rights
- 20% electric vehicle charging points
- Further potential work required regarding the precise location of proposed bus stop
- Car park management strategy
- Further details showing design of Building N
- Ecological Improvements, including details of:
 - Reed bed planting and intertidal terraces
 - At least 6,000sqm of brown roofs
 - Timber baulking on all sections of river wall
 - Nest boxes for peregrine falcons on tall buildings.
 - A swift tower to provide multiple nest sites for swifts
 - 11 nest sites in the river walls for kingfishers and sand martins.
 - Other nest boxes for birds including black redstarts, house martins and grey wagtails
- Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal.

4. PROPOSAL AND LOCATION DETAILS

Proposal

4.1 An application is made by Clearstorm Limited (part of the Ballymore Group), for a 'hybrid' planning application, part in full, part in outline, for the comprehensive mixed use redevelopment of the vacant site at Leamouth Peninsula.

4.2 The '**Full**' part of this hybrid application relates to the southern part of the site and is referred to as **Phase 1**. It proposes the erection of 5 buildings, namely buildings G, H, I, J & K, and includes alterations to existing building N (currently an energy centre) to provide:

- 537 residential units (use class C3) (to be located in Buildings G H, J & K)
- 5,424sqm of office and flexible business workspace (use class B1) (Buildings I, N and H)
- 382sqm retail, financial and professional services, food and drink

(use class A1, A2, A3, A4 A5) (Building I)

- 1,801sqm of leisure (use class D2) (Building K)
- 1,296sqm of community uses (use class D1) (Buildings N)
- 249sqm art gallery (use class D1) (Building H)
- 2,390sqm energy centre (Building N)
- 275 car parking spaces (Building I)

4.3

The '**Outline**' part of this hybrid application relates to the northern part of the site and is referred to as **Phase 2**. It proposes 7 additional buildings referred to as buildings A, B, C, D E, F & M. Together with these buildings, Phase 2 proposes:

- Maximum of 1,169 residential units (use class C3)
- 2,424sqm of office and flexible business workspace (use class B1)
- 1,470sqm of retail, financial and professional services, food and drink (use class A1, A2, A3, A4 A5)
- 1,800sqm of arts and cultural uses floorspace (use class D1)
- 4,800sqm of educational floorspace (use class D1)
- Storage and car and cycle parking (Building E)
- Formation of a new pedestrian access (river bridge) across the River Lea
- Formation of a new vehicular access and means of access and circulation within the site, new private and public open space and landscaping and works to the river walls.



Fig 1. Extract from Applicant's Design & Access Statement showing Phase 1 and Phase 2.

4.4

This is a new planning application for revised proposals to an extant hybrid planning permission which was granted on 6 September 2007 (ref. PA/06/00748). Section 6 of this report outlines the planning history of this site in further detail. However, for clarification purposes it is considered

important to note the key changes between the extant permission, granted in September 2007 and the current proposal at this point in the report.

4.5 The key alterations can be summarised as follows:

- The omission of the former 'green' bridge which connected the approved 'river' bridge from Canning Town Interchange over to Canning Town.
- Reduction in the level of affordable housing from 35% to 19.6% (with grant assumed).
- A reduction in the number of residential units by 131 dwellings.
- A reduction in the density of the proposal by 17%.
- Removal of a podium (underground car park) on which the approved building blocks sat and as such, and overall reduction to the height and mass of the development.
- A reduction in the number of car parking spaces (from 1,050 spaces to 629 spaces) and introduction of an alternative car parking facility in the form of two purpose built multi-storey car park buildings.
- Increase in level of public open space and general landscaping
- A more coherent arrangement of the non-residential uses.
- A revised phasing strategy.

4.6 The application site would be accessed via an existing vehicular access (Orchard Place) to the south of the site as well as via a new pedestrian bridge at the northern end of the site. The new pedestrian bridge is a key feature for the application and proposes to span across the River Lea to provide a pedestrian link to Canning Town Station via the existing rotunda.

4.7 A shared surface (vehicular and pedestrian) is proposed which intends to allow for circulation around the perimeter of the peninsula along the river edge, and within the site.

4.8 A series of 13 buildings varying in height from 3 to 27 storeys is proposed, the tallest of which (Building C) is located towards the northern end of the peninsula.

4.9 A network of connecting publicly accessible open spaces is also proposed which lead pedestrians through the site towards the bridge link with two key spaces being the softly landscaped garden area Phase 1 and the more urban hard surfaced plaza in Phase 2.

4.10 In relation to Phase 1, Building I and N are located at the southern entrance of the site and comprises a multi storey car park with office space, the energy centre base and community facilities including sport pitch at roof level.

- 4.11 Buildings G, H & J are located to the north east of Buildings I & N and comprise 3 residential blocks centres around a central public open space. Finally, Building K is located to the north west of edge of the public open space and comprises a leisure use (health club) at ground floor level with residential use on the upper floors.
- 4.12 In relation to the Phase 2, which is entirely in outline form, the application seeks approval for **Access and Layout** with all matters relating to **External Appearance, Scale and Landscaping** reserved. Section 2 of Circular 01/2006 - Guidance on Changes to the Development Control System provides advice on the treatment of Outline Planning Permission and Reserved Matters.
- 4.13 The application is considered to contain sufficient information in relation to the above.

5 Site & Surrounding Area



- 5.1 The application site consists of approximately 4.69 hectares of vacant land at Leamouth Peninsula, located within the London Borough of Tower Hamlets.
- 5.2 However, the application site also includes approximately 0.67 hectares of land within the London Borough of Newham to the north of the River Lea and approximately 0.44 hectares across the River Lea itself for a pedestrian access link to Canning Town Station.
- 5.3 The application site falls wholly in the planning functions of the London Thames Gateway Development Corporation (LTGDC).
- 5.4 The site is bounded to the north, east and west by the River Lea and to the south by the Lower Lea Crossing. The site is unique within the Borough, being almost completely surrounded by water and inter-tidal mud flats.
- 5.5 To the west of the site is the Limmo peninsula ecological park, a strip of land dissected by the DLR.
- 5.6 The site was formerly occupied by the Pura Foods oil processing plant (which relocated to a new facility in Essex in 2005). The previous buildings have now been demolished and the site cleared. The applicant confirmed that enabling works were carried out on the site following the previous approval, however, works were ceased in 2008 and the site has remained vacant (with the exception of the new Building N in the south-west corner of the site).
- 5.7 The area surrounding the site comprises a mix of uses, being predominantly residential to the south-west with some industrial units to the south at Orchard Place and to the north-west along the banks of the River Lea. Residential and retail uses are located to the east and north-east at Canning

Town district centre. There are office developments further to the west along East India Dock Road.

- 5.8 Bus, Jubilee line, and DLR services are available at Canning Town station and Canning Town district centre is also located a short distance to the north-east of the application site, however, these facilities are currently separated from the peninsula by the River Lea.
- 5.9 East India DLR lies 500m to the south west of the site. Bus route 277 is also accessible from Leamouth roundabout.
- 5.10 The Public Transport Accessibility of the site varies across the site and is as low as PTAL 1 in the northern part of the site.
- 5.11 To the south, past the Lower Lea Crossing, there is a mixture of uses, including the cultural centre at Trinity Buoy Wharf, largely vacant industrial buildings on Castle Wharf, Hercules and Union Wharves. The remaining site on the southern part of the peninsula is the safeguarded Orchard Wharf.
- 5.12 A range of existing small scale services and facilities are provided within a 10-minute walk of the southern part of the site, including the retail provision at Aspen Way and Lower Lea roundabout (petrol station) and at the East India DLR station (Budgens). Medical and nursery facilities are also within a 10-minute walk.

6 MATERIAL PLANNING HISTORY

PA/03/01814

- 6.1 Application submitted to open pedestrian and cycle bridge across the River Lea, linking the Leamouth Peninsula to Canning Town and the Lower Lea Crossing. This applicant was submitted by Leaside Regeneration Limited, an urban regeneration company in the east of Tower Hamlets and the Lower Lea Valley. **Application was withdrawn by the applicant on 22/03/2004.**

PA/04/01831

- 6.2 Request for Screening Opinion as to the information to be provided in an Environmental Impact Assessment to be submitted in support of planning applications for redevelopment to provide 4,000 residential units, offices, retail, restaurants, leisure facilities and a bridge spanning the River Lea. **Screening Opinion issued on 10/01/2005 confirming EIA was required.**

PA/04/01081

- 6.3 Application to open pedestrian and cycle bridge across the River Lea, linking the Leamouth Peninsula to Canning Town Station and the Lower Lea Crossing including upgrading of flood defences on Hercules Wharf. **Permission granted 18/05/2005. This application expired in May 2010.**

- 6.4 The following applications were submitted in 2005 by the same applicant for 3 sites on Leamouth Peninsula North:

PA/05/01409

- 6.5 Combined Outline and Full Planning Application (Hybrid Application) for a mixed use redevelopment comprising a total of 2,460 residential units (Use Class C3) in addition to 21,459 sqm of non-residential development including arts and cultural centre (Use Class D1/D2), leisure (Use Class D2), management offices (Use Class B1), retail (Use Class A1/A2), food and drink (Use Class A3/A4), healthcare facility (Use Class D1) and the provision of public open space, including a bridge linking to Canning Town. **The applicant appealed against non-determination June 2006. The appeal was withdrawn on 12/01/2007.**

PA/05/01597

- 6.6 Outline Planning Application for a mixed use development comprising 477 residential units and 400 sqm of non-residential floor space including offices (B1), retail (A1, A2), food and drink (A3, A4) and the provision of public open space. **The applicant appealed against non-determination in June 2006. The appeal was withdrawn on 12/01/2007.**

PA/05/01598

- 6.7 Combined Outline and Full Planning Application (Hybrid Application) for a mixed use development comprising 925 residential units and 1,600 sqm of non-residential floor space including offices (B1), retail (A1, A2), food and drink (A3, A4) and provision of public open space. **The applicant appealed against non-determination in June 2006. The appeal was withdrawn on 12/01/2007.**

PA/05/01600/LBC

- 6.8 Partial demolition and alteration of the listed dock structure and retention of the existing caisson in relation to mixed use development at Union Wharf. **The applicant appealed against non-determination in June 2006. The appeal was withdrawn on 12/01/2007.**

PA/06/00748/LBTH

- 6.9 Demolition of all existing buildings and structures; comprehensive phased mixed use development comprising 177,980sqm GEA of new floorspace for the following uses: residential (C3), business including creative industries, flexible workspace and offices (B1), retail, financial and professional services, food and drink (A1, A2, A3, A4, A5), leisure, arts and cultural uses, primary school and community centre (D1, D2), plus 36,150 sqm for the energy centre, storage and car parking. Formation of a new vehicular access and means of vehicle circulation within the site. Landscaping including a riverside walkway, the provision of public open space, and a bridge linking to Canning Town. **Hybrid application, part full, part outline. This application was recommended for refusal by LBTH and subsequently approved by LTGDC on 06/09/2007.**

- 6.10 With regard to the above application (ref: 06/00748), LBTH recommended refusal to LTGDC for a number of reasons, the majority of which were resolved by the applicant following a number of subsequent amendments relating to dwelling mix, uplift in level of affordable housing to 35%, standard of accommodation, daylight/sunlight, energy, inadequate link to Canning

Town, flood risk and biodiversity. However, whilst representing an improvement to the application, LBTH still found the previous scheme to be unacceptable and in an advice letter (dated 10 July 2007) from LBTH Development Control Manager, the Council recommended refusal to LTGDC for the following key reasons:

1. Excessive provision of car parking in light of proposed high PTAL rating.
2. Insufficient useable recreational public open space of adequate quality.
3. Inadequate design with respect to the creation of inclusive environments (lack of lifts and ramps between podium level and riverside walk way).
4. Substandard vehicular access arrangement for emergency services

6.11 The application was subsequently approved by LTGDC on 6th September 2007.

PA/06/00749/LBTH (Duplicate Application)

6.12 Demolition of all existing buildings and structures; comprehensive phased mixed use development comprising 177,980sqm GEA of new floorspace for the following uses: residential (C3), business including creative industries, flexible workspace and offices (B1), retail, financial and professional services, food and drink (A1, A2, A3, A4, A5), leisure, arts and cultural uses, primary school and community centre (D1, D2), plus 36,150 sqm for the energy centre, storage and car parking. Formation of a new vehicular access and means of vehicle circulation within the site. Landscaping including a riverside walkway, the provision of public open space, and a bridge linking to Canning Town **Hybrid application, part full, part outline. Withdrawn by the applicant on 06/09/2007.**

PA/07/01730/LBTH

6.13 Erection of a building (25.5m) in the south-western part of the Leamouth Peninsula North; temporary landscaping and parking; building accommodating (a) an electrical sub-station to serve the forthcoming larger development on the Leamouth Peninsula, (b) Community Centre/Sports Hall with temporary interim use as a Marketing Suite for the sale of residential units within the Leamouth North Development. **Approved on 11/04/2008, construction commenced and partially completed.**

7. POLICY FRAMEWORK

7.1 The relevant policy and guidance against which to consider the planning application is contained within the following documents:-

- The London Plan (consolidated version 2008) and Supplementary Planning Guidance.
- The LBTH Unitary Development Plan (1998) (saved policies) and

Supplementary Planning Guidance.

- LBTH Interim Planning Guidance - Local Development Framework Core Strategy and Development Control Submission Document (November 2007)
- LBTH adopted Core Strategy (2010)
- LBTH Local Development Framework Leaside Area Action Plan Submission Document (November 2006) (LAAP)
- LBTH Community Plan

7.2 In the preparation of the above documents, Government guidance has also been taken into account. National policy guidance documents (PPGs and PPSs) are listed below.

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

Spatial Development Strategy for Greater London (The London Plan 2008)

Policies	Policy 2A.1 Policy 2A.7 Policy 2A.8	Sustainability Criteria Areas for Regeneration Town Centres
	Policy 3A.1 Policy 3A.2 Policy 3A.3 Policy 3A.5 Policy 3A.6 Policy 3A.7 Policy 3A.8 Policy 3A.9 Policy 3A.10	Increasing London’s Supply of Housing Borough Housing Targets Maximising the Potential of Sites Housing Choice Quality of New Housing Provision Large Residential Developments Definition of Affordable Housing Affordable Housing Targets Negotiating Affordable Housing in Individual Private Residential and Mixed-Use Schemes
	Policy 3A.18 Policy 3A.20 Policy 3A.23	Protection and Enhancement of Social Infrastructure and Community Facilities Health Objectives Health Impacts
	Policy 3B.1 Policy 3B.2 Policy 3B.3 Policy 3B.8	Developing London’s Economy Office Demand and Supply Mixed Use Development Creative Industries
	Policy 3C.1 Policy 3C.2 Policy 3C.3 Policy 3C.4	Integrating Transport and Development Matching Development to Transport Capacity Sustainable Transport in London Land for Transport

Policy 3C.20	Improving Conditions for Buses
Policy 3C.21	Improving Conditions for Walking
Policy 3C.22	Improving Conditions for Cycling
Policy 3C.23	Parking Strategy
Policy 3C.24	Parking in Town Centres
Policy 3D.1	Supporting Town Centres
Policy 3D.2	Town Centre Development
Policy 3D.3	Maintaining and Improving Retail Facilities
Policy 3D.4	Development and Promotion of Arts and Culture
Policy 3D.8	Realising the Value of Open Space and Green Infrastructure
Policy 3D.13	Children and Young People's Play and Informal Recreation Strategies
Policy 3D.14	Biodiversity and Nature Conservation
Policy 4A.1	Tackling Climate Change
Policy 4A.2	Mitigating Climate Change
Policy 4A.3	Sustainable Design and Construction
Policy 4A.4	Energy Assessment
Policy 4A.5	Provision of Heating and Cooling Networks
Policy 4A.6	Decentralised Energy: Heating, Cooling and Power
Policy 4A.7	Renewable Energy
Policy 4A.9	Adaptation to Climate Change
Policy 4A.10	Overheating
Policy 4A.11	Living Roofs and Walls
Policy 4A.12	Flooding
Policy 4A.13	Flood Risk Management
Policy 4A.14	Sustainable Drainage
Policy 4A.16	Water Supplies and Resources
Policy 4A.17	Water Quality
Policy 4A.18	Water and Sewerage Infrastructure
Policy 4A.19	Improving Air Quality
Policy 4A.20	Reducing Noise and Enhancing Soundscapes
Policy 4A.33	Bringing Contaminated Land Into Beneficial Use
Policy 4B.1	Design Principles for a Compact City
Policy 4B.2	Promoting World-Class Architecture and Design
Policy 4B.3	Enhancing the Quality of the Public Realm
Policy 4B.5	Creating an Inclusive Environment
Policy 4B.6	Safety, Security and Fire Prevention and Protection
Policy 4B.8	Respect Local Context and Communities
Policy 4B.9	Tall Buildings - Location
Policy 4B.10	Large-scale Buildings – Design and Impact
Policy 4B.15	Archaeology
Policy 4C.1	The Strategic Importance of the Blue Ribbon Network
Policy 4C.2	Context for Sustainable Growth

Policy 4C.3	The Natural Value of the Blue Ribbon Network
Policy 4C.4	Natural Landscape
Policy 4C.6	Sustainable Growth Priorities for the Blue Ribbon Network
Policy 4C.8	Freight Uses on the Blue Ribbon Network
Policy 4C.10	Increasing Sport and Leisure Use on the Blue Ribbon Network
Policy 4C.11	Increasing Access Alongside and to the Blue Ribbon Network
Policy 4C.12	Support Facilities and Activities in the Blue Ribbon Network
Policy 4C.14	Structures Over and Into the Blue Ribbon Network
Policy 4C.15	Safety On and Near to the Blue Ribbon Network
Policy 5C.1	The Strategic Priorities for NE London
Policy 5C.3	Opportunity Areas in North East London

London Plan Relevant SPGs

- Housing (November 2005)
- Accessible London: Achieving an Inclusive Environment (April 2004)
- Sustainable Design and Construction (May 2006)
- Providing for Children and Young People's Play and Informal Recreation (March 2008)
- London Plan SPG: Biodiversity Strategy (2001)
- London Biodiversity Action Plan – Species of Conservation Concern and Priority Species for Action.
- Draft Interim Housing Design Guide (August 2010)

Tower Hamlets Unitary Development Plan 1998 (saved policies)

Proposals:		Designations within the vicinity of the site are as follows: Areas of Archaeological Importance or Potential Industrial Employment Areas Flood Protection Areas Within 200 metres of East West Crossrail Aviation use and bird attracting Wind Turbine development by City Airport Urban Development Corporation Potential Contamination
Strategic Policies:	ST1 ST15 ST17 ST23 ST25 ST28 ST30 ST37	Addressing the Needs of Residents Local Economy High Quality Work Environments Housing Quality Housing and Infrastructure Restrain Use of Private Car Safety and Convenience for all Road Users Improvement of Local Environment

	ST41	Art and Entertainment
	ST43	Public Art
	ST46	Education and Training
	ST47	Skills Requirements & Training Initiatives
	ST49	Social & Community Facilities
	ST50	Medical Services
	ST51	Public Utilities
Environment:	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV3	Mixed Use Developments
	DEV4	Planning Obligations
	DEV9	Control of Minor Works
	DEV12	Provision Of Landscaping in Development
	DEV17	Siting and Design of Street Furniture
	DEV44	Preservation of Archaeological Remains
	DEV46	Protection of Waterway Corridors
	DEV48	Riverside Walkways & New Development
	DEV50	Noise
	DEV51	Contaminated Soil
	DEV53	Conditions on Consents
	DEV55	Development and Waste Disposal
	DEV56	Waste Recycling
	DEV57	Dev affecting Nature Conservation Area
	DEV69	Efficient Use of Water
Employment:	EMP1	Promoting economic growth and employment opportunities
	EMP6	Employing Local People
	EMP8	Encouraging Small Business Growth
	EMP10	Development Elsewhere in the Borough
Housing:	HSG7	Dwelling Mix and Type
	HSG13	Internal Space Standards
	HSG15	Residential Amenity
	HSG16	Housing Amenity Space
Transport:	T1	Improvements to the Underground
	T3	Extension of Bus Services
	T8	New Roads
	T10	Priorities for Strategic Management
	T16	Traffic Priorities for New Development
	T18	Pedestrians and the Road Network
	T19	Priorities for Pedestrian Initiatives
	T21	Pedestrians Needs in New Development
Shopping:	S7	Special Uses
	S10	Requirements for New Shopfront Proposals
Open Space & Leisure:	OSN3	Blue Ribbon Network
	OS8	Allotments
	OS9	Children's Playspace
	OS13	Youth Facilities
Arts Entertainment &	ART1	New Facilities

Tourism:	ART6 ART10	Definition & Purpose Encouraging Visitor Facilities
Education:	EDU10	Contribution towards Childcare Facilities
Social & Community:	SCF8 SCF11	Encouraging Shared Use of Community Facilities Meeting Places
Utilities:	U2 U3	Development in Areas at Risk from Flooding Flood Protection Measures

Tower Hamlets Interim Planning Guidance 2007 (for development control purposes)

