

Meeting of the

STRATEGIC DEVELOPMENT COMMITTEE

Thursday, 8 December 2011 at 7.30 p.m.

A G E N D A

VENUE

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

Members:	Deputies (if any):
Chair: Councillor Helal Abbas Vice-Chair: Councillor Bill Turner	
Councillor Khales Uddin Ahmed Councillor Dr. Emma Jones Councillor Carlo Gibbs Councillor Judith Gardiner 1 Vacancy	Councillor Tim Archer, (Designated Deputy representing Councillor Dr. Emma Jones) Councillor Peter Golds, (Designated Deputy representing Councillor Dr. Emma Jones) Councillor Gloria Thienel, (Designated Deputy representing Councillor Dr. Emma Jones) Councillor Denise Jones, (Designated Deputy representing Councillors Helal Abbas, Khales Uddin Ahmed, Bill Turner, Carlo Gibbs and Councillor Judith Gardiner) Councillor Motin Uz-Zaman, (Designated Deputy representing Councillors Helal Abbas, Khales Uddin Ahmed, Bill Turner, Carlo Gibbs and Judith Gardiner) Councillor Amy Whitelock, (Designated

Deputy representing Councillors Helal
Abbas, Khaled Uddin Ahmed, Bill Turner,
Carlo Gibbs and Judith Gardiner)

[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 0842, E-mail: alan.ingram@towerhamlets.gov.uk

5. DEFERRED ITEMS

Nil Items. 5 - 6

6. PLANNING APPLICATIONS FOR DECISION 7 - 8

**6 .1 Land at Royal Mint St Mansell St and Chamber St, 9 - 60 St
Royal Mint Street, London (PA/11/00642) Katharine's
& Wapping**

**6 .2 Land bound by Dongola Rd, Duckett St, Ben Jonson 61 - 74 Mile End &
Rd & Harford St, Ocean Estate, (Site F) (PA/11/01294) Globe Town**

7. OTHER PLANNING MATTERS 75 - 76

**7 .1 Land at Virginia Quay off Newport Avenue, Newport 77 - 120 Blackwall &
Avenue, London, E14 (PA/11/01426) Cubitt Town**

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.

Agenda Item 4

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 5

Committee: Strategic Development	Date: 8 th December 2011	Classification: Unrestricted	Agenda Item No: 5
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 6

Committee: Strategic Development	Date: 8 th December 2011	Classification: Unrestricted	Agenda Item No: 6
Report of: Corporate Director Development and Renewal		Title: Planning Applications for Decision	
Originating Officer: Owen Whalley		Ref No: See reports attached for each item	
		Ward(s): See reports attached for each item	

1. INTRODUCTION

- 1.1 In this part of the agenda are reports on planning applications for determination by the Committee. Although the reports are ordered by application number, the Chair may reorder the agenda on the night. If you wish to be present for a particular application you need to be at the meeting from the beginning.
- 1.2 The following information and advice applies to all those reports.

2. FURTHER INFORMATION

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

3. ADVICE OF ASSISTANT CHIEF EXECUTIVE (LEGAL SERVICES)

- 3.1 The relevant policy framework against which the Committee is required to consider planning applications comprises the Development Plan and other material policy documents. The Development Plan is:
- the adopted Tower Hamlets Unitary Development Plan (UDP)1998 as saved September 2007
 - the London Plan 2011
 - the Tower Hamlets Core Strategy Development Plan Document 2025 adopted September 2010
- 3.2 Other material policy documents include the Council's Community Plan, "Core Strategy LDF" (Submission Version) Interim Planning Guidance (adopted by Cabinet in October 2007 for Development Control purposes), Planning Guidance Notes and government planning policy set out in Planning Policy Guidance & Planning Policy Statements and the draft National Planning Policy Statement.
- 3.3 Decisions must be taken in accordance with section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application and any other material considerations. Section 38(6) of the Planning and Compulsory Purchase

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

Brief Description of background papers:
Application, plans, adopted UDP, Interim
Planning Guidance and London Plan

Tick if copy supplied for register:

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

Act 2004 requires the Committee to make its determination in accordance with the Development Plan unless material planning considerations support a different decision being taken.

- 3.4 Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects listed buildings or their settings, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest it possesses.
- 3.5 Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a conservation area, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 3.6 Whilst the adopted UDP 1998 (as saved) is the statutory Development Plan for the borough (along with the Core Strategy and London Plan), it will be replaced by a more up to date set of plan documents which will make up the Local Development Framework. As the replacement plan documents progress towards adoption, they will gain increasing status as a material consideration in the determination of planning applications.
- 3.7 The reports take account not only of the policies in the statutory UDP 1998 and Core Strategy but also the emerging Local Development Framework documents and their more up-to-date evidence base, which reflect more closely current Council and London-wide policy and guidance.
- 3.8 In accordance with Article 31 of the Development Management Procedure Order 2010, Members are invited to agree the recommendations set out in the reports, which have been made on the basis of the analysis of the scheme set out in each report. This analysis has been undertaken on the balance of the policies and any other material considerations set out in the individual reports.

4. PUBLIC SPEAKING

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

5. RECOMMENDATION

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

Agenda Item 6.1

Committee: Strategic Development Committee	Date: 8 th December 2011	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director Development & Renewal		Title: Planning Application for Decision	
Case Officer: Amy Thompson		Ref No: PA/11/00642	
		Ward(s): St Katherine's and Wapping	

1. APPLICATION DETAILS

Location: Land at Royal Mint St Mansell St and Chamber St, Royal Mint Street, London

Existing Use: Car Park; Arches used for car washes and parking; DLR and Network Rail tracks.

Proposal: Redevelopment of site for a mixed-use development comprising the erection of two buildings of between 3 and 15 storeys, providing 354 residential units (Use Class C3), a 236 room hotel together with 33 serviced apartments (Use Class C1), flexible retail/financial services/restaurant/cafe/drinking establishment/health clinic/business space (1172sqm) (Use Classes A1, A2, A3, A4, D1 and B1), restaurant, bar, gallery, leisure (731sqm) (Use Class A3/A4/D1/D2), community uses including sports and training facilities, neighbourhood police base and office space within the railway arches (1,014sq.m) (Use Class D1/D2/B1), creation of new public open space, alterations to the existing highway, and new pedestrian link, together with associated works including landscaping, providing of parking, servicing and plant area.