Proposals:		LDF Development Site Allocation LS23 Flood Risk Site of Importance for Nature Conservation. Green Chain Within 200 metres of East West Crossrail Adjoins Strategic Roads
DC Policies:	DEV1 DEV2 DEV3 DEV4 DEV5 DEV6 DEV7 DEV8 DEV9 DEV10 DEV11 DEV12 DEV13 DEV14 DEV15 DEV16 DEV17 DEV18 DEV19 DEV20 DEV21 DEV22 DEV24 DEV25 DEV27	Amenity Character & Design Accessibility & Inclusive Design Safety & Security Sustainable Design Energy Efficiency & Renewable Energy Water Quality and Conservation Sustainable drainage Sustainable construction materials Disturbance from Noise Pollution Air Pollution and Air Quality Management of Demolition and Construction Landscaping and Tree Preservation Public Art Waste and Recyclables Storage Walking and Cycling Routes and Facilities Transport Assessments Travel Plans Parking for Motor Vehicles Capacity of Utility Infrastructure Flood Risk Management Contaminated Land Accessible Amenities and Services Social Impact Assessment Tall Buildings Assessment
Economy and Employment:	EE2	Redevelopment / Change of Use of Employment Sites
Retail and Town Centres:	RT3 RT5	Shopping Provision Outside of Town Centres Evening and Night-time Economy
Housing:	HSG1	Determining Residential Density

	HSG2	Housing Mix
	HSG3	Affordable Housing
	HSG7	Housing amenity space
	HSG9	Accessible and Adaptable Homes
	HSG10	Calculating Provision of Affordable Housing
Social & Community:	SCF1	Social and Community Facilities
Open Space:	OSN2	Open Space
	OSN3	Blue Ribbon Network and the Thames Policy Area
Conservation:	CON2	Conservation Areas
	CON4	Archaeology and Ancient Monuments
	CON5	Protection and Management of Important Views
Utilities	U1	Utilities

Tower Hamlets Core Strategy adopted 2010

Spatial Policies	SO1 – SO25	Strategic Objectives for Tower Hamlets
	SP01	Refocusing on our town centres
	SP02	Urban living for everyone
	SP03	Creating healthy and liveable neighbourhoods
	SP04	Creating a green and blue grid
	SP05	Dealing with waste
	SP06	Delivering successful employment hubs
	SP07	Improving education and skills
	SP08	Making connected places
	SP09	Creating attractive and safe streets and spaces
	SP10	Creating distinct and durable places
	SP11	Working towards a zero-carbon borough
	SP12	Delivering placemaking – Priorities and Principles
		LAP7&8 – Leamouth – <i>‘Creating a modern waterside place where the River Lea Park meets the River Thames’</i>

Local Development Framework: LBTH Interim DPD Leaside Area Action Plan Submission Document (November 2006) (LAAP):

- LS23 - Orchard Place North
- L1 - Leaside Spatial Strategy
- L2 - Transport
- L3 - Connectivity
- L4 - Water space
- L5 - Open Space
- L6 - Flooding
- L7 - Education Provision
- L8 - Health Provision
- L9 - Infrastructure and Services
- L38 - Employment Uses in Leamouth sub-area
- L39 - Residential Uses in Leamouth sub-area
- L40 - Retail and Leisure uses in Leamouth sub-area
- L41 - Local connectivity in Leamouth sub-area

L42 - Design and built form in Leamouth sub-area
L43 - Site allocation in Leamouth sub-area

Supplementary Planning Guidance/Documents

- Designing Out Crime
- Landscape Requirements
- The Mayor of London's Housing Supplementary Planning Guidance
- East London Sub Regional Development Framework 2006

Government Planning Policy Guidance/Statements

PPS1	Delivering Sustainable Development Planning and Climate Change – Supplement to PPS1
PPS3	Housing
PPS4	Planning for Sustainable Economic Growth
PPS5	Planning for the Historic Environment
PPS9	Biodiversity and Geological Conservation
PPG13	Transport
PPS22	Renewable Energy
PPS23	Planning and Pollution Control
PPG24	Planning and Noise
PPS25	Development and Flood Risk

Community Plan

The following Community Plan objectives relate to the application:

- A Great Place to Live
- A Prosperous Community
- A Safe and Supportive Community
- A Healthy Community

Other material considerations

- CABE & English Heritage "Guidance on Tall Buildings" (July 2007)
- Lower Lea Valley Opportunity Area Planning Framework (LLV OAPF (January 2007)
- London Biodiversity Action Plan

8. CONSULTATION RESPONSE

8.1 The following were consulted regarding the application. The summary below should be read in conjunction with the full representations available in the case file.

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

LBTH Transportation & Highways

8.3 LBTH Highways raised an initial objection citing concerns relating primarily to:

- Poor connectivity, particularly in phase 1 and lack of alternative provisions

for when Canning Town interchange is closed.

- Proposed emergency access to a site.
- Stairs and lift option will preclude use by disabled users, mobility scooter-users, those with prams/buggies, and would be a disincentive to cyclists.
- The proposed alternative walkway in Phase 1 along the northern bank of the Lea and hence to Canning Town is too lengthy and unattractive to be considered a practical route for the disabled, able-bodied pedestrians and cyclists.
- Excessive level of car parking.

8.4

However, following ongoing discussions and negotiations the applicant, the Highways Officer has removed their objection citing concern rather than objection. This is as a result of the following mitigations:

- Delivery of the pedestrian bridge during Phase 1 instead of Phase 2.
- Provision of a 24 hour bus service, linking site to Canning Town and Canary Wharf.
- Realisation that vehicular access slip road (emergency access) has already been widened from the previous consent. However, S106 needs to secure further highway improvements that have not been carried out to date.
- Omission of works the river walkway along the northern bank.

8.5

At the initial consultant stage, the Highways Officer also sought further information on the following issues, all of which have now been addressed by the applicant:

- Exploration of the provision of a ramp to enable unimpeded access.

(Officer comment: Applicant has provided plans demonstrating how the provision of a ramp is not practical due to the height of the bridge (required by PLA), the limited landing area available on the northern bank of the River and the amount of land required to accommodate a ramp from the peninsula end).

- Clarification and further information requested in relation to proposed modal split in each phase, showing the different trip rates and modal splits at 01.00 in the morning as well as during the daytime.
- Clarification requesting in relation to traffic flow figures and impact on highway network and capacity issues for the Leamouth roundabout.

(Officer comment: applicant has now provided this information and Highway Officer is satisfied).

- Clarification sought as to whether proposed perimeter road is intended to be adopted public highway or privately managed.

(Officer comment: At subsequent meetings the applicant clarified that the applicant would manage their roads privately).

- Further clarification needed on how the proposed shared surface will operate and what the intended traffic modes will be.

(Officer comment: At subsequent meetings the applicant set out the principles that would be employed to ensure safety for shared surface users).

- Car park management strategy needed to ensure the disabled car parking

provision will be protected for disabled users and not made available to other drivers.

(Officer comment: Car park management strategy can be conditioned).

8.6 On balance the Highways Officer has concluded that the package of improvements proposed regarding connectivity is satisfactory and are considered sufficient so that the application does not conflict with relevant transport planning policy.

8.7 Highways Team does however recommend the following:

- Previous S278 and S106 terms to be reviewed and updated accordingly and to include the applicant's commitment to the provision of extended bus routes and bus stop to the base of the site.
- That the development should be entirely car-and-permit free, by s106 agreement.
- Transport improvements need to include localised carriageway widening to enable bus turning, environmental improvements to the south of the site to ensure acceptable pedestrian environment, raised table and pedestrian crossing from site to bus stop, all at the expense of the applicant, any resurfacing works and improvements around Leamouth roundabout.
- Further potential work needed regarding precise location of the bus stop.
- That cycle parking for residents and their visitors should be provided to a standard and maintained and retained in future for the purpose of cycle storage only (details of parking to standard should be conditioned).
- 20% of car parking spaces provided should be provided with an electric vehicle charging point.
- A Travel Plan and a Construction Logistics Management Plan should be submitted and approved by the Council prior to the implementation of Phase 1 and again prior to implementation of Phase 2.
- Further potential work required regarding the precise location of the bus stop, albeit that ongoing work on "Option 7" (alighting on the westbound slip and a stand and boarding stop on the eastbound slip) is likely to be the best option, subject to further discussions with London Buses.
- Junction re-alignment work required east of the proposed bus-stop with an improved pedestrian crossing point (raised table) on the eastbound slip road as on the westbound slip road at its junction and improvements to the public realm under the flyover. The footpath alongside the proposed alighting bus-stop and continuing into the development must be a minimum 2.0m wide without obstructions (trees, etc).

LBTH Primary Care Trust/Tower Hamlets NHS

Health Impact Assessment (HIA)

8.8 Tower Hamlets NHS recommend that a HIA should be carried out to assess impact of the scheme on health inequalities. It is suggested that this should be carried out after any permission is granted and then again later in development process once phases are complete.

8.9 Recommends that a contribution of £50,000 is sought for the initial HIA and a further £25,000 for a follow up assessment.

Proposed A5 Use

8.10 NHS Tower Hamlets suggests that no A5 uses should be permitted in order to comply with policy SP03 of the Core Strategy.

Healthcare Facilities

8.11 TH PCT not seeking a health facility on site but rather a financial contribution of £675,901 for Phase 1 (using the Health Urban Development Unit Model version 2).

Emergency Vehicular Access

8.12 Concern raised regarding the existing sole single carriageway vehicular access in to the site for emergency access. Concern that this sole access could be blocked, partially blocked or inaccessible due to traffic or other disruptions. Suggests LBTH consult London Ambulance, London Fire Brigade and Metropolitan Police.

(Officer comment: these issues are addressed in the Material Considerations section of this report).

LBTH Education

8.13 Level of education contribution sought:

Phase 1

Primary school places: 100 x £14,830 = £1,483,000.

Secondary school places: 50 x £22,347 = £1,117,350.

Phase 2

Primary school places: 25 x £14,830 = £370,750.

Secondary school places 8 x £33,347 = £178,776.

Total: £3,149,876.

LBTH Ecology & Biodiversity

8.14 Overall methodology relating to Ecology & Nature Conservation of the submitted ES considered sound and LBTH supportive of its conclusions.

8.15 If all the recommended mitigation and enhancement is undertaken, there should be an overall benefit for biodiversity in compliance with LBTH Local Biodiversity Action Plan (LBAP) and relevant policies in the London Plan.

8.16 Recommends that various biodiversity features (as outlined in ES and/or Landscape Strategy) be secured by condition, such as

- Provision of an “ecological riverside edge” on the western edge of the

peninsula, to include reed bed planting and intertidal terraces.

- Provision of at least 6,000sqm of brown roofs.
- Provision of timber baulking on all sections of river wall.
- Provision of nest boxes for peregrine falcons on tall buildings.
- Provision of a swift tower to provide multiple nest sites for swifts.
- Provision of 11 nest sites in the river walls for kingfishers and sand martins and other nest boxes for birds including black redstarts, house martins and grey wagtails.

8.17 However, Ecology Officer notes that the most significant impact which is not mitigated is the potential interruption of a dark corridor along the River Lea, which is likely to be used by commuting bats. Recommends that LBTH request further details of lighting, both during the construction phase and on the completed development, and the measures they will take to light spillage over the river.

8.18 The other minor failure of the application is the failure to consider otters (protected species) which are currently expanding its range, and is now established further up the Lea Valley. The Ecology Officer notes that it is unlikely that otters regularly use the section of river, however, recent records indicate that future colonisation of the lower Lea is possible. As such, there is opportunity to provide habitat for them in anticipation of future expansion down the Lea and the applicant should consider the installation of an artificial otter holt.

(Officer comment: these issues are considered in section xx of this report)

LBTH Leisure, Parks & Open Spaces

8.19 LBTH Communities, Localities and Culture note that the proposed increase in permanent population in the development will increase demand on community, cultural and leisure facilities with a predicted population uplift of 3,177 people.

8.20 The following S106 financial contributions are requested below and their justification should be read in conjunction with the full consultation responses available on the case file.

- Open Space Contribution **£1,935,375**
- Library/Idea Store Facilities Contribution **£330,408**
- Leisure and Recreation Contribution of **£409,078**

LBTH Trees Officer

8.21 No objections in principal, however the size of the development means that a substantial heat island effect will be created, therefore a robust tree planting scheme should be secured via a robust S106 agreement to plant 200 street trees to create links and reduce albedo.

LBTH Enterprise & Employment

8.22 No comments received.

LBTH Waste Policy and Development

8.23 No comment received

LBTH Environmental Health (Commercial) - Health & Safety

8.24 No comment received

LBTH Environmental Health - Contaminated Land

8.25 No comment received.

LBTH Environmental Health – Micro-Climate

8.26 The Wind (Microclimate) Assessment undertaken by RWDI using wind tunnel testing dated July 2010 has been reviewed by the Council's EHO.

8.27 The EHO also taken on board the fact that a similar consented scheme was approved by LTGDC in 2007.

8.28 It is noted that there were 167 measurement locations distributed within the scheme using Irwin probes. There are adverse wind impacts that will occur on both Phase 1 and the outline component (phase 2) of the development, such as thoroughfares, entrances and amenity spaces, however if mitigation methods (such as vertical screening, suitable evergreen, and landscaping) are included, this should reduce the significant criteria to acceptable levels to meet the Lawson Criteria.

LBTH Environmental Health - Daylight and Sunlight

Daylight

8.29 Concern raised regarding VSC levels falling below 27% particularly at lower floors. Further information sought regarding ADF levels including all the coefficients.

Sunlight

8.30 APSH levels are of minor impacts especially at lower floors in terms of BRE criteria.

(Officer comment: Clarification was sought ADF levels and coefficients. This information was submitted to the Councils EHO and the ES reviewers and the information submitted was found to be acceptable).

LBTH Environmental Health - Smell/Pollution, Noise and vibration

8.31 Appropriate conditions recommended.

LBTH Environmental Health - Air Quality

8.32 Clarification sought regarding:

- Why the impact of the A13 has not been modelled.
- How the potential impacts of the proposed aggregate plant at Orchard Wharf should be taken into consideration.

- Modelling results, contour plots and receptor points. EHO particularly interested in the points of the car park and the energy centre.
- Excessive car parking
- Potential adverse impacts resulting from the construction and operational phase of the development.
- Impacts regarding construction related dust emissions

8.33 Also recommends that if development is approved a S106 contribution is secured towards air quality monitoring.

(Officer comment: these issues are addressed in the Material Considerations section of this report).

EXTERNAL CONSULTTEES

CABE

8.34 In summary, CABE support the layout, scale, massing and landscape strategy of the proposal and the design of the coherent family of buildings in Phase 1, however they do not support the lack of a direct, 24hour pedestrian connection from the peninsula to Canning Town.

8.35 Other comments include:

- Welcome removal of podium.
- Support the improved balance between spaces and buildings.
- Proposed river bank walkway not an acceptable or safe alternative
- Supports Phase 1 without bridge link if improvements can be made to East India DLR station.
- Support the proposed accommodation of parking within adaptable multi storey car park structures but not comfortable with location of structures and façade treatment.
- Supports the overall architectural quality, design and materials, however concern that the joint masterplan approach has limited architectural expression over individual buildings.
- Welcome spacious and dual aspect units and concept of flexible spaces, however concerns regarding narrower floor plate apartments which have less flexibility.
- Loss of bridge over railway tracks a fundamental concern.
- Concerns regarding management of construction traffic between phases.
- Supports rich landscaping proposals.
- Welcome principle of connecting to Royal Docks energy network, use of GSHPs, ecology and SUDs, however more work needed on a robust energy, waste and water strategy.

Greater London Authority

8.36 The application was referred to the GLA as the development fell under Category 1A of the Schedule to the Order 2008 (more than 150 flats); Category 1C (building more than 30m high outside of the city); Category 3B (>4ha use class B land); Category 3F (provision of >200 car parking spaces).

Principle of Development:

- 8.37 Principle of development already established through 2007 permission. Provision of all proposed uses supported by consolidated London Plan policies.

Density

- 8.38 Application proposed 364 units per ha or 887 habitable rooms per ha. GLA consider the site to be 'central' for density calculation purposes and as such London Plan advises a density range of 240-405 units per ha or 650-1,100 habitable rooms per hectare for 'central' sites.
- 8.39 Site considered a potentially highly accessible site with walking distance to Canning Town, and in close proximity to Canary Wharf and Stratford and as such density is considered appropriate.

Tall Buildings

- 8.40 Principle of tall buildings established in the previous scheme. Current scheme proposes tall buildings of a similar height and scale to the previous permission and are considered acceptable against relevant Tall Building London Plan policies 4B.8 and 4B.9.
- 8.41 Development not considered to have any adverse impacts on views over the Greenwich Park, or the O2 Centre,

Urban Design

- 8.42 Current scheme considered to provide several improvements to the previous scheme in terms of landscaping, larger areas of open space, play areas. Overall scheme considered to have a high standard of design.

Layout, Scale and Massing

- 8.43 Buildings respond positively to the riverside and provides a similar layout to what was proposed previously. Towers are considered to be well proportioned, with medium infill elements that allow sunlight through the development and ensure buildings do not become overbearing on the open space.

Concern raised regarding car park building (N) in Phase 1 – Block appears bulky. Materials proposed help reduce massing but the lack of features such as windows contributes to the massing. Concerns regarding successful treatment of external building to ensure ground floor uses interact with larger building and transition between car parking and other elements of the block.

(Officer comment: Design workshop took place between applicant, LTGDC, LBTH on 21 Jan and improvements to building N were discussed. Amendment plans submitted in February 2011. These are discussed in section 10.103 of this report).

Appearance and Landscape

- 8.44 Comfortable that the scheme will deliver a high finish in terms of architecture, landscaping. Use of common architectural language through out the buildings welcomed. Active frontage and clear entrances to buildings welcomed. Treatment of car park remains a concern.

Residential Quality

- 8.45 High residential quality and generous internal space standards (complying with Mayor's draft Housing Design Guide) in Phase 1 are supported. Although single aspect buildings are proposed, none are north facing and many benefit from river views.

Routes & Phasing

- 8.46 One clear north-south route supported. Concerns regarding the management of the phasing especially during construction and the delivery of the bridge in second phase, therefore isolating those living in Phase 1.
- 8.47 Acknowledges that proposed bridge does not link across the railway track to Canning Town centre. The removal of this element of the scheme from the previous proposal considered to be disappointing. However GLA accept that feasibility of the railway line crossing and the costs involved mean this is not possible. Recommends that the bridge is secured via S106.

Access

- 8.48 Overall site is considered to have a good level of accessibility.
- 8.49 All units to comply with Lifetime Home Standards and 10% units to be wheelchair accessible.
- 8.50 Service capsule units in Building J considered to be inventive.
- 8.51 The 62 blue barged car parking spaces do not equate to the 10% of wheelchair accessible units (170). Parking management plan should be conditioned.
- 8.52 Recommends that the S106 should secure accessible blue badge parking, leisure centre changing rooms and lifts on pedestrian bridge.

Affordable Housing

- 8.53 With regards the overall level of affordable housing proposed (20%), an independent review of the applicant's viability assessment is recommended. In order to secure the maximum reasonable amount of affordable housing, it is suggested that the viability of the scheme is tested on commencement of each phase.
- 8.54 Concerns raised regarding the ability of the development to create mixed and balanced committee due to 85% of the affordable housing provision being proposed for Phase 1. However, it is acknowledged that the majority of affordable units will be family units and located around a centrally located public space. It is also acknowledged that the delivery of the bulk of the affordable units will help bring the site forward given difficult market conditions.
- 8.55 Tenure split (87:13) does not accord with London Plan target of 70:30.
- 8.56 Supports the provision of 45% family sized social rented units in Phase 1 and 20% private family units in Phase 2. Overall range of unit sizes supported.

(Officer comment: issues relating to affordable housing are discussed in section 10 of this report).

Child Play Space

- 8.57 Supports how the development exceeds the GLA's minimum requirement for child play space. Concern however that the spaces proposed are not child designated play spaces and further plans required to clarify this.

(Officer comment: Further plan submitted following meeting held on 21 January clarifying precise location of play space and connections).

Blue Ribbon Network, Flooding, Biodiversity

- 8.58 Supports the opening up of the site, river walk, extension to FAT walk, nature conservation area, and general biodiversity measures. Flood walls and new safety measures also supported.

Climate Change Mitigation

- 8.59 Further clarification required on single site wide energy network; cooling strategy; how GSHP will operate alongside CHP; why PVs are not being considered along side CHP.

Climate Change Adaptation

- 8.60 Good sustainable urban drainage including brown and green roofs and the discharge of surface water into the river supported.

TfL's Comments:

Car Parking

- 8.61 Level of car parking (0.4 spaces per unit) falls within the London Plan's maximum standards. 10% of all parking should be allocated to dedicated blue badge holders. Location of such spaced required.

Highways Alterations

- 8.62 Concerns regarding proposed signalling to northern arm of Leamouth roundabout which would result in traffic queuing back to the A13.

Connectivity

- 8.63 Pedestrian bridge is crucial to improving the sites accessibility and to justify its scale and density, and is expected to northern part of the site from PTAL 1 to 6.
- 8.64 Further discussion required with TfL to discuss possible ways of enhancing and improving this aspect of the site's connectivity.

Canning Town Station

- 8.65 Confirms that despite pre-application connectivity workshops held with the applicant at access through Canning Town station outside existing station opening hours is not possible.
- 8.66 Confirms that the 'rotunda' is likely to have sufficient capacity to accommodate expected trips.

East India DLR

- 8.67 Significant additional demand anticipated for East India DLR especially from Phase 1. Contribution towards improvements to station forecourt and DAISY screens requested.

Bus Infrastructure

- 8.68 Contribution to facilitate enhanced bus services is requested to meet the demand on buses particularly from Phase 1.
- 8.69 Proposed bus stops will be required to be in place prior to the development of Phase 1. Further discussions required to consider appropriate bus locations.

Travel Planning

- 8.70 Travel plan welcomed. Further adjustment needed to reflect proposed phasing.

8.71 Suggested Grampian Conditions

- Restrict occupation of the first phase of the development until the pedestrian improvement (Fat walk) are in place on the Lower Lea Crossing;
- Restrict occupation of the first phase of the development until necessary bus infrastructure is provided to serve the southern end of the site; and
- Restrict occupation of phase 2 of the development until the appropriate agreements have been entered into with TfL (as required to deliver the bridge link and the opening up of the rotunda into Canning Town station).

8.72 Requested S.106 Obligations

- The continued operation of the TfL Traffic Control Centre during construction and the lifetime of the development should be maintained.
- A commitment to delivering the pedestrian improvements along the Lower Lea Crossing
- Funding for public transport improvements (of which TfL requests monies towards bus services, improvements at East India DLR and DAISY screens)
- A travel plan, construction logistics plan, and a delivery and servicing plan.

Environment Agency

- 8.73 In summary, the EA have raised objection regarding the impact of inter-tidal habitat loss. Mitigation measures such as flood defence set back are required. Further details required in relation to the proposed bridge and associated pier structures, as the proposed encroachment into the foreshore is not acceptable.

English Heritage Archaeology

- 8.74 Archaeological excavation of this site was carried out following the 2006 permission and the remains of a 19th century plate glass manufactory was found.
- 8.75 Whilst the remains were excavated, the previous condition and specification also

required post-excavation work, publication and archiving of the site. This back-end work never took place, so a condition is required to ensure this post-excavation work is carried out.

Lea Valley Regional Park Valley Authority

8.76 The LVRPA took this application to their planning committee on 11 November 2010 and raised the following material considerations for LBTH's attention if planning permission were to be granted:

- The S106 Agreement should secure funding for improvements to open space and pedestrian links and landscape and habitat enhancements to East India Dock Basin the Ecology Park.
- Conditions should secure details of all external lighting, details of riverside edge, details of brown and green roofs, bird nesting and bat roosting.

8.77 Requests to be involved in finalising the detail of the ecological riverside edge.

Metropolitan Police Crime Prevention Design Officer

8.78 Enormity of the scheme makes it a worrying prospect for crime, and a severe test for local policing. Bridge needs to be safe, easy to view, well lit, with CCTV coverage. No clear safeguards in the form of Secured by Design.

8.79 Welcomes the closure of the rotunda when the DLR station at Canning Town closes. Concerns regarding lighting arrangements from the River Bridge to Canning Town station when the rotunda is closed.

CGMS on behalf of Metropolitan Police Service/ Metropolitan Police Authority

8.80 Considers it essential that the S106 secures 115sqm of floorspace for police facilities and that the scheme complies with the security standards outlined by Secured By Design.

(Officer comment: this issue was discussed at subsequent meetings with the applicant. Ballymore propose to have a high level of security on site as this is their practice for many of their large scale developments. It is proposed that the Met Police could utilise some of the office space allocated to Ballymore's on site security and management offices. It is suggested that this is captured within the security management scheme which LTGDC may condition if application is approved).

Crossrail

8.81 Various conditions recommended by Crossrail relating to design and method statements for ground floor structures to ensure the proposed location of Crossrail structures and tunnels.

British Waterways

8.82 British Waterways acknowledge that Bow Creek is under the control of the PLA but note that they do own the adjacent water to the north and are keen that navigation is not adversely affected along Bow Creek to the Thames. Headroom under the new bridge should retain an air draft of at least 5.5m.

Port of London Authority

- 8.83 Number of concerns raised including:
- Potential noise impacts on Leamouth North from expected cargo handling operations at Orchard Wharf and the need for suitable acoustic insulation;
 - Air quality and dust impacts from Orchard Wharf operations;
 - Light pollution impacts;
 - Use of the river for the transport of material during construction;
 - Need for sufficient air draft (5.2m) under pedestrian bridge;
 - Details regarding construction and operation of the bridge;
 - Clarification on the ecology landscaping and inter-tidal terraces;
 - Requirement for river works licence;
 - Need for riparian life saving equipment.

8.84 *(Officer comment: applicant responded to the PLA's concerns via letter dated 24 November 2010. The PLA responded on 6 January 2011 requesting further information and clarification. Applicant provided a further memo on 2 February and PLA responded on 9 February. Applicant provided further response on 10 February. A copy of this correspondence is available on the case file. Officers requested the applicant meet with the PLA to discuss concerns. However, following a meeting which took place between PLA, EA and applicant on 22 February, the PLA maintain their main objection which relates to the lack of detail regarding the proposed northern bridge landing which results in an unacceptable intrusion into the deepest water.*

London Underground

8.85 No comments received.

Docklands Light Rail

8.86 No comments received.

London City Airport

8.87 No comments received.

London Fire and Emergency Planning Authority

8.88 No information directly relating to Fire Service Access and Water Supplies has been provided. Details on brigade access and water supplies need. (Condition).

8.89 It is also noted that previous discussions on this scheme indicated that there were concerns regarding the provision of water supplies for fire brigade use and it was agreed that a ring main would be installed. This needs to be secured (condition/S106).

London Borough of Greenwich

8.90 Raises no observations.

National Air Traffic Services Ltd (NATS)

8.91 No safeguarding objections to the proposal.

BBC - Reception Advice

8.92 No comments received.

Thames Water Authority

8.93 Raises no objection. Suggests a condition regarding minimum pressure head and flow rates and the need for drainage plans for all phases.

EDF Energy Networks Ltd

8.94 No comments received.

National Grid

8.95 Response received from Plant Protection team with comments relating solely to operational gas and electricity apparatus.

8.96 General guidance and advice notes provided with regards the need for no works, excavation, crossings to be carried out which affect the pressure pipelines in the vicinity without consulting National Grid Plant Protection Team.

8.97 Response also states that the application would be referred to National Grid's Land and Development Stakeholder and Policy Team, however no further response received.

Civil Aviation Authority

8.98 Development might have a potential impact upon aviation activities associated with London City Airport. Accordingly, it is essential that the operator/licensee of London City Airport is consulted.

8.99 Potentially a need for en-route aviation obstruction lighting at the top of the tallest structure. (Condition).

8.100 Aerodrome operator should consider issues associated with crane usage related to the proposed development, both from a safeguarding and lighting perspective.

Olympics Joint Planning Authorities Team

8.101 No observations or objections raised.

Sport for England

8.102 No comment received.

HSE

8.103 Development does not fall within HSE zones.

9. LOCAL REPRESENTATION

9.1. A total of 2,449 properties within the area shown on the map appended to this report, together with all individuals and bodies who made representations on the previous

application, have been notified about the revised application and invited to comment. The application has also been publicised in East End Life and 8 site notices were erected around the site.

A total of 6 representations were received following publicity of the application and these can be summarised as follows:

No. of individual responses:	Object:	Support:	General Observation:
6	1	4	1

9.2

No. of petitions received: 0

9.3

3 letters of representation were received from local residents, 1 raising objection and 2 confirming support for the application in principle.

9.4

The sole letter of objection raised concerns regarding:

- Adverse visual impact dominating skyline;
- Impact on public landscape and views around East India Dock Basin.

9.5

The 2 letters of support confirm comment on how the proposal looks promising and makes better use of land and will benefit the area for residents, however, also notes:

- The need for an increase to social housing;
- The need for access, construction and road works to be managed to ensure less traffic problems in the area;
- How the cumulative impact of the proposal for Leamouth North, and proposed plans for Orchard Wharf will put added pressure on the local road network.

Firstplan on behalf of Aggregate Industries (AI) and London Concrete (LC)

9.6

Representation does not confirm objection or support for the application at Leamouth North, but rather draws the Council’s attention to current local and strategic policy objectives for Orchard Wharf as a Safeguarded Wharf and requests that the Council considers the development proposals for Leamouth Peninsula North in light of any potential future operation of Orchard Wharf.

9.7

The representation also confirms Aggregate Industries and London Concrete’s aspirations for the reactivation of the Wharf for cargo-handling purposes and notes their ongoing consultation with the Ballymore Group and the relevant Authorities.

Trinity Buoy Wharf Trust (TBW) & Trinity Buoy Wharf Space Management

9.8

Two letters were received from Trinity Buoy Wharf Trust (art charity) and the Wharf Space Management team confirming their support for the redevelopment of the site and the proposed bridge link. They both note that this bridge will link in with surrounding connections such as the FAT walk and the approved Orchard Place bridge and footpath/cycleway which the Trust were involved in.

9.9 However, concerns raised regarding:

- Delay of the proposed bridge to Phase 2.
- Potential strain on local road network due to scale of development proposed coupled with possible use of Orchard Wharf as a concrete batching plant.
- Construction period, phasing and other scheme in the area will make access and egress to Orchard Place difficult.

9.10 TBW suggests that the application contributes towards the funding of the permitted Orchard place bridge.

9.11 Additional factual comments by the Trust noted that the primary school based at Trinity Buoy Wharf (Faraday School) is omitted from the Transport report and Design and Access Statement. Also, TBW is noted in the site context plan on Page 12 of the D&A Statement as being a 'safeguarded wharf'.

10. MATERIAL PLANNING CONSIDERATIONS

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

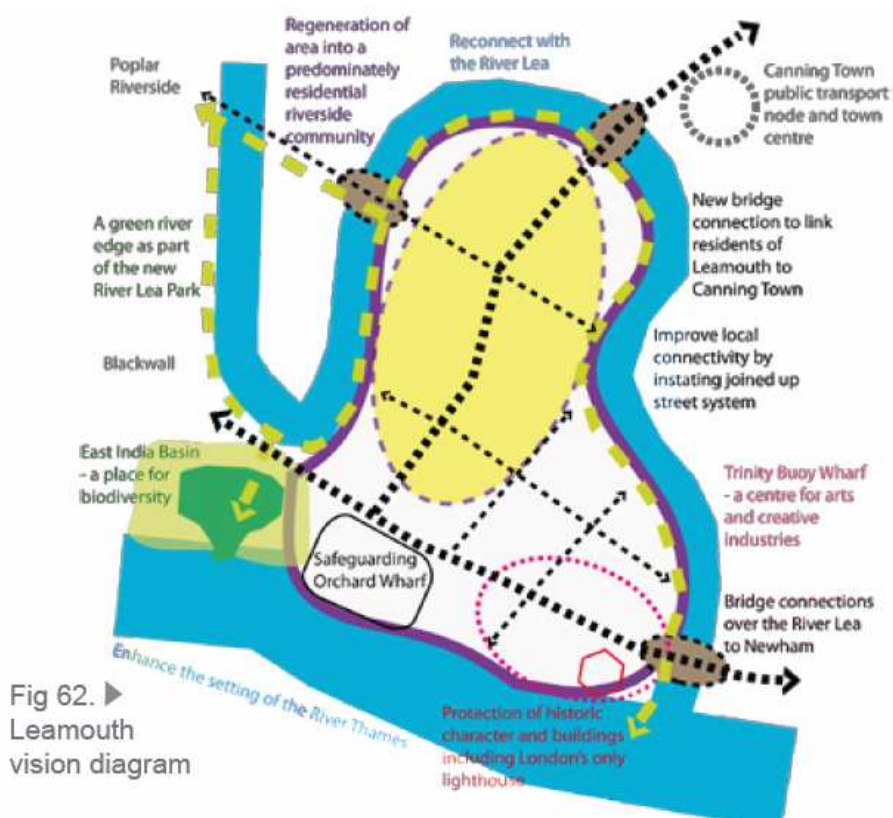
- Land Use (Paragraph 10.2)
- Density (Paragraph 10.11)
- Transport, Connectivity & Accessibility (Paragraph 10.21)
- Design (Paragraph 10.67)
- Housing (Paragraph 10.117)
- Affordable Housing (Paragraph 10.134)
- Residential Standards (Paragraph 10.155)
- Amenity (Paragraph 10.185)
- Air Quality (Paragraph 10.220)
- Noise & Vibration (Paragraph 10. 235)
- Open Space (Paragraph 10.250)
- Child Play Space (Paragraph 10.263)
- Energy (Paragraph 10.271)
- Sustainability (Paragraph 10.290)
- Flood Risk (Paragraph 10.296)
- Biodiversity & Ecology (Paragraph 10.309)
- Health (Paragraph 10.329)
- EIA (Paragraph 10.341)
- Other (Paragraph 10.349)
- Section 106 / Planning Obligations (Paragraph 10.351)
- Overall Conclusions and Regeneration Benefits (Paragraph 11)

Principle of Development / Land use

10.2 The principle of a residential led mixed use development on the site has been established through the extant planning permission.

10.3 In respect of national policy, PPS 1 and PPS3 promote the efficient use of land with high density, mixed-use development and encourage the use of previously developed, vacant and underutilised sites to achieve national housing targets.

- 10.4 The site is noted in the Lower Lea Valley Opportunity Area Planning Framework (2007); as well as the Leamouth Action Area Plan (Interim Planning Guidance 2007), and in LAP 7 & 8 of the Council's Core Strategy (2010) as having the potential to accommodate mixed use development including new pedestrian crossings.
- 10.5 Policies L38, L39 and L40 of the Leamouth AAP identifies how mixed-use development will be expected on development sites such as Orchard Place North and that this should include residential uses, retail and leisure uses, and small-scale offices and workshops, to create workspaces for creative and cultural industries.
- 10.6 The vision for the development of Leamouth peninsula is confirmed more recently in LBTH adopted Core Strategy (2010) which seeks to create a modern waterside mixed-use development on this site, providing new residential communities set around the River with new pedestrian and cycle bridges to enable accessibility with the rest of the Borough and to Canning Town station and town centre itself.
- 10.7 Fig 62 of the Core Strategy below illustrates this principle land use objective.



Extract from LBTH Core Strategy 2010 (Fig 6.2)

- 10.8 In response to the Policy objectives outlined above, the applicant proposes a broad mix of uses with residential being the predominant land use. In terms of specific land use, up to 1,706 residential units (C3) are proposed with up to 38,050sqm of non-residential floor space. The non-residential aspect of the proposal would comprise the following mix of uses:

- A maximum of 7,848 sqm of floor space for **Business** (Use Class B1) comprising of offices (4,502 sqm), creative industries and flexible

workspace (2,714 sqm) and management offices (632 sqm). The proposed business floorspace will be delivered in any part of the development identified in Phase 2 in the parameter plans for non-residential uses. As Phase 1 is fixed, it proposed to provide 4,378 sqm of office space and 414sqm of flexible workspace to be delivered in within Buildings I and H.

- A maximum of 2,049 sqm of floor space for **Arts and Cultural Uses** (Use Class D1) in the form of exhibition space, performance space and artists' studios.
- A maximum of 1,296 sqm of floor space for **Community Use** (Use Class D1) to be provided within the community centre within Building N (Phase 1) and to comprise a multi-purpose hall, community meeting facilities and roof top sports pitches.
- A maximum of 4,800 sqm of floor space for **Education Uses** (Use Class D1) in Phase 2. (However, the exact type of education facility is not specified).
- A maximum of 1,801sqm of floor space for **Leisure Uses** (Use Classes D1 and D2) which will be provided in the form of a 'lifestyle' leisure/health club within Building K (Phase 1).
- A maximum of 1,852 sqm of floor space for **Retail Use** providing for a range of shops (A1), financial and professional services (A2), restaurants and cafes (A3), drinking establishments (A4), and hot food takeaway (A5). Phase 1 will accommodate 382 sqm of convenience retail provision to serve immediate needs. The majority of A class uses are proposed in Phase 2 which is in outline, therefore, the level of floorspace for each specific use remains flexible and will be determined at reserved matters stage. However, the applicant has proposed that the level of A1 floorspace shall not exceed 70% of the total floorspace for 'A Class' uses.

10.9 Through the range of land uses described above and through the provision of the new proposed pedestrian bridge link to Canning Town, it is considered that the proposal has the potential to meet the relevant Policies outlined above which seeks to create a modern waterside mixed-use development on this site.

10.10 With this in mind and having regard to the extant planning permission, there are no objections on land use grounds in principle.

Density

10.11 PPS1 and PPS3 seek to maximise the reuse of previously developed land and promotes the more efficient use of land through higher densities.

10.12 Policy HSG1 of the Council's IPG (2007) specifies that the highest development densities, consistent with other Plan policies, will be sought throughout the Borough. The supporting text states that, when considering density, the Council deems it necessary to assess each proposal according to the nature and location of the site, the character of the area, the quality of the environment and type of housing proposed. Consideration is also given to standard of accommodation for prospective occupiers, microclimate, impact on neighbours and associated

amenity standards.

- 10.13 Density ranges in the London Plan (2008) are outlined in Policy 3A.2 and 3A.3 which seek to intensify housing provision through developing at higher densities, particularly where there is good access to public transport.
- 10.14 Policy SP02 of the Core Strategy (2010) seeks to ensure new housing developments optimise the use of land by corresponding the distribution and density levels of housing to public transport accessibility levels and the wider accessibility of that location.
- 10.15 Currently, the site has a public transport accessibility level (PTAL) of 2 with the potential to improve to 4 towards the southern end of the site and to level 6 towards the northern end of the peninsula where it will benefit from links via the proposed pedestrian bridge into Canning town station.
- 10.16 The site is a former industrial site and difficult to characterise for the purpose of a density. However, Policy L39 of the interim Leamouth AAP confirms that for the purposes of density, this area is considered 'urban' in character. Furthermore, considering the sites proximity to East India DLR (7-8minute walk) and the proposed pedestrian bridge to Canning town station, enabling links with Canary Wharf and Stratford (via Jubilee line and DLR), the site can be considered as urban.
- 10.17 For urban sites with such a PTAL range, the Council's IPG and the Mayor's London Plan seek densities of between 450 and 700 habitable rooms per hectare. The application proposes a density of 887 habitable rooms per hectare.
- 10.18 The proposal exceeds the density matrix thresholds in numerical terms. However, the intent of the London Plan and the Council's IPG is to maximise the highest possible intensity of use compatible with local context, good design principles and public transport capacity. Whilst the proposed pedestrian bridge does not provide a direct 24hour link to Canning town, it will still significantly improve the site's public transport accessibility to level 6. In addition, the application is not considered to present any symptoms of overdevelopment in terms of layout, daylight and sunlight and amenity.
- 10.19 It is also acknowledged that the density proposed in the current application represents a 17% reduction to the extant permission which was approved at 1,066hrh.
- 10.20 As such, it is considered that the proposal maximises the intensity of use on the site and the density is supported by national, regional and local planning policy , therefore, complying with Policies 3A.2 and 3A.3 of the London Plan (2008), policy HSG1 of the Council's IPG (2007) and also policy SP02 of the Core Strategy (2010) which seek to ensure the use of land is appropriately optimised in order to create sustainable places.

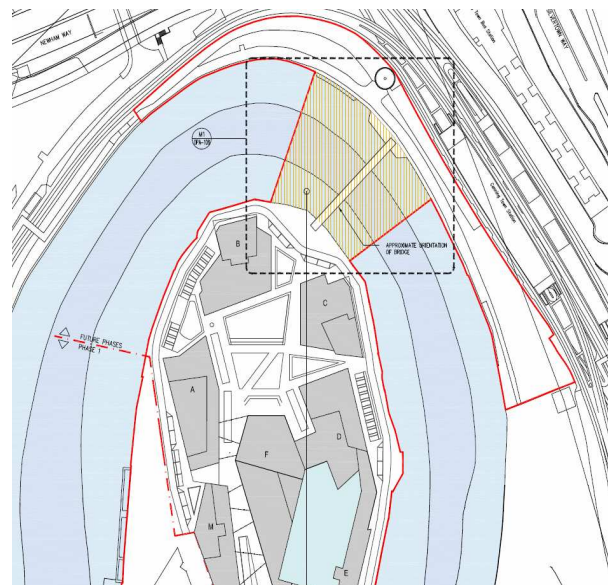
Transport, Connectivity and Accessibility

- 10.21 PPG13 (Transport) directs new development to locations that are highly accessible by public transport. This PPG also recognises the need for developments to make it easier for people to access jobs, shopping, and leisure facilities.

- 10.22 London Plan Policy 3C.1 seeks to ensure the integration of transport and development by encouraging patterns and forms of development that reduce the need to travel by car.
- 10.23 Saved UDP Policy T19 also seeks to ensure that measures will be introduced and supported to improve the quality, safety and convenience of movement for pedestrians, particularly at public transport interchanges.
- 10.24 Core Strategy Policy SP08 and SP09 seek to deliver accessible, efficient, high quality, sustainable and integrated transport network to reach destinations within and outside the borough.
- 10.25 One of the priorities for the Core Strategy Vision for Leamouth (LAP 7 & 8) is to improve the accessibility, permeability and connectivity of Leamouth as part of the redevelopment and regeneration of the area, including bridges with inclusive access across the River Lea to Canning Town and river crossings to North Greenwich.
- 10.26 Policy L41 of the Interim Leamouth AAP deals specifically with local connectivity in the Leamouth sub-area. The Policy promotes new east-west pedestrian and cycle connections between Leamouth to East India North; new pedestrian and cycle crossing points between Orchard Place North and Canning Town and new bridges to improve access across the River Lea.