Drawing Nos: 27995-P-02-000; 27995-P-03-00B; 27995-P-03-000 B; 27995-P-03-00M A; 27995-P-03-001 A; 27995-P-03-002 B; 27995-P-03-003 B; 27995-P-03-004 A; 27995-P-03-005 A; 27995-P-03-006 A; 27995-P-03-007 B; 27995-P-03-008 B; 27995-P-03-009 B; 27995-P-03-010 B; 27995-P-03-011 B; 27995-P-03-012 A; 27995-P-03-013 B; 27995-P-03-014 A; 27995-P-04-001; 27995-P-04-002; 27995-P-04-003; 27995-P-04-004; 27995-P-04-005; 27995-P-04-006; 27995-P-04-007; 27995-P-05-001 A; 27995-P-05-002 A; 27995-P-05-003 A; P1750.L100C; P1750 L.101; P1750 L.102; P1750 L.103; P1750 L.104; P1750 L.105; P1750 L.106; P1750 L.107B; P1750 L.108 B; P1750 L.109; P1750 L.110.

Approved Documents:

- Design and Access Statement, Broadway Malyan, 2011;
- Supplementary Planning Statement, Rolfe Judd; 11 July 2011;
- Environmental Statement and Non Technical Summary, Waterman, March 2011 and Letter dated 11 July 2011;
- Daylight and Sunlight Supplementary Letter, GIA, 12 July 2011;
- Energy Statement, Waterman Building Services, July 2011;
- Sustainability Statement, Waterman, March 2011;
- Strategy for Building Structures Report, Pell Frischman, 11 June 2011;
- Employment Land and Office Case, GVA Grimley, April 2010;
- Landscaping and Playspace Strategy, Fabrik, March 2011;
- Residential and Uses Schedule, 28 November 2011;
- Statement of Community Involvement, Indigo Public Affairs, March 2011;
- Transport Statement, Entran, March 2011, read in conjunction with supplementary note, dated July 2011; and
- Existing and Proposed Views, July 2011.

Applicant: ZBV (RMS) Limited and Network Rail Infrastructure Ltd

Owner:

- Network Rail
- DLR Limited
- London Borough of Tower Hamlets

Historic Building: No historic buildings on site, however several Listed Buildings are located within the immediate vicinity of the site.

Conservation Area: The southern part of the site lies within The Tower Conservation Area.

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan (1998), the Council's Interim Planning Guidance (2007), Adopted Core Strategy (2010), associated supplementary planning guidance, the London Plan (2011) and Government Planning Policy Guidance and has found that:
- 2.2 The scheme will provide a residential led mixed-use redevelopment with appropriate replacement of employment uses. The scheme would therefore provide opportunities for growth and housing in accordance with the CAZ and draft City Fringe Opportunity Area Planning Framework as identified in policies 2.1 and 2.13 of the London Plan 2011.
- 2.3 The theoretical loss of B1 office floorspace on this site is acceptable as the applicant has demonstrated that the site lies at the periphery of the main office area of the city, and is no longer viable for such development. As such, the proposal is in line with saved policy EMP3 of the Tower Hamlets Unitary Development Plan (adopted December 1998), policy SP06 of the Core Strategy (2010) and policies EE2 and CP13 of the Council's Interim Planning Guidance (2007). These policies seek to ensure services and jobs are provided in appropriate locations in the Borough.
- 2.4 The building height, scale, bulk and detailed design are acceptable and enhance the character and appearance of the surrounding area, in accordance with PPS5: Planning and the Historic Environment, strategic policy SP10 of the adopted Core Strategy (2010), saved policies: DEV1, DEV2 and DEV37 of the adopted Unitary Development Plan (1998), policies CON1, CON2, CON3, CON5, DEV1, DEV2 and DEV3 of the Interim Planning Guidance (2007), and policies SP10 and SP12 of the Core Strategy (2010) which seek to ensure buildings and places are of high quality design and suitably located, whilst also respecting the special architectural and historic interest of Listed Buildings, and ensuring new development preserves and enhances the character and appearance of Conservation Areas.
- 2.5 The proposal provides an acceptable amount of affordable housing and mix of units, in light of the viability of the scheme. As such, the proposal is in line with Planning Policy Statement 3, policies 3.8, 8.10, 3.11, 3.12, 3.13 of the London Plan (2011), saved policy HSG7 of the Council's Unitary Development Plan (1998), policies HSG2 and HSG3 of the Council's Interim Planning Guidance (2007) and policy SP02 of the Core Strategy Development Plan Document (2010) which seek to ensure that new developments offer a range of housing choices.
- 2.6 On balance the scheme provides acceptable space standards and layout. As such, the scheme is in line with saved policy DEV2 of the Council's Unitary Development Plan (1998), policy DEV1 of Council's Interim Planning Guidance (2007) and policy SP02 of the Core Strategy Development Plan Document (2010) which seek to provide an acceptable standard of accommodation.

- 2.7 The proposed amount of amenity space is acceptable and in line with saved policy HSG16 of the Council's Unitary Development Plan (1998), policy 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.
- 2.8 On balance it is not considered that the proposal would give rise to undue impacts in terms of privacy, overlooking, sunlight and daylight, and noise upon the surrounding residents. Also, the scheme proposes appropriate mitigation measures to ensure a satisfactory level of residential amenity for the future occupiers. 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 policies T16 and T19 of the Council's Unitary Development Plan (1998), policies DEV17, DEV18 and DEV19 of the Council's Interim Planning Guidance (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 Contributions have been secured towards the provision of affordable housing; education improvements; public realm improvements; community facilities; transportation; health care provision and access to employment for local people in line with Regulation 122 of Community Infrastructure Levy 2010, Government Circular 05/05, saved policy DEV4 of the Council's Unitary Development Plan (1998), policy IMP1 of the Council's Interim Planning Guidance (2007), and policies SP02 and SP13 of the Core Strategy Development Plan Document (2010), which seek to secure contributions toward infrastructure and services required to facilitate proposed development.

3. RECOMMENDATION

- 3.1 That the committee resolves to **GRANT** planning permission subject to:

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

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

Financial Contributions

- a) Off Site Affordable Housing: £9,625,081
 - o For the delivery of not less than 445 affordable habitable rooms on donor sites with appropriate planning obligations.
- b) Education: £341,498 comprising:
 - o £252,110 for the provision of additional primary school places;
 - o £8,938 for the provision of additional secondary school places.
- c) Health:
 - o £385,342 to mitigate against increased pressure on health facilities as a result in the increased population.
- d) Community Facilities and Libraries: £391,722 comprising:
 - o £305,465 for the provision of leisure and community facilities;
 - o £86,257 for the provision of libraries and Idea Store facilities.
- e) Highways & Transportation: £1,508,533 comprising:

- £1,201,522 towards the delivery of Crossrail;
 - £50,000 towards the Legible London wayfinding scheme;
 - £95,321 towards London bus services;
 - £132,000 towards the provision of a Cycle Hire Docking station within the vicinity of the site;
 - £20,000 towards the delivery of real time information boards within the communal areas of the development;
 - £9,690 towards Smarter Travel.
- f) Employment:
- £212,481 towards employment initiatives for Tower Hamlets residents.
- g) Open Space:
- £813,707 towards open space improvements within the locality of the site.
- h) Public Realm: £54,000 comprising:
- £32,000 towards street lighting within the vicinity of the site;
 - £22,000 towards accessibility improvements within the vicinity of the site.