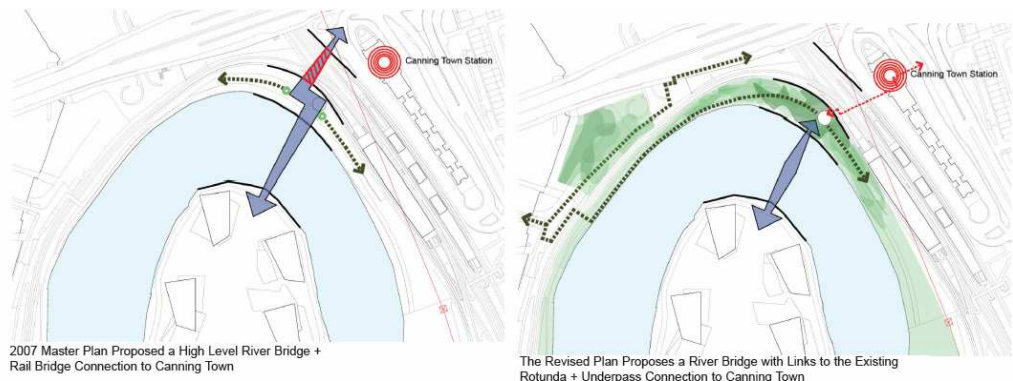
10.27 The application site is currently very isolated and inevitably constrained by the presence of the River Lea to the north, east and west of the site.

In order to unlock this site and improve connectivity to Canning Town interchange, the applicant proposes to erect a pedestrian bridge spanning across the River Lea from the northern tip of the peninsula landing on the northern bank of the river, which will lead towards the existing rotunda at Canning Town Station.



- 10.28 The bridge link is a fundamental element to this proposal and will provide a new and significant public means of access for pedestrians and cyclist connecting to and from the peninsula, Canning Town and Canning Town station interchange.
- 10.29 It is considered that the ability of the applicant to deliver this bridge is paramount to improving the public transport accessibility level of Leamouth peninsula and so that the density of development proposed can be justified.
- 10.30 However, one of the concerns regarding the bridge proposal is that its delivery would not be until Phase 2 of the development. This has a number of implications, but primarily the lack of connectivity and access for those occupying Phase 1 (537 residential units).

- 10.31 It is acknowledged that those living in Phase 1 will be more inclined to use the public transport facilities available at East India DLR, however, in order to justify the density proposed in Phase 1 and to ensure the connectivity of the site is maximised, the applicant was asked to consider the provision of the pedestrian bridge by the end of Phase 1. Following a number of subsequent meetings, the applicant confirmed their commitment towards the provision of the bridge in Phase 1. It is considered appropriate to secure this through the S106 Agreement.
- 10.32 This amendment has overcome a number of officer objections and concerns in particular, those identified by the Highways Officer and Access Officer.
- 10.33 The extant planning permission (2007) also proposed a pedestrian bridge link from the peninsula, however this was made up of two parts, one spanning the river, and the second part, (referred to as the 'green bridge') bridging over the railway tracks and landing to the west of the bus station at Canning Town. This second bridge ('green' bridge) is not part of the current application. Following extensive pre-application discussions, it was established that the delivery of the 'green bridge' raised significant technical and financial constraints and one of the key reasons for the submission of the revised application currently being considered.
- 10.34 The extract below from the applicant's current Design and Access Statement illustrates the key link different between the bridge proposal in the extant permission in 2007 and that of the current proposal.



- 10.35 Some of the key constraints which the applicant claims have precluded implementation of the 'green' bridge became apparent following the grant of the 2007 permission following post-planning investigative work relating to the construction of the approved bridge. These constraints included:
- TfL's unwillingness to allow a synchronised railway possession to enable the 3 operational railway lines at Canning Town Station to close at same time to enable bridge construction;
 - Applicant not able to gain possession of the DLR railway and being limited to working within engineering hours; (and a safe working window of 2 hours only);
 - No permission to access London bus station for bridge landing;
 - Presence of National Grid Extra High Voltage cables precluding foundation penetration work.
- 10.36 The current proposal therefore proposes one single pedestrian bridge spanning across the River Lea to the northern bank of the river and leading towards the

rotunda at Canning Town Interchange. Whilst the proposed pedestrian bridge will significantly improve the connectivity and accessibility of the site, there is concern that access is dependant on the operation of Canning Town Station and as such will not be 24hours as the station is closed between 1am and 5am. It is considered however, that this is a small 4hour timeframe that will only affect a marginal selection of people moving to and from the peninsula (e.g. night workers, or those travelling home late at night) and provided there is alternative access provision, this could be considered acceptable.

- 10.37 With regards to the concerns regarding the closure of Canning Town interchange between 1-5am, the applicant proposes to facilitate the introduction of a 24 hour high frequency bus service, with bus stands and turning areas located at the southern base of the site around Orchard Place, which will link the site with Canning Town and Canary Wharf. This aspect of the proposal is welcomed and the applicant has engaged with TfL, London Buses, LBTH Highways Officer, LTGDC and GLA in order to explore probable routes for bus route extensions, appropriate locations for bus stops, and alighting points.
- 10.38 This is supported by Saved UDP Policy T3 which encourages the provision of additional bus services into residential, shopping and employment areas which are poorly served at present. It is anticipated that the works and financial contribution associated with the introduction of additional bus services the will be secured through a S106 agreement and LTGDC Planning Obligations Community Benefit Strategy.
- 10.39 One of the alternatives proposed by the applicant, for when the station is closed is the provision of a proposed riverside walkway along the northern bank of the river, the upgrading of Reuben's Bridge (existing) and pass back the A13 However, this alternative is considered unattractive, convoluted and potentially unsafe, particularly at night. Following a number of subsequent meetings and design workshops the applicant was requested to consider the omission of this aspect of the proposal in favour of other alternative access arrangements.
- 10.40 In any event, the works to Rueben's bridge fall outside the application boundary and it was intended that these works be secured through legal agreement. It is the view of the officer that the works to Rueben's Bridge and the northern river bank should not be secured by this application. This alternative route proposed by the applicant may be beneficial, however, the desire and actual frequency of its use is questionable and the other alternative proposed in the form of an extension to a high frequency 24hour bus route is consider more of a benefit to this scheme. The applicant has therefore removed the costs associated with these proposed works (£5-6million) from their financial appraisal, with a view to considering the earlier provision of the proposed pedestrian bridge in Phase 1.
- 10.41 However, so as not to prohibit any future development of Rueben's Bridge, these works remain identified in the applicant plans as an aspiration and could be revisited in the future subject to funding.
- 10.42 The application also proposes to improve the connectivity of the southern end of the peninsula with proposed public realm improvements along the route to East India DLR station, including signalised pedestrian crossings and improvements to East India DLR station. These works are to be secured through the S106 and LTGDC Planning Obligations Community Benefit Strategy.
- 10.43 The Council's Highways and Policy Team have confirmed that the success of this

isolated site is to ensure that it can be properly incorporated into the surrounding transport infrastructure and provide tangible and unlimited links to the surrounding areas. There is concern that the proposed singular pedestrian bridge link limited to the station interchange and access restricted late at night does not wholly meet the Policy objectives for this part of the Borough, in terms of a successful connectivity and permeability for the site.

- 10.44 Whilst it is regrettable that the former 'green bridge' option outlined in the extant permission does not form part of this application, it is also accepted that this is no longer feasible or deliverable. Regardless, the principle of a direct link from the peninsula to Canning Town interchange will improve the public transport accessibility of Leamouth Peninsula to a PTAL of 6 and considerably improve connectivity in the surrounding area, particularly with the services at Canning Town, Stratford and Canary Wharf from how it exists today. The additional improvements in the form of additional bus services linking the site with Canning Town and Canary Wharf, and public realm improvements along the route to East India DLR are also considered to be a satisfactory package of improvements to improve the connectivity of the site and support the level of development proposed.
- 10.45 However, in terms of the navigational role of the river and the proposed design of the bridge, the PLA objects to the application as a result of the proposed encroachment of the northern bridge landing into the deepest part of the river. The parameters plans indicate that landing structure will measure 30m x 5m projecting into the river. This intrusion into the water raises fundamental concerns for the PLA and it is officers' understanding that this is likely to have adverse implications on the navigational function of the river.
- 10.46 Policy SP04 of the Core Strategy (2010) requires the LPA to work with the PLA to deliver a network of high quality usable and accessible water spaces. The encroachment of the bridge landing into the river is considered to restrict navigational accessibility of this river channel. Considering the fundamental objection by the PLA, the Council have considerable reservations about the certainty of delivering the proposed bridge.
- 10.47 Therefore, on balance, whilst it is considered that in principle, the proposed bridge has the potential to unlock this highly constrained and inaccessible site and has the potential to significantly improve connectivity between Tower Hamlets and neighbouring Boroughs, for the reasons set out above, the proposed bridge is likely to have an adverse impact on the navigational function of the river, and considered unacceptable by the Council and the Port of London Authority, contrary to Policy SP04 (4) of the Core Strategy (2010) and Policy OSN3 of the IPG (2007) which seek to deliver a network of high quality usable and accessible water spaces through protecting and safeguarding existing water spaces from inappropriate development and using water spaces for movement and transport.

Car Parking

- 10.48 Policies 3C.1, 3C.16 and 3C.22 of the London Plan 2004, saved Policy T16 of the UDP, policies DEV17, DEV18 and DEV19 of the IPG and Policy SP09 of the Core Strategy seek to encourage sustainable non-car modes of transport and to limit car use by restricting car parking provision.
- 10.49 The scheme proposes a maximum of 629 of car parking spaces for the 1,706 units proposed (including 10% disabled spaces) and a further 37 spaces for the

remaining community, retail and office uses. Parking will be located within two multi storey car parking structures (Building N in Phase 1 and Building E in Phase 2), and also some at surface level.

- 10.50 The level of car parking proposed represents a ratio of 0.4. LBTH policy sets a maximum car parking ratio of 0.5, where it can be demonstrated that the proposed level would not result in a detrimental impact on the safe and free flow of traffic on the surrounding Highway network.
- 10.51 The level of parking proposed falls below the maximum standards set for the Borough. There has also been some concern raised regarding the improved PTAL of the site (level 6), as a result of the pedestrian bridge, and as such, the Council should seek a permit-free residential development. However, this is a large site and it is acknowledged that the southern part of the peninsula must also be taken into account as this part of the site is only expected to achieve a medium PTAL rating of 4. The application also provides a car club proposal, electric charging points and a parking management plan. The level of car parking provision is therefore considered acceptable considering it falls below the maximum standards specified by the Council.
- 10.52 The applicant has also confirmed that 10% of all parking (68 spaces) will be allocated to blue badge holder spaces. A plan has also been submitted confirmed the proposed location of these car parking spaces, all of which ensure access within close proximity to building entrances and to the location of the wheelchair accessible units.
- 10.53 The application is therefore considered to provide sustainable non-car modes of transport in compliance with the relevant car parking policies identified above.

Provision for Cyclists

- 10.54 Council policy requires that secure cycle parking should be provided for each residential unit. Furthermore, additional informal parking for visitors should be provided. Policies also require that the site must make adequate provision for cyclists by providing connections from the site to surrounding cycle networks, therefore encouraging cycling.
- 10.55 The applicant commits to the provision of 1 cycle space per residential unit, with a 140 cycle spaces for the non residential elements of the proposal. Secured bicycle storage is also proposed at ground level of each residential building in Phase 1. Visitor parking is to be accommodated within the landscaped area.
- 10.56 The routes through the site, around the perimeter and over the bridge have been designed with cycle paths accounted for in the proposed shared surface concept. There is concern that the bridge design does not encourage cycle routes due to the lack of a ramped access, however, this is not uncommon for such a constrained site and cyclists also have the option to cycle to the southern tip of the site and access Canning Town via the existing cycle path along the A13.

Inclusive Environments

- 10.57 Policies 4B.1, 4B.4, 4B.5 of the London Plan seek to ensure that developments are accessible, usable and permeable for all users and that developments can be used easily by as many people as possible without undue effort, separation or

special treatment. Policy 3C.20 refers to the importance that connections from new developments to public transport facilities and the surrounding area (and its services) are accessible to all. Best practice guidance has been issued by the GLA (SPG Accessible London: achieving an inclusive environment, 2004).

- 10.58 Saved UDP Policy DEV1 requires that development contributes to a safe, welcoming and attractive environment which is accessible to all groups of people. A growing awareness of the importance of creating environments that are accessible for all people has led the Council to emphasise the importance of 'inclusive design'. This is reflected in policy DEV3 of the IPG 2007 which seek to ensure that inclusive environments are created which can be safely, comfortably and easily accessed and used by as many people as possible without undue effort, separation or special treatment and policy SP08 (1f) of the Core Strategy which promoting the good design of public transport interchanges to ensure they are integrated with the surrounding urban fabric, offer inclusive access for all members of the community, and provide a high-quality, safe and comfortable pedestrian environment.
- 10.59 Concern has been raised by the Councils' Access Officer regarding the lack of a direct 24hour accessible link across the bridge and also how the access to and from the bridge is not ideal in terms of inclusiveness as the landing on both sides of the bridge is via step and lift access only. This is considered to be a greater concern when lift is out of order or requires maintenance. The applicant was requested to explore the provision of a ramped access however subsequent meetings and further plans submitted illustrated that the a ramp option would be too land hungry requiring a length of at least 80m on the peninsula landing area. There is also extremely limited land available on the northern bank of the river to accommodate a ramp. The applicant was also asked to consider the provision of a second lift however following a cost analysis, it was concluded that this option was cost prohibitive.
- 10.60 The Council's Access Officer has accepted that whilst the level changes to access the pedestrian bridge within the site do not create an ideal environment for the mobility impaired, the provision of a disabled lift at each end of the bridge will ensure a permanent and usable route for the mobility impaired to Canning Town for the majority of the time.
- 10.61 Whilst the detail regarding the bridge link will be subject to reserved matter stage, the applicant has confirmed commitment to ensuring the steps and lifts will be designed with pedestrian desire lines in mind to provide the most logical, direct and safe route. As such the proposed bridge is considered to be compliant with policies whose objective is to create inclusive environments.
- 10.62 With regards to the layout of development, the proposal creates one main north-south route through the development which will be direct, well lit and based on a shared surface concept to public realm shared between pedestrians, cyclists and vehicles. This route connects the southern entrance to the development with the public open space to the bridge link at the northern tip of the peninsula.
- 10.63 Further information was sought by the Council's Access Officer regarding the principles underlying the concept of shared surface. The access officer is now satisfied that the design concept will incorporate principles such as appropriate tonal contrast between the vehicle and pedestrian routes. The scheme seeks to prioritise pedestrian movements and minimises vehicular traffic due to the parking

facility being located close to the main entrance of the site, therefore the majority of the traffic actually entering the site will be service vehicles, or users of the accessible surface parking. This complies with Core Strategy Policy SP09 (1) which seeks to implement a street hierarchy that puts pedestrians first and promotes streets, both as links for movement and places and to ensure accessible and safe street network across the borough.

- 10.64 Each building has also been designed with designated pickup and drop off areas, recessed off the main routes to minimise the any conflict of shared space with pedestrian movement.
- 10.65 It is worth noting that the previous scheme proposed a podium structure with a stepped terrain rising some 11 metres from south to north and incorporating several lifts throughout the scheme, so the current proposal represents a considerable improvement in terms of inclusive access by providing an entirely level and fully accessible surface.
- 10.66 The residential elements of the scheme will be built to comply with building regs, part M, Lifetime Homes Standards and current wheelchair housing design standards to ensure an inclusive and accessible residential environment for future occupiers. This is discussed further in section 10.178 of this report. Furthermore, the application also confirms that non-residential facilities (leisure, retail, office, art galleries, educational and community space) will be designed to be accessible and inclusive.

Urban Design

Design

- 10.67 PPS 1 promotes high quality and inclusive design and recognises that good design ensures attractive and useable spaces and is a key element in achieving sustainable development.
- 10.68 Policy 2A.1 of the London Plan, which sets out sustainability criteria, states that a design-led approach should be used to optimise the potential of sites. Chapter 4B of the plan focuses on all aspects of design and provides detailed guidance. Policy 4.B1, which summarises the design principles to be applied, and requires that developments:
- Maximise the potential of sites;
 - Promote high quality inclusive design;
 - Create or enhance public realm;
 - Provide or enhance a mix of uses;
 - Are accessible, usable and permeable for all users;
 - Are sustainable, durable and adaptable;
 - Are safe for occupants and passers-by;
 - respect local context, character and communities;
 - Are practical and legible;
 - Are attractive to look, are inspiring and exciting;
 - Respect the natural environment;
 - Respect London's built heritage;
 - Address health inequalities;
- 10.69 Policy 4B.2 seeks world class design and Policy 4B.9 focuses on the design and

impact of large-scale buildings, referring to the appearance of the development close up and from the distance, the public realm and the impact of tall buildings on residential amenity and the microclimate of the surrounding environment, including public and private open spaces.

- 10.70 The approach set out in the London Plan is also reflected in the Council's saved Policy DEV1 of the UDP, Policies DEV2 and DEV27 of the IPG and Core Strategy Policy SP10 which seek to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds.
- 10.71 The Leaside AAP also notes that Leamouth North is in some ways 'a blank canvas', and that the Council will require 'an exciting and innovative development that opens up access to the area and draws upon the unique waterside location'.
- 10.72 The application being considered is in hybrid form, with the southern part of the scheme being considered in detail, and the northern part in outline. Those parts of the application falling within the outline boundary have external appearance, scale and landscaping reserved although parameter plans and a Design Guideline has been submitted which indicate the maximum and minimum development heights and building footprints, building edges, minimum set backs from river edge and separation distance between buildings in order to define urban spaces but provide a degree of flexibility for its future detailed design. The information submitted is considered sufficient to reassure the Council that Phase 2 can deliver a standard of urban design that is comparable with that illustrated in Phase 1.
- 10.73 With regards to Phase 1, the application provides full design specification for the buildings in this phase, all of which appear to be to a very high standard. This is recognised by the Council Principle Urban Design Officer, CABE and the GLA.



- 10.74 The proposal seeks to minimise the often monotonous design solution to high density residential schemes in urban locations which can often result in tall lifeless rectangular blocks. Following a series of design workshops with Design for London, GLA, LBTH and LTGDC, the design concept seeks to create a series of interesting building shapes which complement one another and represent a family of buildings, some of which incorporate inset winter gardens and vary in aspect with elevations changing direction as the building rises.

Layout

- 10.75 The layout of the proposal is similar to that of the previous proposal, whereby one main north-south route is created through the development, connecting the southern entrance of the development to the green open space in Phase 1 to the urban plaza in Phase 2 through a proposed artisan boulevard. This also links with the riverside walkway around the perimeter of the site.
- 10.76

As the extract from the applicant's Design & Access Statement illustrates below, the location of the buildings relates positively to the main routes and the river, maximising views, daylight and sunlight. All buildings also have an active frontage layout at ground floor level.

10.77



The parameter plans establish the general layout, and access showing vehicular and pedestrian circulation routes, maximum building heights and location of open space for Phase 2. The taller buildings are also located towards the north of the site to maximise daylight penetration through the site.

- 10.78 One of the key differences between the previously consented scheme and the current proposal is the omission of the podium level (underground car park); the subsequent reduction in the over all height of the scheme, the introduction of a level landscaped surface at ground level, larger open spaces and play areas, and a better relationship and orientation between the proposed blocks. As such, the layout of the overall proposal is considered to be a significant improvement.
- 10.79 One concern raised by the Council's Design Officer however was the lack of front doors facing onto the street and how the lack of access from streets could contribute towards the creation of dead frontages, poor interaction, and surveillance. Following a number of meetings and a design workshop, the applicant has now introduced a number of new entrances points at the ground floor level of building block H. Whilst this does not entirely alleviate the Design Officer's concern, it is considered an acceptable improvement to satisfy the Officer's concerns. It is suggested that the take this issue into account when dealing with the reserved matters in Phase 2.
- 10.80 The layout is now considered to maximise active frontages with building entrances to each of the blocks aiming to enhance connectivity and permeability through the site. The overall layout and location of buildings and their relationship with pedestrian and vehicular movement is considered to be acceptable.

Height, Scale, Bulk and Mass

- 10.81 The London Plan refers to a tall building as one which is significantly taller than their surroundings and /or having a significant impact on the skyline. London Plan policies 4B.8 and 4B.9 relate to the specific design issues associated with

tall buildings in line with CABE/English Heritage's Guidance on the matter. DEV 27 of the IPG and Policy SP10 of the Core Strategy also provide guidance on the appropriate location for tall buildings in line with London Plan Policies 4B.8 and 4B.9 where they should relate to design and context, environment, socio-economic factors, access and transport and aviation requirements. The Core Strategy also seeks to restrict the location to Canary Wharf and Aldgate.

10.82 The application proposed a series of tall, mid and low rise buildings varying in height between 3 and 27 storeys. Whilst the site is not identified within an emerging cluster of tall buildings as identified in the Council's IPG and Core Strategy, officers acknowledge that the extant planning permission accepts that the principle of tall buildings on this site has been established. Officers however welcome the current scheme's reduction in the overall height of the buildings, and the improvements to the layout, bulk and mass.