Non-Financial Contributions

- i) 9 affordable rented residential units (49 habitable rooms) on the Royal Mint Street site;
- j) Not to occupy more than 50% of the Open Market Residential Units on Royal Mint Street until 50% of the Off Site Affordable Housing has been provided;
- k) Not to occupy more than 90% of the Open Market Residential Units on Royal Mint Street until 100% of the Off Site Affordable Housing has been provided;
- l) Delivery of new pedestrian link to Tower Gateway DLR Station;
- m) Code of Construction Practice - To mitigate against environmental impacts of construction;
- n) Seek to secure 20% goods/services procured during the construction phase by businesses in Tower Hamlets;
- o) Seek to secure 20% of the construction phase workforce as local residents of Tower Hamlets;
- p) Seek to secure 150 employees in end hotel phase to be residents of Tower Hamlets;
- q) Seek to secure 10 employees in community arches end phase to be residents of Tower Hamlets;
- r) Car Parking Permit-free development;
- s) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

Total financial contribution: **£13,332,634**

- 3.2 That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above.
- 3.3 That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:
- 1) 3 year time limit for Implementation;
 - 2) Building in accordance with the approved plans;
 - 3) Submission of 1:20 and 1:50 drawings and sections of upper levels Building A;
 - 4) Submission of Material samples and detailed drawings;
 - 5) Submission of detailed drawing eastern flank elevation;
 - 6) Air Quality Assessment;
 - 7) Contamination;

- 8) Construction Management Plan;
- 9) Environmental Management Plan;
- 10) Archaeology;
- 11) Surface Water Drainage;
- 12) Secure by Design Assessment;
- 13) Impact piling method statement;
- 14) Method statement and details for the re-siting of existing metalwork railings;
- 15) Final sign-off from DLR/TfL re: link to tower gateway DLR station;
- 16) Development not to be occupied until the DLR link is accessible to DLR/DLR passengers;
- 17) Detailed specification of minimum 10% wheelchair units;
- 18) Lifetime Homes;
- 19) Vibration testing;
- 20) Details of access for affordable units to communal amenity area(s);
- 21) Details of hard and soft landscaping including materials;
- 22) Details of DLR ventilation art features;
- 23) Details of necessary highway works;
- 24) Details of ventilation and extraction;
- 25) Refuse and recycling;
- 26) Means of access and egress for people with disabilities;
- 27) Coach, Delivery and Service Management Plan;
- 28) Post-completion noise testing;
- 29) BREEAM Excellent;
- 30) Compliance with energy strategy;
- 31) 20% vehicle charging;
- 32) 5% Accessible hotel rooms and 5% future proofed;
- 33) Impact studies of the existing water supply infrastructure;
- 34) Period of serviced apartment occupation no longer than 90 consecutive days;
- 35) Servicing of central bay restricted to box van;
- 36) Servicing banksman on-site for the life of the development;
- 37) Standard hours of construction unless otherwise agreed in writing;
- 38) Parking (vehicle, disabled, cycle);
- 39) Power/hammer driven piling/breaking (10am - 4pm Monday to Friday);
- 40) Conservation Area Consent;
- 41) D2 use restriction;
- 42) Approved plans; and
- 43) Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal.

Informatives

- 1) Section 106 agreement required;
- 2) Section 278 Highways agreements required;
- 3) Contact Thames Water regarding installation of a non-return valve, petrol/oil-interceptors, water efficiency measures and storm flows;
- 4) Contact LBTH Environmental Health;
- 5) Contact LBTH Parking;
- 6) Contact Environment Agency;
- 7) Contact Thames Water
- 8) Contact London Fire & Emergency Planning Authority; and
- 9) Any other informative(s) considered necessary by the Corporate Director Development & Renewal.

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

4. PROPOSAL AND LOCATION DETAILS

Proposal

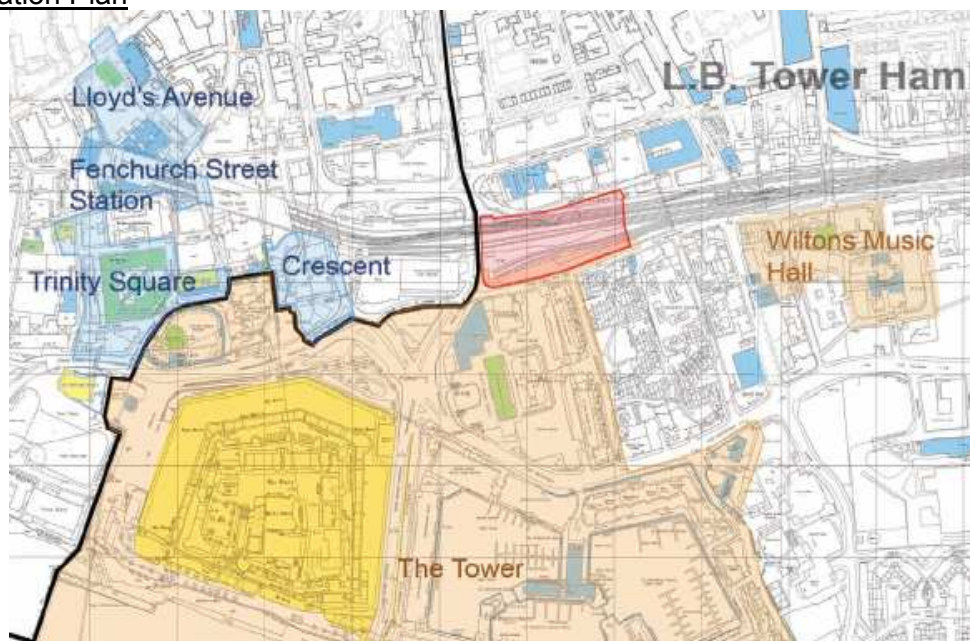
- 4.1 This scheme proposes the demolition of all existing structures on site (except for the rail line and associated arches), and erection of two buildings of between 3 and 15 storeys, providing 354 residential units (Use Class C3), a 236 room hotel together with 33 serviced apartments (Use Class C1), flexible retail/financial services/restaurant/cafe/drinking establishment/health clinic/business space (1172sqm) (Use Classes A1, A2, A3, A4, D1 and B1), restaurant, bar, gallery, leisure (731sqm) (Use Class A3/A4/D1/D2), community uses including sports and training facilities, neighbourhood police base and office space within the railway arches (1,014sq.m) (Use Class D1/D2/B1), creation of new public open space, alterations to the existing highway, and new pedestrian link, together with associated works including landscaping, parking, servicing and plant.
- 4.2 The 354 residential units are sized between studio units and five-bedroom houses, 9 of which are proposed to be allocated as affordable housing.
- 4.3 Through a financial contribution to a Registered Provider (Tower Hamlets Community Housing or where necessary, such other Registered Provider approved by the Council), the scheme will deliver an additional minimum 445 affordable habitable rooms (circa 118 units) on two donor sites within the borough. These would be of a policy compliant mix of housing sizes and split of affordable rented to intermediate accommodation, as secured through the legal agreement.
- 4.4 This equates to an overall affordable housing provision of 36% by habitable room.
- 4.5 The proposed development includes the following:
- Development divided into two main blocks:
 - Block A – 14 storey building on the corner of Royal Mint Street and Mansell Street, accommodating a 236 room hotel, 33 serviced apartments, 86 residential units;
 - Blocks B, C and D – A building ranging from 3 to 15 storeys, accommodating 268 residential units;
 - Use of existing railway arches which front onto Chamber Street as community uses including sports and training facilities, neighbourhood police base and office space;
 - Use of units along central pedestrian route as flexible retail/financial services/restaurant/cafe/drinking establishment/community/business space;
 - New public open space providing a link between Royal Mint Street and Chamber Street; and
 - Coach drop off space on Royal Mint Street.
- 4.6 The applicants have also agreed to secure a pedestrian link through Block A to Tower Gateway DLR station, which is a priority for TfL and the Mayor of London.
- 4.7 The scheme proposes 24 car parking spaces for the residential units, and a min 1:1 cycle parking provision for residents.