10.83 The illustration below is an extract from the applicant's Design and Access Statement and illustrates the location of the taller building blocks and shows how these are spaces around the site with low and mid rise infill blocks. This illustration also shows how the majority of the taller towers are located towards the north of the site in phase 2.



10.84 The buildings in Phase 1 range from between 5 and 20 storeys in heights and the buildings in Phase 2 will (range from between 8 to a maximum of 27 storeys (86 AOD) with the taller towers located towards the northern end of the peninsula towards the proposed pedestrian bridge.

10.85 The site does not fall within an area designated by the London View Management Framework. The application is accompanied by a Townscape and Visual Impact Assessment where several verified views have identified and concludes that the proposal will relate positively to the surrounding site context.

10.86 It is considered that the group of tall buildings proposed will sit comfortably within its site context and would ensure that the development of this site would make a positive contribution to the skyline.

10.87 The towers are considered to be well proportioned with medium rise infill elements which help reduce the scale and mass and provide appropriate levels of enclosure. The removal of the podium structure as outlined in the extant permission is welcomed as this significantly minimises the bulk and mass of the previous scheme. The buildings are also located and orientated to maximise sunlight into the open spaces and relate positively to the River Lea through the

creation of a promenade, which is commended.

Detailed Design

10.88 The buildings in Phase 1 have been designed in detail and comprises six building blocks centred around and a large green space in the core of Phase 1. The buildings provide a variety of land uses from housing to retail, leisure, office, community and cultural space.

10.89 The illustrations below are taken from the applicant's design and access statement and show the location of the building block within Phase 1, an illustration of the design and in some instances, a layout of the ground floor plan.

10.90 Buildings I and N are located at the pedestrian entrance to the site and form part of the existing building which currently stands on the site (N). This building is identified locally as the building with the 'living/green wall'. Building I and N will comprise the energy centre, community centre, multi-storey car park and office uses with a sports pitch at roof level.



10.91 The design concept seeks to disguise the central use of this building which is a car park, with a natural timber material. The use of this material and its relationship with the green wall, and the existing energy centre seek to create a sustainable image for the site when viewed from its surrounding context.

10.92 Building H is a 19 storey residential block located at the southern entrance off the vehicular entrance at Orchard Place. This building is located to the north east of Building I and N, with aspects looking southeast east towards the river and north west towards the public open space. The building also incorporates some gallery and office use and lower levels.



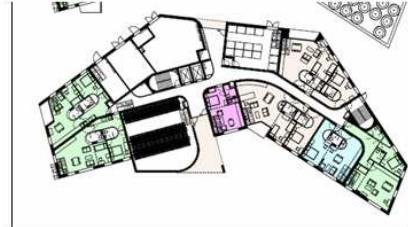
10.93 One of the characteristic features of this building is the winter garden at 9th floor level, which provides a communal open space and viewing area from within the building, and also helps break up the bulk and mass of this tower block by adding a void which provides some visual interest.



10.94 Building J is another residential block, rising to 12 storeys in height and located along the western boundary of the peninsula with aspects looking across the river to the west and towards the open space to the centre of Phase 1.



10.95 The building comprises two different scales, a 2 storey wing and a 12 storey wing, both with punched recessed openings on various aspects.



10.96 Building K is located to the north of building J and comprises the leisure and lifestyle club at ground floor level with residential use on the upper floors. The building rises to 13 storeys but sits on a 3 storey plinth giving the building a unique footprint which reflect the type of uses at ground floor level, (indoor and outdoor swimming pools, health club, fitness areas, café and terrace bar).



10.97 Building G is located to the north of Building H and comprises a part 6 storey, part 20 storey residential block, benefitting from dual aspect units looking east towards the river and west towards the public open space.



10.98 The building has a large double height entrance at ground floor level creating an inviting pedestrian connection between the riverside walk way and the proposed garden space in the centre of Phase 1. A feature of this building is the vertical emphasis created through the combination of windows into two storey high openings and inset balconies into 4 storey high openings. This becomes more visually prominent as the building is viewed from different angles.

10.99 The uniqueness of the Leamouth peninsula site and the high visibility of any high-rise development on this island from major transport corridors and the wider area warrant the requirement for a high quality, striking development. Overall, it is considered that individual, strong detailed design of the individual tall buildings in phase 1 would create clearly noticeable, distinct features in the skyline.

10.100 The overall design of these proposed buildings are considered to be of a high standard and it is acknowledged that the proposal makes considerable design

improvements to the previous permission. In particular attention has been given to the lower levels, recesses and use of different materials, which result in interesting facades and an interesting environment at ground level.

- 10.101 A restricted material palette is proposed to ensure cohesion of the over all built form. The predominant material is brick, with some timber materials, and glass and metal, however the type colour and coursing pattern of the brick will vary from one building to another to allow for individual interest and expression.
- 10.102 The Council's Urban Design Officer raises no major objections to the proposal in terms of height, bulk and scale or detailed design, as this has been improved from the previous scheme. However, one exception to this has been the car parking building which is proposed in Block N at the entrance of the site. This concern has also been raised by the GLA and CABE regarding the bulk of this building and the lack of elevational articulation which does little to minimise its bulk and mass.
- 10.103 In response to this, a design workshop was set up in January and the applicant's architects discussed various improvements to the elevation and ground floor level to make the active frontage more prominent and introduce more variation in the vertical timber rods proposed across the elevation. The amendments proposed include the introduction of a separation panel between the car park and the office element of the block, and the creation of a more solid glass element at ground floor level. The design officer is now content with the improvements proposed and it is considered that the applicant has made significant efforts to provide an appropriate design solution to disguise the car park structure more successfully.
- 10.104 In accordance with policies 4B.8 and 4B.9 of the London Plan, policy DEV 27 of the IPG and Policy SP10 of the Core Strategy the application proposal is considered to provide a very high standard of design and will create buildings, and spaces and that are high-quality, sustainable, accessible, attractive, durable and well-integrated with its surrounds. The proposal creates an innovative development that will opens up access to the Leamouth peninsula and draws upon this unique waterside location. The detailed design is acceptable, and accords with the policies identified above. In relation to the outline application, the parameter plans submitted indicate that the general layout and maximum heights are considered appropriate.

Landscaping

- 10.105 Saved policy DEV12 of the UDP requires the provision of landscaping as part of all redevelopment schemes. Saved Policy DEV 48 in particular expects new development having a water frontage along the River Lee to provide a walkways (except where the walkway would conflict with commercial or transport interests).
- 10.106 DEV13 of the IPG requires all development proposals to provide a fully documented landscape plan setting out features and constraints of the site as well as intended surface treatment of all areas not occupied by buildings. Core Strategy Policy SP10 also seeks to ensure high quality urban and landscape design.
- 10.107 One of the priorities for Leamouth as identified in the Core Strategy LAP 7 & 8 Vision Document is to ensure that a continuous and animated riverside walkway is provided and linked into new green spaces, to allow enjoyment and use of the water edges, and for it to become part of the Lea River Park and FAT Walk.

- 10.108 The application proposes a sequence of public open spaces, all of which are connected to the site's main pedestrian routes. The site is currently cleared and the former industrial use had no landscaping, trees or vegetation. The Council acknowledge that considerable ground decontamination and remediation work has taken place on site to enable the introduced of trees and landscaping at the development stage. The application proposes four key landscape or public realm features:
- i. 'Waterfront Promenades'
- 10.109 The walkway guides pedestrian movement around the perimeter of the peninsula and is intended to be equipped and furnished with minimum impact lighting, information boards regarding ecology and history, informal recreation spots, semi mature tree planting, green walls and public art. The walkway is also intended to link with the FAT walk.
- ii. 'The Garden'
- 10.110 Referred to in the applicant's statement as the 'green lung', this green space will be located at the centre of Phase 1 and comprises a large 750sqm landscaped green park with seating and mature trees.
- iii. 'Leaside Plaza'
- 10.111 The area is a smaller space with a mix if hard surfacing and soft landscaping at the southern entrance of the site. It is intended to have a more formal contemporary urban character.
- iv. 'Peninsula Place'
- 10.112 Situated at the north of the peninsula in Phase 2m, this area will be the largest and most active of public spaces. Whilst not intended as a 'green' or landscaped space, this area is intended to provide a public space for performances, community events, markets, cultural arts. Peninsula Place will be surrounded by the proposed restaurants, cafes and local shops proposed in Phase 2.
- 10.113 The scheme also proposes a series of planting (300 new trees) and water features which all contribute to the public realm and landscape strategy for the development. A hard and soft landscape planting palette has also been submitted. At previous pre-app presentations, CABA noted their support for the high quality landscape strategy of the proposal.
- 10.114 The Council's Trees Officer has raised no objections in principal, however notes that the size of the development means that a substantial heat island effect will be created, therefore a robust tree planting scheme should be implemented, to reduce this problem, as well as create interconnectivity to other greenspaces locations around the borough.
- 10.115 It is recommended that a street tree planting scheme would help resolve this issue and should be agreed via a robust S106 agreement to plant 200 street trees to create links and reduce albedo. The application has committed to the provision of a tree planting scheme in excess of 300 trees though out the peninsula.
- 10.116 Its is considered that the proposal seeks to ensure high quality urban and landscaped design in line with the relevant landscape policies identified above, and in particular, policies which seek to support the delivery of a waterfront

walkway around the perimeter of the peninsula.

Housing

- 10.117 Policies 3A.1, 3A.2 and 3A.5 of the London Plan (2008) seek to increase London's supply of housing, require Boroughs to exceed housing targets, and for new developments offer a range of housing choices, in terms of the mix of housing sizes and types.
- 10.118 Policy SP02 of the Core Strategy (2010) seeks to deliver 43,275 new homes (equating to 2,885 per year) from 2010 to 2025 in line with the housing targets set out in the London Plan. This will be achieved by focusing the majority of new housing in the eastern part of the borough, in a number of identified places and Leamouth is identified as one of such places.
- 10.119 The application proposals will deliver 1,706 residential units, with 537 to be delivered in Phase 1 and the remainder in Phase 2. This level of housing could significantly contribute towards the Council's annual target of delivering 2,885 per year.

Housing and Tenure Mix

- 10.120 Paragraph 20 of PPS3 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"*.
- 10.121 Pursuant to policy 3A.5 of the London Plan, 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."*
- 10.122 Saved Policy HSG7 of the Council's UDP (1998) 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.
- 10.123 Policy HSG2 of the IPG (2007) and Policy SP02 of the Core Strategy (2010) also seek to create mixed communities.
- 10.124 A summary of the proposed mix of dwelling types in the context of LBTH targets is set out in the table below:

Phase 1

Unit Type	Private Units (Number)	Private Units (% Split)	LBTH % Target for Private Units	Affordable (Social Rent) (Number)	Affordable (Social Rent) (% Split)	LBTH % Target for Affordable Units
Studios & 1 Beds	163	49%	50%	45	21%	30%
2 Beds	131	40%	30%	70	34%	25%
3, 4 & 5 Beds	36	11%	20%	92	45%	45%
Total	330			207		

Phase 1 Overall % Split		
Unit Type	Total Number of Units	Overall % Split
Studios & 1 Beds	208	39%
2 Beds	201	37%
3, 4 & 5 Bed	128	24%
Total	537	

10.125 As the mix of units for Phase 2 has yet to be fixed, the applicant has provided details of the maximum number of residential units that could be provided in the later phases as follows:

Phase 2 Private Unit Mix:

Unit Type	Max % Range	Max No. of Units	LBTH % Target
Studio & 1 beds	Max 65%	730	50%
2 Beds	Max 26%	292	30%
3, 4, 5 Beds	Max 9%	101	20%
Total		1,123	

Phase 2 Affordable (Intermediate Only) Unit Mix:

Unit Type	Max No. of Units	% Range Proposed	LBTH % Target
Studio & 1 Beds	28	Max 60%	25%
2 Beds	18	Max 60%	50%
3, 4, 5 Beds	0	0%	25%
Total	46		

Phase 2 Overall % Split			
Unit Type	Total No of Units	% Split	LBTH % Target
Studios & 1 Beds	758	65%	
2 Beds	310	26%	
3, 4 & 5 Bed	101	9%	30%
Total	1,169		

Phase 1 & 2 Combined			
Overall % Split			
Unit Type	Total Number of Units	% Split	LBTH % Target
Studios & 1 Beds	996	57%	
2 Beds	511	29%	
3, 4 & 5 Bed	229	14%	30%
Total	1736		

10.126 According to policy HSG2 of the IPG, the family housing provision in the social rented, intermediate and private sale components should be 45%, 25% and 25% respectively. However, more recently, the Council's Strategic Housing Market and Needs Assessment (August 2009) which set out that family housing provision in the social rented, intermediate and private sale components should be 45%, 25% and 20% respectively. Table 13-2 of the Assessment (extract below) breaks down the study's conclusions with regards dwelling tenure mix:

Table 13-2 Future Delivery by Tenure

Tenure	Bedroom Size (%)			
	1-Bed	2-Bed	3- Bed	4- Bed +
Market Sector	50	30	10	10
Intermediate	25	50	25	0
Social Rented	30	25	30	15

10.127 This Assessment has shaped the formation of Core Strategy Policy SP02 which requires an overall target of 30% of *all* new housing to be of a size suitable for families (three-bed plus), including 45% of new social rented homes to be for families.

10.128 The application proposes 14% of all new housing in the application proposal to be family housing; with 45% of that allocated to family accommodation in the social rented market and 0% family housing in the intermediate tenure.

10.129 As such, whilst the level of family housing proposed in the social rented sector is complies with Policy, there lies an under provision in the level of family accommodation over all (14%) which is significantly short of the Borough's targets outlined above (30%). Furthermore, there is no family type accommodation proposed in the intermediate mix at all, which again is contrary to the Council's policies regarding dwelling mix and the creation of mixed and balance communities.

10.130 The applicant has stated that the mix of the private market housing and the lack of family housing over all has been developed in direct response to the identified need resulting from market evidence and in particular in this location. They have also stated that the lack of intermediate family housing reflects the preferred mix of Metropolitan Housing, Ballymore's preferred RSL partner, as well as marketability and saleability factors. However, no evidence has been provided by the applicant to demonstrate this and the Council's Strategic Housing Market and Needs Assessment clearly identifies a need for family housing.

- 10.131 Officers also have concerns regarding the concentration of all of the affordable housing units within particular blocks in Phase 1 which does little to create a mixed and balanced community. However, the Council accepts that this is primarily due to the management issues associated with housing associations.
- 10.132 The Council's housing studies have identified that there is a significant deficiency of family housing within the Borough. This shortage is reflected in Council policy which seeks to ensure development provides a range of dwelling sizes.
- 10.133 The overall under provision of family housing would result in an unacceptable tenure mix contrary to policy 3A.9 and 3A.10 in London plan, policy HSG2 and HSG3 in the IPG (2007) and policy SP02 in the Core Strategy (2010) which seek to ensure developments provide an appropriate housing mix to meet the needs of the borough.

Affordable Housing

- 10.134 Policy 3A.9 of the London Plan states that boroughs should seek the maximum reasonable amount of affordable housing taking into account the Mayor's strategic target that 50% of all new housing in London should be affordable as well as the borough's own affordable housing targets.
- 10.135 Policy SP02 of the Core Strategy (2010) 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.
- 10.136 PPS 3 and Policy 3A.10 of the London Plan which advises Councils to take a flexible approach to affordable housing targets considering individual site costs, the availability of public subsidy and other scheme requirements. Similarly, the provision of flexibility at a local level is set out in IPG policy HSG3.
- 10.137 Consideration has also been given to the recent government announcements that HCA grant funding will be drastically cut and to the changes to the definition of affordable rent (DCLG and HCA's Framework publications) which offers eligible households at a rent of up to 80% of local market rents.

The Applicant's Offer

- 10.138 The affordable housing provision within the application proposal equates to 253 units which represents a total provision of 19.6% based on habitable rooms (87% social rent and 13% intermediate). However, this is based on an assumption of the availability of grant funding. Without grant, the level of affordable housing would drop to 11% (assuming the social rented units are let at HCA Target Rents).
- 10.139 The applicant also proposes to locate the majority of the affordable housing units in the southern part of the site, within Phase 1. (A total of 207 affordable units). A small proportion of the units to be provided in the later phase will be for intermediate purposes (46 units).
- 10.140 The majority of the affordable units proposed in Phase 1 will be in the form of family accommodation and are to be located around a centrally located public space within Phase 1.

- 10.141 The affordable housing offer was accompanied by a Toolkit Assessment and this has been independently reviewed by BNP Paribas on behalf of LBTH, LTGDC and the GLA.
- 10.142 The configuration of the scheme as two separate phases provides an opportunity to review the viability of a large part of the scheme at an appropriate point in the future. As such, a review mechanism is proposed which is based on a other mechanisms used by LTGDC on other schemes where by a trigger identifies an increased tariff payment to the Borough in the event that sales values of the private units exceed certain thresholds.
- 10.143 The review mechanism proposes an initial trigger point of £750 per sq ft (private sales values), compared to the current level of £490 per sq ft. A second trigger of £850 per sq ft is also proposed.
- 10.144 With these triggers in mind, the applicant notes that a potential additional payment of circa £17 million could be provided if the second trigger is reached. However, this raises significant concern for officers as sales values would need to increase significantly before any additional payments become due. This would present the Council with a considerable level of risk and uncertainty, as discussed in the assessment section below.

Assessment

- 10.145 Based on the 19.6% affordable housing offer, (11% without grant funding), the scheme falls significantly short of the Core Strategy and Housing Needs Survey targets.
- 10.146 With regard to the affordable housing tenure mix (87% social rent and 13% intermediate), this fails to meet the Council's Core Strategy target of 70:30. However, the applicant's rationale for this was to provide the Borough with a much higher level of social rented tenure in light of the overall under provision of affordable housing, in attempt to assist the Borough in meeting their priority housing need tenure. Considering the overall low provision of affordable housing, it is the view of officers, that the mix between private and affordable tenures raises more concerns than the tenure split between social and intermediate tenures.
- 10.147 With regard to the level of affordable housing proposed, the applicant's toolkit has been found to be relatively robust, however, the triggers proposed in the applicant's review mechanism are considered to be weighted too heavily in favour of the applicant. This presents significant risks for the Council, with a very remote prospect that it will ever result in the applicant making any further payment towards affordable housing.
- 10.148 For context purposes, the first trigger (£750 per sq ft) would mean that sales values would need to increase by 53% before the applicant would make an additional contribution. BNP Paribas have recommended that for the proposed mechanism to be considered acceptable, the triggers would need to be reduced closer to the break-even point of £511 per sq ft.
- 10.149 The proposed escalator mechanism is very much dependant on market recovery and this would require the Council to take on a considerable risk. It is worth noting that the Planning Inspector recently dismissed an appeal at Gun Wharf, 241 Old Ford Road (and other recent appeal e.g. Clay Farm and Welwyn Garden

City), noting how a number of escalator mechanisms which are dependant on market recovery would result in a situation where movements in the market would be expressed in the number of affordable housing units rather than in the developer's margin. The Inspector concluded that this is an allocation of risk is unacceptable. Officers hold a similar view with respect to the current proposal.

- 10.150 Officers acknowledge that the applicant faces difficult economic circumstances, however, as set out in paragraph 3.52 of the London Plan (2008), the toolkit analysis is only *'one mechanism that will help'* inform the consideration of affordable housing variations.
- 10.151 It is also acknowledged that this strategic site could be left undeveloped, if a reasonable affordable housing offer is not agreed. However the Council do not feel that this is a sufficient reason to justify an acceptance of such a low level of affordable housing, particularly in the absence of an equitable review mechanism that would give the Council a reasonable prospect of an increase in affordable housing as market conditions improve. This strategic site has the potential to deliver a much wider package of regeneration benefits. This site is not part of the Council's 5 year housing land supply and therefore in this instance, the risk involved in the delay in the delivery of housing (and by implication, affordable housing) is outweighed by the potential benefit of securing a much higher level of affordable housing in the future, under improved market conditions.
- 10.152 It is also worth noting the recent Gun Wharf appeal decision also has regard to the how the delay in the delivery of affordable housing is outweighed by the considerable benefit of the additional much needed affordable housing that would be likely to result from a policy compliant level of affordable housing provision.
- 10.153 In view of the aforementioned policies, and in light of the risks and concerns identified above, it is the opinion of officers that the provision of 19.6% affordable housing (or 11% without grant funding) together with the proposed cascade mechanism would fail to contribute towards meeting the borough's affordable housing need and affordable housing targets, contrary to the aims of PPS3, Policy 3A.9 of the London Plan (2008), Policy HSG3 of the IPG (2007) and Policy SP02 in the Core Strategy (2010) which seek to ensure the borough meets the overall strategic target for affordable housing.

Residential Standards

- 10.155 Internal Space Standards
- The Mayor's London Housing Design Guide (Interim Edition, August 2010) sets out new minimum space standards to improve housing quality and allow homes to be flexibly used by a range of residents.
- 10.156 London Plan Policies 3A.6 and 4B.1 also seek to ensure that new housing is designed to accommodate today's greater demands for internal space arising from our changing lifestyles.
- 10.157 Saved Policy HSG13 of the UDP states that all new housing developments should have adequate provision of internal residential space in order to function effectively. Policy SP02 of the Core Strategy also seeks to ensure that new housing is of a high quality and well-designed.
- 10.158 Tower Hamlets SPG (1998) on Residential Standards also sets out the Council's

standards regarding minimum room areas.