Site and Surroundings

- 4.8 The subject site is roughly rectangular, situated on the corner of Royal Mint Street, Mansell Street and Chamber Street, and lies within the City Fringe.

- 4.9 Along the northern portion of the site lies the existing elevated railway viaduct carrying the main-line into Fenchurch Street Station, and DLR into Tower Gateway. The accompanying railway arches, accessible from both Chamber Street and the central section of the subject site, are currently used for parking, car wash and car repair workshops.
- 4.10 The southern section of the site accommodates a car park with space for up to 60 cars, with the DLR line into Bank station entering from the eastern boundary and dropping underground toward the centre of the site.
- 4.11 There is one notable existing building on the site, a late 19th to early 20th century hydraulic accumulation tower. This structure is not listed.
- 4.12 The ground level generally slopes down from the west by around 600mm.
- 4.13 Areas to the north and west of the site are mixed, comprising commercial, office and residential premises as well as educational facilities, with the English Martyrs Roman Catholic Primary School, City of London College, and the London College of Law and Management. Additionally, the Grade II Listed Church of the English Martyrs lies north of the site.
- 4.14 The uses immediately to the south of the site, across Royal Mint Street, comprise residential housing and office uses. The Grade II listed Artful Dodger public house is located on the southern side of Royal Mint Street, to the eastern extent of the site. Other notable structures to the south include the Grade I listed Tower Bridge and the Tower of London World Heritage Site.
- 4.15 The southern portion of the site falls within the Tower Conservation Area, and the western-most proposed building (Building A) falls within the backdrop of the Tower of London, as protected within views 25A.1, 25A.2 and 25A.3 of the London View Management Framework and the consultation draft.
- 4.16 The site has an excellent level of accessibility to public transport, with a Public Transport Access Level of 6b ('Excellent') where 1 represents the lowest and 6 the highest, in that it is situated in close proximity to the Tower Gateway Station (DLR), Tower Hill (District and Circle Lines), Fenchurch Street Station (Rail) and numerous bus services.

4.17 Site Location Plan



Relevant Planning History

4.18 The following planning decisions are relevant to the application:

TH/7661/WP/9 3/0193 Planning permission was granted by the London Docklands Development Corporation for the redevelopment of the site to provide a 71,755sqm mixed use development within a 10 storey building, incorporating office floorspace above Class A1 and A3 floorspace, together with 60 car parking spaces.

This consent was renewed in 2003 under ref: PA/03/00391, and subsequently implemented in 2008. Accordingly, this permission is extant and can be fully implemented at any time.

PA/08/1358 Permission granted under s73 for minor amendments to conditions of PA/03/00391 to allow enabling works to take place.

PA/10/1256 Planning application WITHDRAWN for a similar scheme to that being considered: Redevelopment of site for a mixed-use development. Withdrawn by applicant 29/11/2010.

This application was revised following advice from officers, due to concerns regarding housing quality, affordable housing, amenity impacts, massing, detailed design and servicing arrangements.

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 this application:

Spatial Development Strategy for Greater London (London Plan)

- 1.1 Delivering the strategic vision and objectives of London
- 2.5 Sub regions
- 2.13 Opportunity areas and intensification areas
- 3.1 Ensuring equal life chances for all
- 3.2 Improving health and assessing health inequalities
- 3.3 Increasing housing supply
- 3.5 Quality and design for housing developments
- 3.6 Children and young people's play and informal recreation facilities
- 3.8 Housing choice
- 3.9 Mixed and balanced communities
- 3.10 Definition of affordable housing
- 3.12 Negotiating affordable housing
- 3.13 Affordable housing thresholds
- 4.1 Developing London's economy
- 4.2 Offices
- 4.3 Mixed use developments and offices
- 4.5 London's visitor infrastructure
- 4.12 Improving opportunities for all
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.6 Decentralised energy in new developments
- 5.7 Renewable energy
- 5.8 Innovative energy technologies

5.9	Overheating and cooling
5.11	Green roofs and development site environs
5.12	Flood risk management
5.13	Sustainable drainage
5.14	Water quality and waste water infrastructure
5.15	Water use and supplies
5.21	Contaminated Land
6.3	Assessing effects of development on transport capacity
6.5	Funding Crossrail and other strategically important transport infrastructure
6.9	Cycling
6.10	Walking
6.13	Parking
7.1	Building London's neighbourhoods and communities
7.2	Inclusive environment
7.3	Designing out crime
7.4	Local character
7.5	Public realm
7.6	Architecture
7.7	Location and design of large and tall buildings
7.8	Heritage assets and archaeology
7.9	Heritage-led regeneration
7.10	World heritage sites
7.11	London view management framework
7.12	Implementing the LVMF
7.13	Safety, security and resilience to emergency
7.14	Improving air quality
7.15	Reducing noise and enhancing soundscapes
7.19	Biodiversity and access to nature
8.2	Planning obligations