- 10.159 The applicant has confirmed that the residential units will accord with the following minimum unit sizes. The tables below compare the proposed unit sizes with the minimum unit size required to comply with the London Housing Design Guide (Interim Edition):

Phase 1

Unit Type	Proposed Residential Unit Size (sqm)	Minimum Unit Size Required to Comply with London Housing Design Guide
Suites	34	-
1 Bedroom	54-70	1b2p = 50
2 Bedroom	62-84	2b3p = 61 2b4p = 70
3 Bedroom	98-114	3b4p = 74 3b5p = 86 3b6p = 95
4 Bedroom	120	4b5p = 90 4b6p = 99
5 Bedroom	130-132	-

Phase 2

Unit Type	Proposed Residential Unit Size (sqm)	Minimum Unit Size Required to Comply with London Housing Design Guide
Suites	35	-
1 Bedroom	55	1b2p = 50
2 Bedroom	70	2b3p = 61 2b4p = 70
3 Bedroom	90	3b4p = 74 3b5p = 86 3b6p = 95

- 10.160 The GLA Officer commented in the Stage 1 Report on the generous internal space standards in Phase 1 all of which exceed the minimum standards set out in the Mayor's London Housing Design Guide (Interim Edition, August 2010).
- 10.161 However, the GLA have also expressed the need to ensure that the residential units in the later phases are equally generous.
- 10.162 Officers have also raised concerns regarding particular rooms within some of the residential blocks in Phase 1, where they appear to fall below the Council minimum room size standards as specified in the Residential Standards SPG (1998). Whilst these units were few in number and it was acknowledged that the vast majority of rooms complied with the Council's standards, a number of amendments were made to some of the larger units, for example, some of the 5 bedroom-8 person units in Building G have now become more spacious 4 bed units. The Council welcome these proposed amendments which seek to provide a higher internal living arrangement for future occupiers.

- 10.163 The Council's Housing Officer and Access Officer have also raised concerns regarding how many of the larger units (particularly 4 and 5 beds) have an open plan layout. The applicant was asked to consider the potential to amend some of these larger family units to ensure where possible that they have separate kitchens and living areas. This is a particular issue for units in the social rented tenure where many of the Borough's residents in housing need have a preference for separate living and cooking areas for social and religious reasons.
- 10.164 Following subsequent meetings, and a design work shop, the applicant has introduced more separate living and cooking rooms for the larger family units. 89% of the units in the main social rented block (building G) now have separate living and kitchen areas.
- 10.165 Overall, the proposed residential unit sizes are therefore considered to be acceptable and in accordance with the London Housing Design Guide (Interim Edition, 2010), Policies 3A.6 and 4B.1 of the London Plan (2008), saved Policy HSG13 of the UDP (1998) and Policy SP02 of the Core Strategy (2010) and the Residential Standards SPG (1998).

Private and Communal Amenity Space

- 10.166 Policy HSG16 of Tower Hamlets UDP (1998) (saved policies) states that all new housing developments should include an adequate provision of amenity space.
- 10.167 Policy HSG7 of Tower Hamlets IPG (2007) states that all housing amenity spaces should be designed to be fully integrated into a development and should be located so that they are safe, maximise accessibility and usability, and do not detract from the appearance of a building. Policy HSG7 also sets out minimum thresholds for private amenity space in relation to unit sizes. Table DC2 of Tower Hamlets IPG (2007) sets out minimum standards for private amenity space.
- 10.168 In terms of communal amenity space, the policy requirement set by Tower Hamlets is 50 sqm for the first 10 units, plus 5 sqm for every additional 5 units.
- 10.169 The Mayor's London Housing Design Guide (Interim Edition, 2010) recommends that a minimum of 5sqm of private outdoor space be provided for 1-2 person dwellings and an extra 1sqm be provided for each additional occupant.
- 10.170 Phase 2 is in outline and the level of amenity space provision for the later phases will be determined at reserved matters stage, however the applicant has indicated that the provision of private and communal amenity space for the later phases could be 5,709 sqm.
- 10.171 It is only possible to carry out a detailed assessment of private amenity space for Phase 1 of the development. In applying the minimum standards for private and communal amenity space as set out in Tower Hamlets IPG (2007), Phase 1 requires a provision of 4,384 sqm of private amenity space and 577 sqm of communal amenity space. The total provision of amenity space sought for Phase 1 is therefore 4,961 sqm.
- 10.172 Phase 1 of the development proposes 3,049 sqm of private and communal amenity space. The majority of this will be private amenity space in the form of balconies, terraces, and gardens. However, following a series of post application meetings and subsequent design workshop, the applicant was asked to consider

the incorporation of some of the roof space in building J as a communal open space to be accessible directly from the stair/lift core. This has increased the amount of amenity space provided to 3,151 sqm in total.

- 10.173 Whilst not all of the units will benefit from a private amenity space in Phase 1, approximately 85% will benefit from some a private amenity area and the applicant has advised that this level of provision will also be the aspiration for Phase 2.
- 10.174 Whilst the level of private amenity spaces do not meet the specific requirements of the Councils, it is acknowledged that some of the family units in particular provide up to 10 and 18sqm in the form of ground floor gardens and terraces. It is noted that all of the affordable housing units will be provided with private amenity space, with the ground floor units benefiting from private gardens with an average size of 14 sqm.
- 10.175 The units in Phase 1 which do not have private amenity space are limited to the studios and 1 bedroom units. Those in Building H and J will, however, have access to the private communal amenity space in the building.
- 10.176 On average the balconies in Phase 1 of the development will be between 4 sqm and 5 sqm, with a number in excess of this. This level of provision will also be the aspiration for the later phases.
- 10.177 Considering this site's objective to achieve a high density mixed use scheme, and its character as an 'urban' setting, and also bearing in mind the quality and quantity public realm, open space, landscaping and play space proposed, the provision of private and communal open space is considered acceptable in this instance.

Wheelchair Housing and Lifetime Homes Standards

- 10.178 Policy 3A.4 of the London Plan (2008), Policy HSG9 of Tower Hamlets IPG (2007), and Policy SP02 of the Core Strategy (2010) require that all new housing is built to Lifetime Homes Standards and that 10% of new housing is designed to be wheelchair accessible or easily adaptable for wheelchair users.
- 10.179 All of the residential units are designed to meet the requirements of Part M of the Building Regulations as a minimum standard and will be designed to Lifetime Homes Standards. Features of the units will include suitable circulation and door widths, level entry, suitable WC facilities, adequate manoeuvre space in habitable rooms, ability for adaptation, and accessible detailed elements such as ironmongery and controls.
- 10.180 It is proposed that 10% of the units in Phase 1 will be designed to be fully wheelchair accessible to meet the guidance in the Wheelchair Housing Design Guide (Habinteg), or have the space requirements to be easily adapted to wheelchair accessible units.
- 10.181 Following consultation with the Council's Housing Officer and Access Officer, further detail was requested from the applicant to clarify where the 10% wheelchair accessible provision will be provided within the development, in terms of size and location.
- 10.182 The applicant has now submitted further information clarifying the location of the

wheelchair accessible units, and officers have confirmed that the units will comply with the Mayors Interim Guidance on Housing Design. The provision of wheelchair accessible units has been distributed throughout the private and affordable units, with a range of unit sizes from studio to family units.

- 10.183 The features incorporated into the wheelchair accessible units include level circulation, adequate clear opening width to all doors and circulation areas, consideration given to wheelchair charging, adequate manoeuvre space in all rooms, and suitable sanitary facilities.
- 10.184 It is considered that the proposals are in accordance with Policy 3A.4 of the London Plan (2008), Policy HSG9 of Tower Hamlets IPG (2007), and Policy SP02 of the Core Strategy (2010).

Amenity

Daylight, Sunlight and Overshadowing

- 10.185 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (1991).
- 10.186 Policy 4B.10 of the London Plan (2008) requires that all large-scale buildings, including tall buildings, should pay particular attention in residential environments to amenity and overshadowing. Furthermore, they should be sensitive to their impact on micro-climate in terms of sun, reflection and overshadowing.
- 10.187 Saved Policies DEV1 and DEV2 of Tower Hamlets UDP (1998) and Policies DEV1 and DEV27 of Tower Hamlets IPG (2007) require that developments should not result in a material deterioration of sunlight and daylight conditions.
- 10.188 Core Strategy Policy SP10 also seeks to protect amenity, and promotes well-being including preventing loss of privacy and access to daylight and sunlight.
- 10.189 Chapter 18 of the submitted ES considers the impacts of the development with respect to daylight, sunlight, overshadowing, light pollution and solar glare.
- 10.190 In terms of assessing the impacts of the development on daylight and sunlight to existing residential accommodation in the neighbouring area, there are no windows facing the site that are in close enough proximity to be affected. Accordingly, the assessment only considered the daylight and sunlight conditions experienced by the proposed residential units within the development.

Daylight

- 10.191 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 room's use.
- 10.192 An Average Daylight Factor (ADF) analysis was undertaken to assess the levels of daylight amenity within the various different residential unit configurations at the lowest levels in the proposed Phase 1 buildings.

- 10.193 British Standard 8206 recommends ADF values for residential accommodation and the recommended daylight factor level for dwellings are:
- 2% for kitchens;
 - 1.5% for living rooms; and
 - 1% for bedrooms.
- 10.194 The results represent the 'worst case' scenario since daylight amenity is likely to improve as one travels up the building.
- 10.195 The following floor levels were assessed – Block G (Ground, 1st, 2nd, 4th and 6th floors), Block H (Ground, 1st, 3rd, 4th, 6th and 8th floors), Block K (3rd, 10th, 12th and 13th floors), and Block J (Ground, 1st, 2nd and 3rd floors). The results concluded that 90 - 98% of all habitable rooms proposed are ADF compliant for their room usage.
- 10.196 Within each block, this was clarified as follows:
- Block G – 98% of a total of 563 habitable rooms compliant.
 - Block H –96% of a total of 386 habitable rooms compliant.
 - Block K – 91% of a total of 273 habitable rooms compliant.
 - Block J – 90% of a total of 228 habitable rooms compliant.
- 10.197 Following a review of the ES, clarification was also sought on the calculations to show how the partial ADF assessment of different flat configurations had been extrapolated to assess each whole block. This information was subsequently submitted to the satisfaction of the Council.
- 10.198 The Daylight Assessment concludes that Phase 1 of the development would achieve 'very good' levels of daylight when assessed against the BRE and British Standards.
- 10.199 With respect to the outline component of the development, it is not possible to carry out a full assessment of the daylight impacts. However, an initial assessment has been taken using the Vertical Sky Component (VSC). The assessment concludes that the majority of the facades of the buildings in the later phases would achieve in excess of 27% VSC, which means that the rooms behind them are likely to be compliant in terms of ADF and British Standards guidance and receive sufficient levels of daylight. The ES considers that rooms which fall below 27% VSC can still be compliant in terms of BRE and British Standards through the application of careful design in terms of room layouts and fenestration at the reserved matters stage.

Sunlight

- 10.200 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.
- 10.201 An analysis of the levels of APSH on the facades of the residential buildings was

undertaken to assess the potential levels of sunlight amenity within Phase 1 and the outline component of the development. British Standard BS8206 Part 2 2008 recommends that interiors within 90 degrees of due south should receive at least 25% of APSH, including at least 5% APSH during the winter months, in order to receive enough sunlight.

- 10.202 The Council's EHO raised concern regarding the APSH levels resulting in some minor impacts particularly at lower floors; however, further information was submitted by the applicant to the satisfaction of the Council.
- 10.203 The results for the proposed development show that the majority of the facades would achieve in excess of 25% total APSH with 5% APSH in the winter months.
- 10.204 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. Leamouth Peninsula is unique in that it stands as an island site and by the nature of its location has no development immediately situated next to it. This has given the applicant opportunity to orientate the buildings to ensure they maximise levels of daylight and sunlight in all directions.

Overshadowing

- 10.205 In terms of permanent overshadowing, the BRE guidance in relation to new gardens and amenity areas states that "It is suggested that for it to appear adequately sunlit through the year, no more than two fifths (40%), and preferably no more than a quarter (25%) of any garden or amenity area, should be prevented by buildings from receiving any sun at all on 21 March". The results for the proposed development show that the following amenity areas are below 25% in permanent shadow on 21 March: promenade, Peninsula Place, Artisans Boulevard, doorstep areas, private amenity space to Blocks G, H and J, neighbourhood play area, The Garden, Leaside Plaza, natural areas, local area, and the street.
- 10.206 In terms of transient overshadowing, the results for the proposed development show that there will be a minor adverse impact of the proposed development upon the site itself and upon the neighbouring River Lea and Bow Creek Ecological Park.
- 10.207 A light pollution assessment of the outline element of the scheme has not been undertaken at this stage since the façade design is a reserved matter. A further assessment could be undertaken at the detailed design stage to ensure that all standards have been met. The ES concludes that the impacts of light pollution in Phase 1 of the development are negligible subject to the mitigation measures set out in the ES.
- 10.208 The impact of the proposed development in terms of solar glare is considered to be minor to moderate adverse. Accordingly, the application recommends mitigation measures during the final façade design of the outline component of the development, such as a high percentage of non-reflective materials as proposed in Phase 1.
- 10.209 It is considered that the proposed development is generally in keeping with the BRE guidance, Policy 4B.10 of the London Plan (2008), saved Policies DEV1 and DEV2 of Tower Hamlets UDP (1998), Policies DEV1 and DEV27 of Tower

Hamlets IPG (2007) and Core Strategy Policy SP10 with regards to sunlight, daylight, and overshadowing matters and accordingly the proposals are likely to result in an acceptable standard of living and amenity areas in this regard.

10.210 Sense of Enclosure and Outlook

Policy 4B.1 of the London Plan (2008) seeks to ensure that developments promote high quality inclusive design.

10.211 Saved Policy DEV1 of Tower Hamlets IPG (2007) states that to ensure the protection of amenity, development should not create an inappropriate sense of enclosure to surrounding buildings and open space.

10.212 Policy SP10 of the Core Strategy (2010) seeks to protect residential amenity.

10.213 It is important to consider the impact of development on neighbouring buildings and open spaces to ensure that a high quality environment is not compromised. There are no nearby off-site existing buildings or spaces to consider in this regard, so it is only the relationship of buildings and spaces within the new development itself that require consideration.

10.214 The proposed building blocks have incorporated dual aspect units where possible to improve the quality of living and outlook for occupiers. While there are single aspect units located throughout the development, these will be mainly south-facing so that amenity is maximised.

10.215 The Design and Access Statement states that buildings have been orientated to respond to daylight and sunlight issues and benefit from opportunities for views.

10.216 The masterplan indicates that the views from Phase 1 residential units will generally be views across the river, or views over open space. The outlook from these units is therefore unlikely to create an inappropriate sense of enclosure

10.217 The proposed buildings have been set around open spaces and provide good separation distances between buildings thereby ensuring no adverse impacts on outlook from the proposed buildings.

10.218 It is considered that Phase 1 of the development affords acceptable levels of outlook for residential occupiers. Future phases should be assessed at reserved matters stage when the layout of residential units and open spaces is known.

10.219 The proposals are generally in keeping with Policy 4B.1 of the London Plan (2008), Policy DEV1 of Tower Hamlets IPG (2007) and Policy SP10 of the Core Strategy (2010) with respect to matters concerning amenity, sense of enclosure and outlook.

Air Quality

10.220 PPS23 and Policy 4A.19 of the London Plan (2008) relate to the need to consider the impact of a development on air quality.

10.221 Policy DEV2 of Tower Hamlets UDP (1998) (saved policies) refers to the need for development to protect the Borough from the effect of pollution.

10.222 Policy DEV5 of Tower Hamlets IPG (2007) relates to the need to prevent the

possibility of contamination to air and Policy DEV11 requires an air quality assessment to be submitted where a development is likely to have a significant impact on air quality.

- 10.223 Core Strategy Policy SP02 seeks to address the impact of noise and air pollution in the borough by managing and improving air quality along transport corridors and traffic-congestion points by working with Transport for London.
- 10.224 Tower Hamlets Air Quality Action Plan (2003) examines the various measures for improving air quality in the Borough.
- 10.225 The application site is located in an Air Quality Management Area (AQMA) and Chapter 12 of the ES considers the impact of the development on local air quality, particularly in relation to existing sensitive receptors surrounding the site, such as residential, education and health facilities, and its future occupants.
- 10.226 The submitted ES was reviewed as part of this application assessment and the air quality aspect of the proposal was also reviewed by the Council's EHO.

The EHO has raised concerns and further information with regards to:

- Why the impact of the A13 has not been modelled.
- How the potential impacts of the proposed aggregate plant at Orchard Wharf should be taken into consideration.
- Modelling results, contour plots and receptor points. EHO particularly interested in the points of the car park and the energy centre.
- Excessive car parking
- Potential adverse impacts resulting from the construction and operational phase of the development.
- Impacts regarding construction related dust emissions.

- 10.227 The applicant has provided further information to demonstrate that there would be no measurable benefit in air quality from reducing the proposed car parking provision.
- 10.228 With respect to the construction phase of the development, it is considered that the impact of construction traffic on local air quality is likely to be minor adverse on roads closest to the site (i.e. Leamouth Road and the Lower Lea Crossing), and negligible on the wider main road network (i.e. the A13).
- 10.229 With respect to the completed development, operational impacts on air quality are likely to arise from traffic changes, operational equipment, heating and ventilation systems. It is predicted that the completed development will have a negligible impact on local air quality.
- 10.230 It is also considered that any emissions from plant operating on the site would be small in relation to the emissions from road traffic movements and therefore would be negligible. Mitigation measures in order to further reduce any impact would be detailed in an Environmental Management Plan. These would include routine dust monitoring, damping down surfaces during dry weather, provision of an appropriate hoarding and/or fencing to reduce dust dispersion, amongst other things.
- 10.231 The ES states that if Buildings G and K are occupied while the remainder of the development is constructed, it is considered that minor adverse to moderate

adverse impacts would arise from construction-related dust emissions during dry and windy conditions, with mitigation in place.

- 10.232 A review of the ES concludes that there is a need for a robust air quality monitoring programme which should be conditioned by the Council and included in the submission of any Environmental Management Plan.
- 10.233 Tower Hamlets EHO has also recommended that a S106 contribution be secured to mitigate against any adverse impacts on air quality arising from the development. This request will be considered in line with the LTGDC's Planning Obligations Community Benefit Strategy.
- 10.234 Overall, it is considered that the impacts on air quality arising from the proposal are outweighed by the regeneration benefits that the development will bring to the area. The proposal is generally in keeping with Planning Policy Statement 23, Policy 4A.19 of the London Plan (2008), Policy DEV2 of Tower Hamlets UDP (1998) (saved policies), Policies DEV5 and DEV11 of Tower Hamlets IPG (2007), and Core Strategy SP02 (2010) and Tower Hamlets Air Quality Action Plan (2003).

Noise and Vibration

- 10.235 Planning Policy Guidance Note 24 is the principal guidance adopted within England for assessing the impact of noise on proposed developments. The guidance uses noise categories ranging from NEC A where noise doesn't normally need to be considered in determining a planning application, through to NEC D where planning permission should normally be refused on noise grounds.
- 10.236 Policy 4A.20 of the London Plan (2008) sets out guidance in relation to noise for new developments.
- 10.237 Saved Policies DEV2 and DEV50 of Tower Hamlets UDP (1998), Policies DEV1, DEV10, DEV12, DEV27 and HSG15 of Tower Hamlets IPG (2007), and Policies SP03 and SP10 of the Core Strategy (2010) relate to the need to consider noise impacts when determining planning applications.
- 10.239 Chapter 11 of the ES assesses the potential noise and vibration impacts arising from or affecting the proposed development.
- 10.240 It is predicted that the construction works would result in a negligible impact on noise conditions for local residents. The applicant commits to the mitigate measures to control noise from the proposed construction works, to be managed through the site specific Environmental Management Plan.
- 10.241 A Construction Traffic Management Plan would also be implemented to minimise any impacts on local residents arising from construction traffic noise and vibration.
- 10.242 In terms of the completed development, the noise assessment shows that at lower levels, noise levels generally fall into noise category NEC B. The upper levels generally fall into noise category NEC C.
- 10.243 As some areas of the proposed development fall into noise category NEC C, the applicant has considered acoustic attenuation measures to provide a suitable level of protection against noise. The ES concludes that with the appropriate

design of each building's façade, negligible noise impacts are predicted for the new residential development within the site.

- 10.244 It is also considered that with the implementation of the proposed mitigation measures outlined in the ES the impacts of existing noise sources on outdoor living spaces would be minor.
- 10.245 The ES further concludes that the impact of ground borne noise on the development; the impact of noise from the future operation of Orchard Wharf on the development; the impact of road traffic noise as a result of the development; the impacts of building services and plant noise; the impact of service and delivery noise; and the impact of car park noise; would all be negligible.
- 10.246 In terms of the proposed uses and their potential impact on residential amenity, approximately 1,852sqm of flexible retail space is proposed at ground floor level. Uses such as A1 or A2 are unlikely to result in amenity concerns, and thus it is standard practice not to restrict hours for these uses. However, A3, A4, A5 and the propose D1-D2 health and lifestyle use could result in noise issues, and it is therefore recommended that conditions are attached to any approval of planning permission which requires the applicants to submit details of proposed hours of operation for consideration by the Local Planning Authority.
- 10.247 Its is also recommend that conditions regarding the submission of extraction details and noise assessments should be submitted in support of the A3/A4/A5 or D2 uses.
- 10.248 A series of standard noise conditions have also been recommended by the Council's EHO to ensure appropriate noise and vibration levels for the overall development.
- 10.249 As such, it is considered that the proposals are generally in keeping with Planning Policy Guidance Note 24, Policy 4A.20 of the London Plan (2008), Saved Policies DEV2 and DEV50 of Tower Hamlets UDP (1998), Policies DEV1, DEV10, DEV12 and DEV27 of Tower Hamlets IPG (2007), and Policies SP03 and SP10 of the Core Strategy (2010).

Open Space

- 10.250 Planning Policy Guidance Note 17 recognises that the provision of open space assists in the regeneration and enhancement of the physical environment and supports the encouragement of a healthy lifestyle.
- 10.251 Policies 3D.8, 4B.1, 4B.2 and 4B.3 of the London Plan (2008), Policies DEV12 and HSG16 of Tower Hamlets UDP (1998) (saved policies), Policy DEV13 of Tower Hamlets IPG (2007), and Policies SP02, SP04 and SP12 of Tower Hamlets Core Strategy (2010), promote the good design of public spaces and the provision of green spaces.
- 10.252 The principal issues with respect to the provision of open space centre around the quantity, quality and accessibility of the proposed open space provision and how this will be secured and managed.
- 10.253 The Open Space Strategy for the development proposes two contrasting zones of open space, the riverside edge and the open space within the heart of the peninsula. Open space in Phase 1 of the development will primarily comprise two

central spaces, a large green space 'The Garden' and a smaller more formalised urban space 'Leaside Plaza'.



10.254 A break down of the proposed open space across the entire development is set out below:

External Public Open Space

• Phase 1	12,963 sqm
• Phase 2	9,953 sqm
• Total	22,916 sqm

10.255 The Riverside Edge will provide a continuous linear space which has a direct relationship with the River Lea. This continuous promenade will be in the form of a shared surface for pedestrians, cyclists (and a limited number of vehicles accessing the site). The spaces proposed within the heart of the peninsula provides a more contained and formal type of open space and this includes Peninsula Place (3,805sqm), the Green Park/Garden (2,590sqm), the Riverside Ecological Park (1,831sqm) and Leaside Plaza (955sqm).

10.256 The urban plazas proposed such as Leaside Plaza and Peninsula Place are intended for use by water features, special events, film screenings, art shows and festivals, with lawns and up-stand edges to provide informal seating.

10.257 There is an existing deficiency in the supply of public open space across the Borough as evidenced by the Council's Open Space Strategy 2006 – 2016 and following consultation with officers in CLC, only 9,181sqm of the space identified by the application can be considered to contribute to the on-site provision of accessible and usable open space within the development proposal.

- 10.258 Based on the LBTH open space standard of 12sqm / 1person, the development generates an overall need for 38,124sqm of open space.
- 10.259 Underpinning the Core Strategy Policies identified above lies the Councils Infrastructure Delivery Plan (Appendix 1 – Costs Report) which outlines the typical costs for new open spaces.
- 10.260 Taking the above into account, the overall deficiency in open space as a result of the development would be 28,943sqm (38,124 - 9,181). Despite the level and quality of open space proposed by the applicant, a total open space contribution of £1,935,375 is requested to mitigate for the impact of the population increase on existing open space within the Borough. This is based on the figure for a new Local Park derived from the IDP of £66.8685/sqm. It is expected that this will be considered in line with LTGDC's Planning Obligations Community Benefit Strategy.
- 10.261 Where there is a shortfall, according to circular 05/05 (planning obligations), it is reasonable for the Council to secure financial contributions towards the provision of off-site open space to mitigate any potential impact arising from the development.
- 10.262 The Landscape Strategy submitted by the applicant indicates that a lot of thought has gone in to creating high quality, useable areas of open space across the site. This has been commended by CABI. When coupled with the provision of dedicated play space, the open space proposals for the development are considered to be acceptable and generally in keeping with Policies 3D.8, 4B.1, 4B.2 and 4B.3 of the London Plan (2008), Policies DEV12 and HSG16 of Tower Hamlets UDP (1998) (saved policies), Policy DEV13 of Tower Hamlets IPG (2007), and Policies SP02, SP04 and SP12 of Tower Hamlets Core Strategy (2010).

Child Play Space

- 10.263 Planning Policy Statement 3 sets out the importance of integrating play and informal recreation in planning for mixed communities.
- 10.264 Policy 3D.13 of the London Plan (2008), Policy OS9 of Tower Hamlets UDP (1998) (saved policies), Policy HSG7 of Tower Hamlets IPG (2007), and Policy SP02 of Tower Hamlets CS (2010), require the provision of appropriate child play space within residential developments.
- 10.265 The Council's IPG (2007) suggests that proposals should provide 3sqm of play space per child, however this is not evidence based. As such the Mayor's approach is considered more robust, although a provision between the two figures is generally considered to be a pragmatic approach.
- 10.266 The Mayor's SPG 'Providing for Children and Young People's Play and Informal Recreation' sets a benchmark of 10 sqm of useable child play space per child, with under 5 child play space provided on site. The child yield for the proposed development is anticipated to be 365 children and accordingly the development should provide a minimum of 3,650 sqm of play space.
- 10.267 The proposed play space for the development which comprises doorstep playable space for ages 0-5 (950 sqm); local playable space for ages 0-11 (810 sqm);

neighbourhood playable space suitable for all ages (1,060 sqm); and youth space suitable for ages 12 plus (2,085 sqm); is set out below:

Phase 1	3,760 sqm
Phase 2	<u>1,145 sqm</u>
Total	4,905 sqm

- 10.268 In terms of quantity of child play space, the proposed development exceeds Council requirements (1,095sqm) of play space as well as exceeding the Mayors requirements (3,650sqm) as set out in Policy 3D.13 of the London Plan (2008) and the Mayor's SPG on the provision of child play space.
- 10.269 The GLA has raised concerns regarding whether the play space proposed on plan is actually playable and not competing with other land uses like roads and paths and other forms of open space and amenity space. Following further meetings and a subsequent design workshop, the applicant produced a plan illustrating where exactly the play space would be located, their relationship with pedestrian links and routes through the site. The GLA have confirmed their satisfaction with the proposal in terms of the child play space strategy.
- 10.270 Accordingly, the proposed child play space strategy is considered acceptable, in general accordance with regional and local policy objectives.

Energy Efficiency

- 10.271 Planning Policy Statement 22 seeks to incorporate renewable energy in developments where the technology is viable, economic, and the social impacts can be addressed satisfactorily. The supplement to Planning Policy Statement 1, Planning and Climate Change, encourages developments to include renewable energy and to promote energy efficiency.
- 10.272 Policy 4A.4 of the London Plan (2008) relates to the need for major developments to submit an energy assessment. This policy also refers to the Mayor's Energy Strategy.
- 10.273 The Mayor's energy hierarchy which is stated in the Mayor's Energy Strategy is as follows:
- Using Less Energy (Lean);
 - Supplying Energy Efficiently (Clean); and
 - Using Renewable Energy (Green).
- 10.274 Policy 4A.7 of the London Plan (2008) sets a target for developments of a 20% reduction in carbon dioxide emissions from on-site renewable energy generation unless it can be demonstrated that such provision is not feasible.
- 10.275 Policy DEV2 of Tower Hamlets UDP (1998) (saved policies) seeks to incorporate the principle of sustainable development, including use of energy efficient design and materials.
- 10.276 Policy DEV6 of Tower Hamlets IPG (2007) states that major development will be required to incorporate renewable energy production, to provide at least 10% of the predicted energy requirements on site.
- 10.277 Policy SP02 of Tower Hamlets CS (2010) requires that new homes respond to

climate change, including achieving a stepped-target for carbon emissions standards in line with Government guidance.

- 10.278 The application was accompanied by an Energy Strategy prepared by Hoare Lea
- 10.279 The Energy Strategy has been undertaken on the basis of a single on-site energy centre with distribution in the form of a single community heating network. Combined heat and power has been selected as the most appropriate method by which to provide heating and hot water to the development.
- 10.280 A review of 'urban friendly' renewable energy sources was undertaken and the outcome is that low/zero carbon technologies are to be incorporated in the ground source heat pumps to serve the leisure centre in Building K.
- 10.281 The Energy Strategy has been developed in line with the Mayor's energy hierarchy and the results are as follows:
- Be lean measures – estimated to reduce the predicted annual energy consumptions and carbon dioxide emissions for the development by 18%.
 - Be clean measures – further reductions in carbon dioxide emissions – 34 % through the incorporation of Combined Heat and Power (CHP).
 - Be green measures – use of ground source heat pumps to reduce the carbon dioxide emissions by a further 2.93%.
- 10.282 The carbon dioxide emissions arising from the development are expected to be approximately 47% below Part L 2006 baseline scenario.
- 10.283 The energy centre is to be delivered in Phase 1 of the development and the heating network will be progressively installed in line with the construction of the further phases. The energy centre plant will also be progressively installed to match energy demand. The heat network will be provided with a connection that will facilitate linkages to emerging heat networks in the area.
- 10.284 The GLA and the Council's Energy Officers requested a schematic plan from the applicant demonstrating site wide energy system and in particular the proposed link between the integrated heat network connection adjacent to the energy centre and the link to the Leamouth South Development. The applicant was also asked to consider the compatibility of the GSHP and CHP to maximise CO2 emission reductions. The applicant has provided this indicative drawing showing the heat network links, including Building K, on the development with heat fed from an energy centre in Building N. It was acknowledged that Building N is already built and will include the energy centre for the whole development.
- 10.285 A detailed cooling strategy was also requested including an investigation of utilising CCHP system to meet cooling requirements. Further information submitted confirms that there will be an active cooling load for the leisure centre in Building K and this will be met by ground source heat pumps. The system will make use of boreholes that have already been drilled for a previous development.
- 10.286 Both the GLA and the Council's Energy Officer have commented that in order to demonstrate that the highest levels of energy efficiency will be achieved, the applicant should commit to adopting additional energy efficiency measures with

the aim of each element of the development achieving 2010 BR compliance through energy efficiency alone.

- 10.287 The applicant has indicated that the heating of the swimming pool and space heating of the leisure centre will be provided by the ground source heat pumps. However officers require confirmation that the swimming pool heat load and the space heating loads will also be connected to the site heat network, where CHP is the lead heat source. It is recommended that this is conditioned.
- 10.288 Applicant was also asked to consider the compatibility of PV technologies, including size and location of the array and CHP systems and should therefore investigate roof areas suitable for the installation of PV. The anticipated CO2 savings and peak kWp from the optimisation of PV should also be assessed and submitted.
- 10.289 The applicant has not provided roof drawings showing the space available for PV panels or provided estimates showing the full potential for electricity generation and carbon saving. It is recommended that this is conditioned.

Sustainability

- 10.290 Planning Policy Statement 1 sets out the national sustainability objectives. The supplement to Planning Policy Statement 1, Planning and Climate Change, encourages the delivery of sustainable buildings and development.
- 10.291 Policy 4B.6 of the London Plan (2008) seeks the highest standards of sustainable design, while Policy 2A.1 outlines sustainability criteria. Guidance on sustainability is also set out in the Mayor's SPG 'Sustainable Design and Construction'.
- 10.292 Policy DEV2 of Tower Hamlets UDP (1998) (saved policies) states that all developments should incorporate the principle of sustainable development and Policy DEV5 of Tower Hamlets IPG (2007) expects all major developments to use best practice sustainable design measures.
- 10.293 The applicant has submitted a Sustainability Statement (Appendix 5.3 of the ES).
- 10.294 The ES states that the applicant aims to achieve Code for Sustainable Homes Level 4. The applicant has advised that they would use reasonable endeavours, taking into account what is reasonably practicable, to achieve this target rating. The applicant is also committed to achieving a BREEAM rating of 'Excellent' in Phase 1.
- 10.295 The Council's Energy Officer welcomes the applicant's commitment to achieving Sustainable Homes Code Level 4 for the residential element and a BREEAM rating of 'excellent' for Block I (office). It is recommended that these standards to be secured through condition.

Flood Risk

- 10.296 Planning Policy Statement 25 (PPS25) and Policy 4A.13 of the London Plan (2008) relate to the need to consider flood risk at all stages in the planning process.
- 10.297 The OAPF indicates that most of the Blackwall and Leamouth sub-area lies within

- PPG25 Flood Zone 3 and suggests that existing flood defences will offer adequate protection if they are sufficiently maintained.
- 10.298 Policy DEV21 of Tower Hamlets IPG (2007) and Policy SP04 of Tower Hamlets CS (2010) support the guidance outlined in PPS25.
- 10.299 The site is currently protected from flooding in the River Lea and Thames estuaries by the Thames Barrier and river walls surrounding the site.
- 10.300 A Flood Risk Assessment Addendum (2010) was submitted to update the 2007 Flood Risk Assessment for the site. The assessment concludes that whilst the site is in a flood risk area, there is a low risk of flooding due to the existing flood defences and the proposed built development being above the flood risk level.
- 10.301 It is proposed that repair works will need to be undertaken to bring the flood defences up to the required lifetime of the development. These works will involve replacing five sections of sheet piling on the south-western, north-western, and eastern parts of the site, including insertion of new sheet piling in front of the existing river wall; sheet piling toe protection in three sections of the river wall which will involve the establishment of temporary pilings, the insertion of protection (low level) sheet piling and infilling; and river wall strengthening in five sections of the river wall which will involve the establishment of temporary pilings and subsequent tying back to the permanent works.
- 10.302 The proposals will also ensure that there is sufficient provision for access to the river walls for maintenance purposes. The proposed buildings will be set back a minimum of 8 metres from the river's edge in accordance with the Environment Agency's requirements.
- 10.303 The site is covered by the Environment Agency's extensive flood warning system and would afford significant advance warning of extreme flood conditions along the River Lea and the River Thames. In addition, Tower Hamlets has an Emergency Plan which sets out the procedures for managing emergency incidents such as wide spread flooding in the Borough.
- 10.304 Following consultation with the EA, it was considered that the proximity of the newly designed buildings to the flood defence had not been discussed with the applicant. The EA has stated that it is important that access is not compromised to the defences in case of necessary maintenance. In response, the applicant has confirmed that the proposed building line within the development will be set back 8m from the river edge to facilitate maintenance.
- 10.305 It is worth noting that the Council raised concerns regarding the previous application due to the EA's objection at the time which related primarily to the proposed buffer zone being insufficient with respect to the set-back of the development from the watercourse. It appears however that the applicant has now factored this concern into the scheme through the provision of an 8m set back and the EA is now satisfied.
- 10.306 The applicant has advised that they propose to discharge surface water run-off from the site directly into the River Lea, which constitutes a Sustainable Urban Drainage Strategy (SUDS) where it is appropriate. The ES states that the use of this approach would not change the volume of storm water entering this reach of the River Lea, since an existing combined storm water overflow already discharges storm water from the site into this reach. The peak discharge rate

would therefore be reduced. According to the overall impact of the proposals on flood risk would be negligible.

- 10.307 However, the EA have raised concerns regarding the encroachment of the bridge structure which lies within the flood plain (flood zone 3a/3b) and as such the EA objects to the application, as the proposed development will impede flood flow and/or reduce storage capacity thereby increasing the risk of flooding elsewhere. The submitted FRA does not therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development and does not therefore comply with the requirements set out in Annex E, paragraph E3 of PPS25.
- 10.308 Furthermore, the submitted FRA fails to provide a comprehensive hydrological assessment with regards to the proposed structures within the river, calculations for the associated encroachment, and hydraulic modelling to assess potential scour and habitat loss as a result of the new structures and construction.
- 10.309 As such, it is considered that the proposed development by virtue of the encroachment of the northern bridge landing into the water, and lack of comprehensive hydrological assessment will impede flood flow and/or reduce storage capacity, thereby increasing the risk of flooding elsewhere, contrary to PPS25, Policy 4A.13 of the London Plan (2008), Policy DEV21 of Tower Hamlets IPG (2007) and Policy SP04 of the Core Strategy (2010).

Biodiversity and Ecology

- 10.309 PPS 9 sets out national guidance on conserving and enhancing biodiversity.
- 10.310 Policy 3D.14 of the London Plan (2008) states that the planning of new development should have regard to nature conservation and biodiversity, and opportunities should be taken to achieve positive gains for conservation through the form and design of development. Policy 4B.1 also seeks to ensure that new developments respect the natural environment and biodiversity, and enhance green networks and the Blue Ribbon Network.
- 10.311 The London Biodiversity Action Plan (2008) contains targets to improve the condition and increase the extent of a selected number of habitats found in London by 2015.
- 10.312 Policy DEV57 of Tower Hamlets UDP (1998) (saved policies) states that the Council will not normally permit development which unjustifiably causes significant harm to a site of nature conservation importance, or a green chain.
- 10.313 Policy DEV7 of Tower Hamlets IPG (2007) seeks to maximise water conservation and to prevent developments that would have an unacceptable impact on water systems.
- 10.314 Policy SP04 of Tower Hamlets CS (2010) seeks to protect and enhance biodiversity value through the design of open space and buildings and by ensuring that development protects and enhances areas of biodiversity value in order to achieve a net gain in biodiversity.
- 10.315 Chapter 15 of the ES considers the impacts of the proposed development with respect to ecology and nature conservation.

- 10.316 A number of non-statutory ecological sites are situated close to the application site. These include the Bow Creek Ecology Park (a Grade 1 Site of Borough Importance for Nature Conservation) and the River Lea (part of the River Thames and Tidal Tributaries Site of Metropolitan Importance for Nature Conservation).
- 10.317 The ecological assessment concludes that overall the site is of low ecological value.
- 10.318 The proposed development will provide a range of measures to encourage biodiversity at the site, including extensive landscaping and planting throughout the scheme; provision of an ecological riverside edge; creation of a wildlife garden on land at Canning Town; provision of a minimum of 6,000 sqm of brown roofs; green roofs; an assortment of artificial bird nesting boxes; and additional timber baulking to the river wall façade.
- 10.319 It is estimated that in excess of 300 trees will be planted throughout the Peninsula with a varied age structure so as to provide a hierarchy of size and character from the outset.
- 10.320 The Council's Ecology Officer has given their general support to the ecology and nature conservation aspect of the application proposal and has concluded that if all the recommended mitigation and enhancement is undertaken then there should be an overall benefit for biodiversity. The review of the ES also comes to this conclusion.
- 10.321 However, the Ecology Officer notes that one impact which is not mitigated against is the potential interruption of a dark corridor along the River Lea, which is likely to be used by commuting bats. Further details with regards to lighting, (during construction and on completion) is requested and the measures that will be taken to limit light spillage over the river.
- 10.322 The applicant has confirmed (letter dated 15 December 2010) that a detailed lighting design strategy will be submitted at reserved matters stage and any necessary conditions can also request further detail.
- 10.323 The further consideration which has been noted by the Council's Ecology Officer, which has not been taken account of is the protection of otters (a protected species). Otters are currently expanding in range and are now established further up the Lea Valley. It is unlikely that otters will regularly use the section of river, however future colonisation of the lower Lea is possible and as such, there is opportunity to provide habitat for them in anticipation of future expansion. The applicant has been asked to consider the installation of an artificial otter holt.
- 10.324 The applicant confirmed (letter dated 15 December 2010) that an artificial otter holt would be provided subject to confirmation of an appropriate location by the relevant authorities. It is suggested that an appropriately worded condition will ensure this.
- 10.325 A number of further conditions have also been recommended by the Ecology Officer to ensure various biodiversity features are secured. These relates to the provision of:
- Reed bed planting and intertidal terraces
 - At least 6,000sqm of brown roofs

- Timber baulking on all sections of river wall
- Nest boxes for peregrine falcons on tall buildings.
- A swift tower to provide multiple nest sites for swifts
- 11 nest sites in the river walls for kingfishers and sand martins.
- Other nest boxes for birds including black redstarts, house martins and grey wagtails

10.327 However, despite the level of positive biodiversity benefits outlined above, the EA has raised an objection to the solid encroachment of the northern bridge landing. The EA's concern relates to the impact of this encroachment onto the foreshore adjoining Canning Town Station and the potential impact on inter-tidal habitat loss. It is the EA's view that the assessment and mitigation of the risks to nature conservation are inadequate as sufficient detail has not been outlined to prove that the ecological (and flooding) impacts that will arise from the proposed footbridge, have been addressed.

10.328 For the above reason, the proposal, by virtue of the proposed solid encroachment of the northern bridge landing on to the foreshore, fails to provide sufficient information to ensure necessary mitigation against inter-tidal habitat loss contrary to Policy 3D.14 and Policy 4B.1 of the London Plan (2008); the London Biodiversity Action Plan (2008); Policy DEV57 of Tower Hamlets UDP (1998) (saved policies); Policy DEV7 of Tower Hamlets IPG (2007) and Policy SP04 of Tower Hamlets Core Strategy (2010) which seeks to protect and enhance biodiversity value.