Unitary Development Plan 1998 (as saved September 2007)

Proposals: Central Activities Zone
Flood Protection Area

Policies:	CAZ1	Location of Central London Core Activities
	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV3	Mixed Use Developments
	DEV4	Planning Obligations
	DEV8	Protection of Local Views
	DEV9	Control of Minor Works
	DEV12	Provision Of Landscaping in Development
	DEV43	Protection of Archaeological Heritage
	DEV44	Preservation of Archaeological Remains
	DEV46	Protection of Waterway Corridors
	DEV50	Noise
	DEV51	Contaminated Soil
	DEV55	Development and Waste Disposal
	DEV56	Waste Recycling
	DEV69	Efficient Use of Water
	EMP1	Promoting economic growth and employment opportunities
	EMP3	Change of use of office floorspace
	EMP8	Encouraging Small Business Growth
	EMP10	Development Elsewhere in the Borough
	HSG7	Dwelling Mix and Type

HSG13	Internal Space Standards
HSG14	Provision for Special Needs
HSG16	Housing Amenity Space
T10	Priorities for Strategic Management
T16	Traffic Priorities for New Development
T18	Pedestrians and the Road Network
T21	Pedestrians Needs in New Development
S10	Requirements for New Shop front Proposals
OS9	Children's Playspace
U2	Development in Areas at Risk from Flooding

Interim Planning Guidance for the purposes of Development Control

Proposals: Development Site CF14 (B1 Office)

Policies:	DEV1	Amenity
	DEV2	Character and Design
	DEV3	Accessibility and Inclusive Design
	DEV4	Safety and Security
	DEV5	Sustainable Design
	DEV6	Energy Efficiency
	DEV7	Water Quality and Conservation
	DEV8	Sustainable Drainage
	DEV9	Sustainable Construction Materials
	DEV10	Disturbance from Noise Pollution
	DEV11	Air Pollution and Air Quality
	DEV12	Management of Demolition and Construction
	DEV13	Landscaping and Tree Preservation
	DEV15	Waste and Recyclables Storage
	DEV16	Walking and Cycling Routes and Facilities
	DEV17	Transport Assessments
	DEV18	Travel Plans
	DEV19	Parking for Motor Vehicles
	DEV20	Capacity of Utility Infrastructure
	DEV21	Flood Risk Management
	DEV22	Contaminated Land
	DEV25	Social Impact Assessment
	DEV27	Tall Buildings Assessment
	EE2	Redevelopment/Change of Use of Employment Sites
	EE4	Serviced Apartments
	HSG1	Determining Housing Density
	HSG2	Housing Mix
	HSG3	Affordable Housing
	HSG7	Housing Amenity Space
	HSG9	Accessible and Adaptable Homes
	HSG10	Calculating Provision of Affordable Housing
	CON1	Listed Buildings
	CON2	Conservation Areas
	CON3	Protection of World Heritage Sites
	CON5	Protection and Management of Important Views
AAP Policies:	CFR1	Spatial Strategy
	CFR2	Transport and Movement
	CFR3	Health Provision
	CFR4	Education Provision
	CFR5	Public Open Space
	CFR6	Infrastructure and services
	CFR7	Infrastructure capacity

CFR8	Waste
CFR9	Employment Uses in the Aldgate and Spitalfields Sub-Area
CFR10	Residential Uses in the Aldgate and Spitalfields Sub-Area
CFR11	Retail and Leisure Uses in the Aldgate and Spitalfields Sub-Area
CFR12	Design and Built Form in the Aldgate and Spitalfields Sub-Area
CFR13	Local connectivity in the Aldgate and Spitalfields Sub-Area
CFR14	Site allocations in the Aldgate and Spitalfields Sub-Area

Supplementary Planning Guidance/Documents

London Housing Design Guide 2010
Residential Space Standards 1998

Core Strategy Development Plan Document (Adopted September 2010)

Policies:	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 – Tower of London Vision, Priorities and Principles

Development Management - Development Plan Document (DPD) Engagement Document, May 2011

Government Planning Policy Guidance/Statements

PPS1	Delivering Sustainable Development
PPS3	Housing
PPS5	Planning for the Historic Environment
PPS4	Planning for Sustainable Economic Growth
PPS9	Biodiversity and Geological Conservation
PPS12	Local Spatial Planning
PPS22	Renewable Energy
PPS23	Planning and Pollution Control
PPS25	Flood Risk

The Draft National Planning Policy Framework

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

- A better place for living safely
- A better place for living well
- A better place for creating and sharing prosperity

6. CONSULTATION RESPONSE

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

LBTH Arboricultural Officer

- 6.3 The applicant should plant in the region of 100 trees in the surrounding area.

(Officer Comment: If planning permission is approved the applicants have agreed to a financial contribution towards public open space. This money will be directed toward the provision of open space in the surrounding area. Whilst it may not be used directly to plant 100 trees, it would address the impacts associated with the proposal in landscape terms. Additionally, new open space is proposed within the centre of the site, and an appropriate landscape condition will allow officers the opportunity to scrutinise the detailed landscape design and provision of trees prior to the implementation of the planning consent)

LBTH Biodiversity

- 6.4 No adverse impacts on biodiversity.

LBTH Building Control

- 6.5 Building Control have pointed out a number of technical directives, which can all be dealt with by an informative to encourage early discussions with the Council's Building Control section, post decision.

LBTH Corporate Access Officer

- 6.6
- Concern raised regarding positioning of through-the-floor lifts within the townhouses.
 - Landscaping should be re-thought

(Officer Comment: Revised plans address these points)

LBTH CLC

- 6.7 The following financial contributions are sought to mitigate the impacts of the proposal.

- Leisure, Community and Library/Idea Store facilities - £385,342;
- Open Space - £958,528 *(Officer comment, this has been reduced to £813,707 as discussed in section 8.220 of this report);*
- Smarter Travel - £9,690.

- 6.8 CLC supports the proposed development, provided that the community arches are included as a development cost, and are not off-set against the Council's standard community facilities contribution. The applicants have agreed to this.

LBTH Design and Conservation

- 6.9 No objection raised, on the basis that conditions are attached to secure detailed 1:50 or 1:20 drawings of the upper levels of Block A, sample sections, and details of materials, so as to ensure the development is appropriately muted to preserve the setting of the World Heritage Site. *(Officer Comment: Conservation Area Consent required by Grampian condition)*

LBTH Education

- 6.10 Based on the Council's Draft Planning Obligations SPD, the proposal would result in the need for 17 additional primary places at £14,830 per place, and 4 additional secondary school places at £22,347 per place. Accordingly, the total education financial contribution sought is £341,498.

LBTH Energy Efficiency

- 6.11 The Energy section noted that they are satisfied with the proposed 30% emission reductions on Building Regs 2010, through a single CHP system and PV panels. However, the applicant has proposed a BREEAM rating of 'Very Good' without adequate justification. Accordingly, the new build aspect of the scheme should achieve a BREEAM rating of 'Excellent'. The applicants have agreed to a condition to secure this.

LBTH Enterprise and Employment

- 6.12 Based on the Council's Draft Planning Obligations SPD, the council seeks a **£212,481** contribution towards the training and development of unemployed residents in Tower Hamlets, together with:

- 20% goods/services procured during the construction phase should be secured by businesses in Tower Hamlets;
- 20% of the construction phase workforce to be local residents of Tower Hamlets;
- 150 jobs within the hotel to go to Tower Hamlets residents; and
- 10 jobs within the community arches to go to Tower Hamlets residents.

LBTH Environmental Health

Air Quality

- 6.13 No response received, however condition to secure air quality management plan considered acceptable.

Noise & Vibration

- 6.14 The Environmental Health section are satisfied that the proposed construction methods would adequately mitigate against any noise/vibration concerns related to the train lines which run through and beneath the proposed building. However if planning permission is granted, post completion testing would be necessary. This can be secured through condition.

Land Contamination

- 6.15 The proposal is likely to result in the excavation of a large amount of contamination. As such, a condition requiring further contamination investigation and mitigation works should be attached if planning permission is granted.

LBTH Highways and Strategic Transport

- 6.16
- The site has a PTAL rating of 6b which demonstrates that a good level of public transport service is available within the immediate vicinity of the site;
 - The proposed level of parking provision (24 spaces) would be lower than the maximum standard, however the Highways section maintains that this should be reduced further, and the scheme should be car-free;
 - The proposal includes 2 disabled parking spaces, which the highways section accepts;
 - Applicants have agreed to 20% car-charging provision. This should be secured by condition;
 - A Car-Free Agreement is recommended;
 - Servicing arrangements are proposed via Chamber Street, however the Highways section are of the view that the arrangements are unacceptable due to the need for larger servicing vehicles to reverse into the public highway (*Officer comment: The applicants have agreed to the provision of a banksman to supervise all reversing onto*

the public highway. Plans were amended to include a 'Service Yard Manager Office' on Chamber Street for this purpose);

- Residential cycle parking provision (minimum 1:1) complies with policy and is therefore acceptable. 16 visitor spaces associated with the proposed commercial uses are provided within the public realm;
- The applicant should ensure that the cycle storage areas are secure;
- A coach loading space is proposed on the southern side of Royal Mint Street. This would result in the removal of 6 pay and display parking spaces. This is supported in principle by the Highways section;
- Vehicle trip generation used in the submitted Transport Assessment is acceptable;
- The proposed increase in passenger trips for buses, DLR and London Underground are within the respective capacities;
- A Section 278 Highway Agreement is required;
- A full travel plan is to be submitted for approval prior to the occupation of the proposed development;
- Contributions totalling £54,000 sought toward street lighting and accessibility improvements within the area;
- A Service Management Plan and Coach Management Plan to be secured by condition.

(Officer Comment: These comments are discussed in section 8 of this report)

LBTH Housing

6.17 Support the proposal for the following reasons:

- Principle of residential units on the site acceptable;
- Concept of townhouses along Royal Mint Street supported;
- Mix of housing considered acceptable;
- Rent levels appropriate;
- Approach to donor sites delivers the maximum reasonable amount of affordable housing.

LBTH Landscaping

6.18 No comments received.

LBTH Parks and Open Space

6.19 No comments received.

LBTH Waste Policy and Development

6.20 Supportive of the waste strategy, aside from the doorstep collection for the townhouses along Royal Mint Street. *(Officer Comment: Following extensive discussions on this point, it is the view of officers that the proposed arrangement represents the best approach, and the waste collection for the 9 houses twice a week would not have an unduly detrimental impact upon the safe and free flow of traffic)*

LBTH Primary Care Trust (PCT)

6.21 According to the HUDU model, the scheme would require a capital contribution of £385,342 to mitigate against additional impacts on health services.

Ancient Monuments Society

6.22 No response received.

British Broadcasting Corporation (BBC)

6.23 No comments received.

City of London Corporation

6.24 No objection raised.

Commission for Architecture and the Built Environment (CABE)

- 6.25
- Welcome the provision of public open space and re-activation of the arches on Chamber Street, however note that care is needed in the design and management of the public spaces;
 - Relationship with Tower of London World Heritage Site and the historic Royal Mint Courtyard has the potential to be appropriate;
 - Urban typology of the residential block with strong street frontages and finger blocks has been proven to work elsewhere. Entrances onto public spaces supported;
 - Terrace of townhouses along Royal Mint Street successfully creates a domestic frontage, however servicing needs to be carefully considered;
 - Technical challenges such as poor air quality, noise and vibration could be designed out;
 - Entrance to hotel in appropriate location;
 - Composition of the corner building is overly elaborate and required further refinement; and
 - Elevations would benefit from being moderated and toned down.

(Officer comment: Materials and detailed sections will be required prior to the commencement of superstructure works through condition, if planning permission is granted)

Council for British Archaeology

6.26 No response received.

Crossrail

6.27 No individual response received, however Crossrail is represented in TfL response.

DLR

6.28 No individual comments received in relation to the principles of the planning application, however they have liaised closely with TfL in formulating their comments.

English Heritage (Statutory Consultee)

6.29 Did not raise objection to the proposal, however noted that robust conditions regarding the materials should be attached to any approval of planning permission.

English Heritage Archaeology (Statutory Consultee)

6.30 No objection subject to conditions to secure further archaeological work.

Environment Agency (Statutory Consultee)

6.31 No objection subject to a condition to secure a surface water drainage scheme.

Georgian Group

6.32 No response received.

Government Office for London (Statutory Consultee)

6.33 No comments received.

Greater London Authority (GLA) (Statutory Consultee)