Health Considerations

10.329 London Plan Policies 3A.20 Policy 3A.23 of the London Plan require policies in DPDs to include policies for the improvement of the health of the local population and reduction of health inequalities and that Boroughs should require Health Impact Assessments for major developments and have regard to the health impacts of development proposals as a mechanism for ensuring that new developments promote public health within the borough.

10.330 Policy SP03 of the Core Strategy (2010) seeks to deliver healthy and liveable neighbourhoods that promote active and healthy lifestyles, and enhance people's wider health and well-being. The Policy also seeks to provide a hierarchy of accessible, high-quality health facilities to meet the needs of the existing and future populations and provide high-quality leisure centres.

10.331 Part 1 of Policy SP03 in particular seeks to support opportunities for healthy and active lifestyles through:

- Working with NHS Tower Hamlets to explore new ways to improve opportunities for healthy and active lifestyles.
- Providing high-quality walking and cycling routes.
- Providing excellent access to leisure and recreation facilities.
- Seeking to reduce the over-concentration of any use type where this detracts from the ability to adopt healthy lifestyles.
- Promoting and supporting local food-growing and urban agriculture.

10.332 There is a range of primary healthcare provision within 1 kilometre of the site, and a number of these facilities are located in Canning Town. The River Lea presently is a significant physical barrier to access between the site and Canning

Town. It is considered that the proposed pedestrian bridge which is part of this application would improve accessibility between the site and Canning Town.

- 10.333 The ES states that with approximately 2,880 new residents expected to live within the completed development, the total demand for primary healthcare would equate to 1.6 GPs.
- 10.334 A financial contribution of £675,901 has been requested by Tower Hamlets PCT using the Health Urban Development Unit (part of London NHS) Model version 2 and it is expected that this will be considered in line with LTGDC's Planning Obligations Community Benefit Strategy.
- 10.335 Given the proximity of the development to Canning Town, the PCT/NHS Tower Hamlets has suggested that no A5 uses should be permitted on the Peninsula, to prevent the development adding to an over-concentration of A5 uses in the vicinity. However, it is the case officer's view that since the retail floorspace within the first phase of the development comprises solely A1 uses with no A5 take away uses proposed, this will not be an issue for Phase 1.
- 10.336 With respect to Phase 2, it is considered appropriate to impose a condition on the maximum level of A5 floorspace proposed. This has been discussed with the applicant and considered an appropriate measure to alleviate the PCT's concerns and address Policy SP03 of the Core Strategy which seeks to reduce the over-concentration of any use type where this could detract from the ability to adopt healthy lifestyles.
- 10.337 In compliance with Policy SP03, the application will also provide many opportunities to facilitate healthy and active lifestyles through, the provision of a series of walking and cycling routes through and around the perimeter of the peninsula which will connect with the FAT walk. These will also incorporate a proposed series of fitness trails and exercise equipment within the landscaping scheme.
- 10.338 The application also comprises a 1,801sqm health and leisure facility within Building K and will be delivered in Phase 1. This 'Lifestyle' Club will provide a 4 x lane 20m swimming pool, changing facilities, fitness studios, and ancillary bar and meeting areas.
- 10.339 It is considered that these facilities and measures will meet the objectives of SP03 of the Core Strategy which seek the provision of health facilities and opportunities for healthy and active lifestyles.
- 10.340 Tower Hamlets PCT has also requested that a Health Impact Assessment (HIA) be carried out to assess the impact of the scheme on health inequalities. They have recommended that a financial contribution seeking a contribution of £50,000 for the initial HIA and a further £25,000 for the follow assessment. This request will be considered in line with LTGDC's Planning Obligations Community Benefit Strategy.

Environmental Impact Assessment

- 10.341 The proposed development falls within the category of developments referred to in paragraph 10(b) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) regulations 1999.

- 10.342 As the proposal is likely to have significant effects on the environment, it is required to be subject to environmental impact assessment before planning permission is granted. Regulation 3 of the EIA Regulations precludes the grant of planning permission unless prior to doing so, the Council has taken the 'environmental information' into account. The environmental information comprises the applicant's Environmental Statement (ES), any further information submitted following request under Regulation 19 of the EIA Regulations, any other substantive information relating to the ES and provided by the applicant and any representations received from consultation bodies or duly made by any person about the environmental effects of the development.
- 10.343 The Council appointed consultants, Land Use Consultants (LUC) in associated with Cascade Consulting, to examine the applicant's ES and to confirm whether it satisfied the requirements of the EIA Regulations. Following that exercise, LUC and Cascade confirmed their view that further clarification was sought in respect of Transport and Access, Air Quality, Flood Risk, Archaeology and Heritage, Wind, Daylight/Sunlight. However, a Regulation 19 request was not required. LBTH informed LTGDC of the various clarifications needed from the applicant and a letter was issued to the applicant by LTGDC to the applicant on 25th October 2010.
- 10.344 Following further information submitted, the application was considered to meet the EIA Regulations on 10 December 2010 and provide a satisfactory level of information to allow a proper assessment of the development proposals. The ES is considered to provide a comprehensive assessment of the environmental impacts of the proposed development.
- 10.345 As part of the application is in outline, for the purposes of the assessment of environmental impacts and to comply with the requirements of the EIA Regulations and associated European Directive, the applicant has submitted parameter plans and other information to prescribe key aspects of the development. These include, for example, quantum of floorspace and heights, widths and lengths of building to create 'building envelopes'. Further details of access are submitted for determination at this stage. Should the scheme be approved, the parameters will be fixed in order to keep the development within those assessed in the ES and ensure that the scheme does not give rise to significant environmental impacts which have not been assessed through the EIA process. Should the applicant then bring forward proposals which alter the range of impacts identified and assessed in the ES, they may need to be reassessed and/or the submission of a new planning application.
- 10.346 The ES addresses the following areas of impact (in the order they appear in the ES):
- Socio-economics
 - Townscape and Visual
 - Transport and Access
 - Noise and Vibration
 - Air Quality
 - Water resources and flood risk
 - Ground conditions and contaminations
 - Ecology and nature conservation
 - Archaeology and built heritage
 - Wind
 - Daylight, sunlight, overshadowing, light pollution and solar glare
 - Radio and TV reception

- Waste

10.347 The ES and further information address the likely significant effects of the development, what the impacts are and their proposed mitigation. The various sections of the ES have been reviewed by officers. The various environmental impacts are dealt with in relevant sections of this report above with conclusions given, proposals for mitigation of impacts by way of conditions, and/or planning obligations as appropriate.

10.348 In summary, having regard to the ES and other environmental information in relation to the development, officers are satisfied that the environmental impacts are acceptable in the context of the overall scheme, subject to conditions/obligations providing for appropriate mitigation measures.

Other Issues

Interim Use of Phase 2

10.349 On going discussions and workshops with the applicant has raised the question as to what the area of land in phase 2 could be used for whilst phase 1 is undergoing construction. The application has identified the potential for some creative arts and cultural uses and creative industries such as exhibition space, galleries, workshops, to be used in conjunction with the existing arts and cultural use of Trinity Buoy Wharf.

10.350 It is suggested that any decision made by LTGDC requires the applicant to submit a planning application for the temporary use of Phase 2.

Planning obligations/S106

10.351 As set out in Circular 05/2005, planning obligations should only be sought where they meet the 5 key tests. Obligations must be:

- (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.

10.352 Regulation 122 of CIL Regulations 2010 brings into law policy tests for planning obligations which can only constitute a reason for granting planning permission where they meet they are

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development; and
- (c) Are fairly and reasonably related in scale and kind to the development.

10.353 This is further supported by Policy 6A.5 of the London Plan, Saved Policy DEV4 of the UDP (1998) and Policy IMP1 of the Council's IPG (2007) which seek planning obligations or financial contributions to mitigate the impacts of a development.

- 10.354 Policy SP13 of the Core Strategy deals with delivery and monitoring and states that the Council will negotiate planning obligations in relation to proposed development. These may be delivered in kind or through financial contributions.
- 10.355 It is recommended that a S106 legal agreement secures the following Heads of Terms:
- Standard charge payments
 - Affordable housing
 - Local labour contractors and goods services
 - Highway Works (including S278 requirements in relation to emergency access works; provision of bus stops and bus stands on Orchard Place/Lower Lea Crossing;)
 - Pedestrian and cycle bridge
 - Section 278 Emergency access works
 - On-site public realm works
 - Off-site public realm works
 - Temporary walk way link
 - Community centre sports hall
 - Site management scheme
 - Travel plan
 - Car and cycle club
 - Public transport obligations
 - Energy requirements
 - Traffic control centre
 - Car and bicycle parking management
 - Disabled car parking
 - Car free development
 - River wall
 - Construction phasing
 - Public Access to Lifts
 - Tree planting scheme
 - Air quality monitoring
- 10.356 LBTH are a consultee on this application and it is for the LTGDC to determine. As such, and with regard to planning obligations, the LTGDC will use the LTGDC Planning Obligations Community Benefit Strategy to ensure that developments contribute financially and in kind towards the infrastructure that is needed in the London Thames Gateway area to support the developments that are coming forward for planning approval.
- 10.357 LTGDC's Planning Obligations Community Benefit Strategy places the site in an area that should recover a discounted standard charge of £10,000 per residential unit. The standard charge is £22,400 per residential unit.
- 10.358 The applicant has proposed a discounted standard charge of £7,500 for each residential unit in Phase 1 and a discounted standard charge of £10,000 for each residential unit in the remaining phases. This is based on the previous agreement with LTGDC in relation to the previous permission.
- 10.359 Based on the tariff changes, this would provide approximately £15m (£4m from Phase 1 at the discounted rate and £11.6 from Phase 2). At the time of writing

this report, the applicant is seeking to offset the entire cost of the bridge (£8m) from the total tariff contributions and spread over the two phases. This leaves approximately £7m available to capture the contributions identified for other obligations such the bus extensions as education, health, leisure and open space.

10.360 LBTH Officers have identified the following contributions to mitigate the impacts of a development:

- Education Contributions £3,149,876
- Open Space Contribution £1,935,375
- Library/Idea Store Facilities Contribution £330,408
- Leisure and Recreation Contribution of £409,078
- Health Contribution £675,901
- £75,000 towards a Health Impact Assessment

In addition to this, TfL have estimated the cost of the enhanced bus service provision to be £3.3m.

10.361 This comes to almost £10m which clearly exceeds the £7m available through the LTGDC tariff.

10.362 Whilst the level of contributions proposed should be considered in light of viability it is the view of officers, that the cost of the pedestrian bridge (£8m) should be a development cost and not offset against the tariff calculation. The bridge is a requirement of the development itself and the cost should be borne by the applicant. It is acknowledged that the previous consent offset the cost of the bridge, however, that was based on a proposal where by the bridge created a link right into Canning Town ('green bridge') and LTGDC considered the benefits that the scheme brought. The applicant has been asked to review the level of offset towards the bridge construction. However, no response has been received, at the time of writing this report.

10.363 Officers have concerns that if the entire cost of the bridge is offset against the tariff, this will have implications of the level of contributions required to mitigate against the development proposal and will also make any future uplift towards affordable housing unlikely. As such, there is concern that many aspects of the scheme where impact has been identified will not be mitigated against and the scheme would fail to provide an acceptable and sustainable development which provides social, economic and physical benefits for existing and future communities.

10.364 Overall the baseline of 19.6% affordable housing (or 11% without grant funding) and the proposed contribution package provided through the tariff at the discounted rate are not considered sufficient to mitigate against the impacts of the development on local social and physical infrastructure. This is therefore contrary to Policy DEV4 in the UDP, Policy 3A.9 of the London Plan, Policy HSG3 in the IPG (2007) and Policy SP02 in the Core Strategy (2010).

11 Overall Conclusions and Regeneration Benefits

11.1 It is acknowledged that this proposal has the potential to create a vibrant and liveable residential-led mixed use community, in full recognition of the Core Strategy Placemaking Vision for Leamouth, which seeks the creation of a mixed-use place with a creative and arts hub, alongside new residential communities set around the River Thames and River Lea with new connections, pedestrian and

cycle bridges to make the area more accessible to the rest of the Borough and Canning Town station and town centre.

- 11.2 Officers also acknowledge that the current application proposal addresses a number of concerns/objections previously raised by the Council in 2007 application, including the removal of the previously proposed car park podium, a reduction in on site car parking and improving the quality of useable on site recreational public open space.
- 11.3 Officers have also had regard to the current economic circumstances surrounding the present application and it is acknowledged that these circumstances are very different to those of 2007 (when the previous permission was granted by the LTGDC). However, it is felt that the ability to deliver the vision and the necessary social and physical infrastructure (including affordable housing) to support such a large scale development is being significantly impacted and challenged by the overall viability of the scheme.
- 11.4 Core Strategy Policy SO1 (Delivering Tower Hamlets Regional Role) seeks, amongst other things, to contribute to the regional role of London by:
- Optimising the use of land to deliver the growth agenda and targets as defined by the London Plan;
 - Ensuring that growth is supported by all types of infrastructure to help Tower hamlets develop as a liveable, sustainable and healthy area of inner London Borough of Tower Hamlets;
 - Ensuring the large developments of regional significance are planned to maximise benefits for local people and the region as a whole.
- 11.5 There is doubt that this proposal, in the current economic climate, is able to contribute to the Borough's growth agenda without compromising the required infrastructure requirements associated with such growth and development.
- 11.6 This report has sought to review all the planning merits of the proposal and assess the deliverability of affordable housing and other necessary infrastructure improvements (especially improved accessibility and connectivity) viewed alongside the applicant's financial/scheme viability model. Whilst the financial model and the figures contained therein fairly reflect the economics of the scheme, it highlights the financial inability of the proposal to deliver the various planning requirements necessary to deliver a sustainable development. These challenges are compounded by the site's current levels of accessibility and the scale of improvements required to successfully deliver an attractive, liveable, vibrant, accessible and inclusive community.
- 11.7 It is considered unlikely that this scheme could deliver the Council's affordable housing target of 35% particularly in the light of recent Government announcements relating to grant funding, and consequently, the applicant's position it that it is unlikely that the level of affordable housing will rise above 11% (based on habitable rooms). Whilst the applicant has agreed to a review mechanism (to re-assess the viability of the scheme during a later phase of the development, with additional infrastructure payments and/or affordable housing payments being made available if and when higher sales values have been secured) the mechanism to realise these additional infrastructure payments is weighted heavily in favour of the applicant and very heavily against additional infrastructure provision being made available in the future.

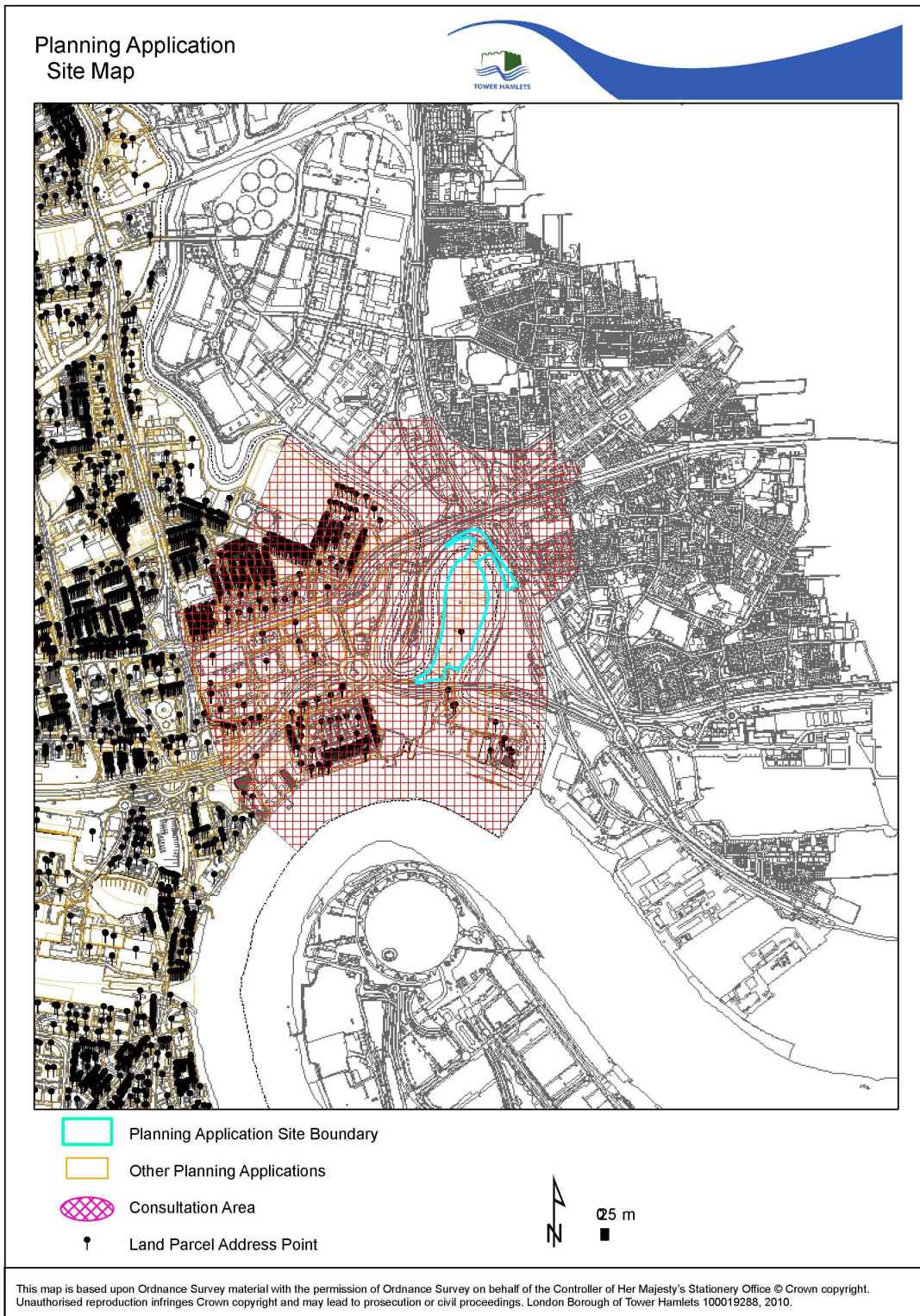
- 11.8 In light of the applicant's viability assessment, it must also be noted that paragraph 4.5 of the Core Strategy (2010) also notes that *'there should be no presumption that such circumstances will be accepted, if other benefits do not outweigh the failure of a site to contribute towards affordable housing provision'*.
- 11.9 In this particular case, this report has highlighted a number of infrastructure requirements to support the expanding Leamouth population (education/school places, health contributions, public transport improvements and open space and leisure requirements). However, the ability of this development to deliver these infrastructure improvements in the current economic circumstances is compromised, even after taking into account the less than satisfactory on site affordable housing offer.
- 11.10 The early delivery of the footbridge link to Canning Town is necessary in order to justify the scale of development proposed and the sustainable credentials of the scheme. However, the applicant has confirmed that this footbridge link can only be delivered out of the infrastructure pot arising out of the Planning Obligations Community Benefit Strategy. This approach will significantly reduce contributions being directed towards other infrastructure requirements and/or any future uplift in on site affordable housing. The delivery of the footbridge link and more general improvements in site connectivity and accessibility represents an imperative scheme requirement and should be delivered outside any S.106 infrastructure package.
- 11.11 Further concerns raised by the EA and PLA regarding the location of the northern bridge landing begins to cast doubt about the deliverability of the bridge and this is a fundamental element to the success of this scheme.
- 11.12 The Core Strategy (2010) sets out the broad areas and principles of where, how and when development should be delivered across the Borough until 2025. Bearing in mind the scale of the current application (in terms of the potential of the site to contribute towards additional housing growth with associated infrastructure improvements) it is important to ensure that this growth, including the delivery of affordable housing, can be realised to its full potential. Core Strategy Policy SO1 requires delivery of the growth agenda throughout the plan period, whilst at the same time ensuring that growth is supported by all forms of infrastructure. In view of the current financial climate and after thoroughly reviewing the range of planning benefits associated with these proposals in the balance, set within the very real viability constraints, officers are of the view that the development package, viewed holistically fails to deliver what is expected of such a scheme.
- 11.13 It is recognised that it is imperative that the applicant properly assesses and manages development risk (in view of the fragility of the economy and the future residential sales market). However, it is imperative that the local planning authority assess the risks associated with the effective delivery of its town planning strategy (up to 2025). It is quite possible that the Leamouth North proposals will have a greater capacity to accommodate the necessary infrastructure requirements (including a higher proportion of on site affordable housing) once economic circumstances improve. It is for these reasons why your officers feel that the overall regenerative benefits associated with this proposed development would fail to satisfactorily deliver the Borough's Growth agenda and would fail to ensure that the site develops as a liveable, sustainable and healthy area of inner London.

- 11.14 Given the significance of this strategic site in terms of the Council's overall growth agenda and vision for Leamouth (especially housing growth, the provision of affordable housing, improved connectivity and the delivery of required social/community infrastructure to support development) the proposal, viewed alongside financial viability constraints and the inability of the scheme to satisfactorily mitigate the various impacts and accommodate associated infrastructure requirements, will fail to deliver a liveable, vibrant, accessible and inclusive community, contrary to policies S01, SP02 and SP13 of the adopted Core Strategy (2010).

12 CONCLUSION

- 12.1 All other relevant policies and considerations have been taken into account. Planning permission should be **refused** for the reasons set out in RECOMMENDATION section of this report.

Agenda Item 8.1 – Leamouth Peninsula North : Site Map



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