- 6.34
- The principle of a mixed-use redevelopment of the site is supported
 - The initial proposed affordable housing offer of £7.1 million (*based on original submission*) is unacceptable, as a donor site had not been identified. (*Officer comment: Subsequent to this, the applicants have explored the possibility of delivering affordable housing on donor sites, as discussed in section 8 of this report*);
 - The proposed mix of units is unacceptable, with a high proportion of studio units (13%) proposed. (*Officer Comment: The applicants revised the scheme to provide 11% studio units, to which the GLA have confirmed resistance to the level of studio accommodation. Officers consider the amount of studios acceptable on balance, which is discussed further within section 8 of this report*);
 - The proposed residential density is in line with London Plan policy, however the high proportion of studio units raises concern regarding the acceptability of the density;
 - The proposed play strategy is acceptable. The scheme provides 2,412sqm of recreational space for residents, which the GLA considers acceptable to meet the needs of the future children on site (noted as 69 children in the Stage 1 response);
 - In terms of housing quality, the Stage 1 response requested a further analysis of the scheme with relation to the Mayor's draft Housing SPG (EiP version);
 - The scale and massing of the proposed buildings are considered acceptable, and the design is considered to be of a high quality. However, concern was raised regarding the treatment of the eastern elevation of Block D, where the Bank DLR line drops underneath the building;
 - The design is considered acceptable with relation to the Protected Strategic Views, Assessment Vista's and Assessment Points as identified in the Mayor's London View Management Framework (LVMF);
 - Whilst the application details that 10% of the units will be wheelchair accessible, the submission did confirm that 10% of hotel bedrooms would be easily adaptable for wheelchair users. The applicant should provide this information (*Officer comment: This has been confirmed, and will be secured by condition if planning permission is granted*);
 - The energy strategy for the residential element of the scheme is acceptable in principle; however the hotel element of the proposal should be increased to exceed 2010 building regulations. Further information required regarding the justification of delivery of a single energy centre, the size of the CHP plant, and overall carbon savings expected.

Historic Royal Palaces

6.35 Worked closely with the architects to design the hotel building, and considered it would sit comfortably behind the Tower of London.

LAMAS (London and Middlesex Archaeology Society)

6.36 No objections in principle as there is unlikely to be an impact on nearby Listed Buildings including the Tower, however concern noted regarding the impact the scheme would have

upon individual buildings such as the water tower and the church to the north, and the more traditional buildings to the south and east (*Officer Comment: As discussed in section 8 of this report, officers and English Heritage are supportive of the scheme in this respect*).

London Borough of Southwark

6.37 No objection.

London Borough of Greenwich

6.38 No response received.

London City Airport (Statutory Consultee)

6.39 No objection.

London Fire and Emergency Planning Authority (Statutory Consultee)

6.40 Water supplies for fire service weren't specifically addressed in the submission documents. Proposals should conform to requirements of Section B5 of Approved Document B in regards to access and facilities for the fire service. These issues can be addressed via informative.

London Underground Ltd (Statutory Consultee)

6.41 No comment.

Metropolitan Police (Crime Prevention Officer)

6.42 Concern raised regarding the route through the arch up to Chamber Street – limited overlooking. Otherwise, the scheme benefits from significant overlooking onto public routes, security on entrances, and should be acceptable provided it complies with 'Secure by Design'. This will be conditioned if consent is granted.

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

6.43 No objections raised.

Natural England (Statutory Consultee)

6.44 No comments.

Port of London Authority

6.45 No objections raised.

Society for the Protection of Ancient Monuments

6.46 No response received.

Thames Water

6.47 Thames Water have requested a number of conditions be attached to any planning permission, requiring the submission of an impact study, and a drainage strategy to be submitted and approved prior to the commencement of any development.

Tower Hill Improvement Trust

6.48 No response received.

Transport for London (TfL) (Statutory Consultee)

- 6.49
- Accepts the proposed level of parking is within the standards set out in the London Plan, however welcomes any reduction in the 24 spaces proposed. 5 of those spaces to be fitted with electric vehicle charging points;
 - Cycle parking at a ratio of min 1:1 supported;
 - Crossrail contribution of £1,201,522 sought;
 - Seeking for the applicant to provide a link from the development to Tower Gateway DLR station, through the extension of the Tower Gateway DLR platform;
 - Requested a financial contribution £132,000 toward a cycle hire docking station;
 - Requested a contribution of £50,000 toward Legible London scheme in Tower gateway/Tower Hill Area;
 - Requested contribution to mitigate against the impact on buses - £95,321;
 - Requested contribution toward real time information boards within the communal areas of the development - £20,000.

Twentieth Century Society

6.50 No response received.

Victorian Society

6.51 No response received.

7. LOCAL REPRESENTATION

7.1 A total of 722 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:	245	Objecting:	31	Supporting:	213
		No formal comment:	1		
No of petitions received:	None				

7.2 The following issues were raised in representations that objected to the proposal and are material to the determination of the application. These are addressed in the next section of this report:

General

- The proposal constitutes overdevelopment of the site
(Officer comment: For the reasons outlined and expanded upon within section 8 of this report, it is not considered that the proposal constitutes over-development)
- If the scheme is approved it should safeguard jobs for LBTH residents
(Officer comment: If planning permission is granted the legal agreement seek to provide provisions to secure employment for local people)
- Density figures inaccurate
(Officer Comment: The density calculations as clarified in section 8 of this report are

considered accurate)

- Proposal would result in over-crowding
(Officer comment: As discussed in section 8 of this report, the density is considered acceptable with relation to policy, and officers are not of the view that the scheme would lead to overcrowding)
- Site is within a Preferred Office Location and unsuitable for residential
(Officer comment: As discussed in section 8 of this report, the site is considered suitable for residential)
- Query raised regarding the need for new hotel accommodation
(Officer comment: The applicant has identified an end-user for the hotel, which demonstrates there is capacity for the proposed hotel. Additionally, large –scale hotels are supported by policy in this location)
- Community benefits proposal only meets the needs of specific sectors of the community
(Officer comment: This relates to the use of the arches for community activities. This use is not being proposed at the expense of the Council’s Community priorities, as the full CLC community financial contribution has been secured by officers. The arches are being provided as a development cost by the developer, and are not required to grant planning permission)
- Strain on local resources
(Officer comment: With the appropriate financial contributions, it is considered that impacts on local resources would be mitigated against)

Housing

- Insufficient family social housing proposed on the site – resulting in transient population and lack of community cohesion
(Officer comment: On balance, the mix of housing on this site is considered acceptable, as discussed in section 8 of this report)
- Insufficient information to properly assess the developments on the donor sites, together with difficulties in providing a quality scheme on the Repton Street site
(Officer comment: Since the initial submission details of the donor sites were submitted, officers have entered into formal pre-application discussions with Tower Hamlets Community Housing regarding the feasibility of developing out the donor sites. Following these discussions, officers are of the view that the two sites could deliver the 445 habitable rooms agreed, and would be able to provide quality affordable housing schemes)

Design and Conservation

- Inappropriate relationship with the Tower of London
(Officer comment: As discussed in section 8 of this report, the relationship with the Tower of London is considered acceptable by officers, English Heritage and Historic Royal Palaces)
- Possibility of Archaeological remains on the site
(Officer comment: This is a real possibility, and a condition to ensure archaeological assets are appropriately dealt with will be necessary if planning permission is granted)
- Height of the development is out of character with the surrounding area
(Officer comment: As discussed in section 8 of this report, the height of the development is considered acceptable in design terms)
- Poor design

(Officer comment: As discussed in section 8 of this report, the proposal is considered acceptable in design terms)

- Concern raised regarding the loss of the railings surrounding the site, noting these were handmade by art metalworker Hillary Cartmell, and contain portraits of local people.

(Officer comment: If planning permission is approved these would need to be re-sited, either within the development as art work, or within the vicinity of the site. The applicants have agreed to a condition in this respect)

- Visuals submitted with the application are inaccurate

(Officer comment: Some of the views submitted by the applicants are confirmed as 'Accurate Visual Representations', or AVR's. Others are 'Computer Generated Images', or CGI's. The AVR's are just that – accurate representations of the final build, and the CGI's provide a guide whilst not necessarily being a wholly accurate visual. Officers are able to assess both types of image, taking into account perspectives. The submission is considered acceptable in this respect)

Amenity

- The building will obstruct daylight and sunlight to neighbouring residential flats (query raised regarding the way in which the daylight and sunlight results were presented in the applicants submission)

(Officer comment: The Council has had the daylight and sunlight report reviewed by a specialist consultant. The findings of the report were presented in a way which could be interpreted and assessed by officers of the Council and the consultant, and the submission is therefore considered sound in this respect. On balance the impacts are not considered to outweigh the benefits of the proposal, as discussed in section 8 of this report)

- Increased energy bills due to loss of light

(Officer comment: This is not considered to outweigh the benefits of the proposal)

- The proposal would result in unacceptable levels of over-shadowing

(Officer comment: As discussed in section 8 of this report, over-shadowing is considered acceptable)

- Loss of privacy

(Officer comment: As discussed in section 8 of this report, separation distances between habitable room windows are considered acceptable)

- Insufficient amenity space and open space for existing and future residents

(Officer comment: Amount of amenity space considered acceptable on balance, as discussed in section 8 of this report)

- The proposal will result in noise disturbance

(Officer comment: Any noise disturbance during the operational phase would be conducive to that expected in the mixed-use context of the surrounding area. As discussed within section 8 of this report, noise associated with the construction phase would be closely monitored by the Council's Environmental Health section. Noise impacts for future residents of the developments are considered acceptable, as expressed in paragraph 6.14 of this report)

- The proposal will result in pollution

(Officer comment: Air quality would be dealt with by condition to ensure that the proposal would not result in an unduly detrimental impact on air quality)

- Impacts of demolition and construction will include dust, noise and traffic

(Officer comment: This phase of the development would be closely monitored through an Environmental Management Plan and Construction Management Plan, thus this concern would be dealt with if planning permission were granted)

Transport

- Detrimental impact on the highway network

(Officer comment: As discussed within section 8 of this report, it is not considered the proposal would have a detrimental impact upon the highway network)

- Parking difficult to accommodate on site

(Officer comment: The amount and location of parking on site is considered acceptable, as discussed further in section 8 of this report)

- Pressures on existing on-street parking

(Officer comment: It is not considered the proposal would result in unacceptable pressures on existing on-street parking. No residents spaces will be lost through the implementation of the scheme, and if the application were to be approved, it is recommended that the development be permit-free, aside from those spaces proposed on the site)

- Coach drop off facilities inadequate

(Officer comment: This is discussed within section 8 of this report, and the drop off space on Royal Mint Street is considered acceptable by the Council's highways section)

Other

- Concern raised regarding access to the Bank line in case of emergency

(Officer comment: Significant discussions have been ongoing between the applicants and the DLR in order to ensure that emergency exits are acceptable. The enabling works associated with the proposal take account of this, and accordingly officers are satisfied that if planning permission is granted, the emergency access would be acceptable)

- Detrimental impact on tourist perception

(Officer comment: The proposal is considered acceptable in design terms, and in respect of the relationship with the Tower of London. The application is therefore considered acceptable with relation to tourist perception)

7.3 The following issues were raised in support of the proposal:

- Improvement in amenity in the area for local residents and visitors;
- Commercial activity welcomed;
- Improved job opportunities;
- Community facilities supported;
- Social housing is needed;
- Improvement to railway arches supported;
- Proposal will create a more aesthetically pleasing skyline.

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

- Amenity concerns regarding the construction of the proposal, as well as the cumulative

impacts of construction considering other planning proposals being considered, and impacts on Olympic Marathon Route during construction
(Officer Comment: Construction impacts, including provision for the Olympics would be controlled via the Construction Management Plan, which would be conditioned should Members be minded to approve this application)

- Impacts on property values

(Officer Comment: This is not a matter which can be considered in the determination of the planning application)

- Insufficient public engagement by the developer

(Officer Comment: The applicant carried out public engagement prior to submitting the planning application, in the form of a leaflet drop, a public exhibition, meetings with community stakeholders and ongoing communication through the publication of email and telephone contact details. The consultation carried out by the developer is considered acceptable)

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

- The public consultation by the Council was too short, and took place during the holiday period

(Officer Comment: The Council consulted on this proposal four times, with press notices, site notices and letters to neighbours. When contacted by members of the public, the case officer agreed extensions of time to submit representations, and further comments can be accepted up until midday on the day of the Strategic Development Committee)

8. MATERIAL PLANNING CONSIDERATIONS

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

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

Land Use

8.2 National, regional and local policy promotes a mixed use development approach on this site, subject to the following considerations.

8.3 In respect of national policy, PPS 1 'Creating Sustainable Development', promotes the more efficient use of land with higher density, mixed-use schemes. It suggests using previously developed, vacant and underutilised sites to achieve national targets. The effective use of land and the range of incentives/interventions to facilitate this are also encouraged in PPS3 'Housing'.

8.4 Planning Policy Statement 12 'Local Spatial Planning' iterates the importance of spatial planning in creating strong, safe and prosperous communities. It promotes spatial planning through the allocation of strategic sites, through masterplanning using an area action plan or through a supplementary planning document.

8.5 In respect of regional policy, the site lies within the City Fringe Opportunity Area and the

Central Activities Area (CAZ), as identified in policies 2.1 and 2.13 of the London Plan (2011). The London Plan notes that the City Fringe Opportunity Area has the capacity to deliver 70,000 new jobs and 7,000 new homes. Policy 2.11 'Central Activities Zone – Strategic Functions' refers to promoting a mix of uses including office. Policy 4.1 'Developing London's Economy' seeks to support the economy of London by promoting a range of premises of different types and sizes thereby encouraging mixed uses.

Loss of Office Use

- 8.6 The site is currently used as a car park and car wash, however it does have an extant consent for a circa 71,000sqm office-led development. This is therefore a material planning consideration, and one must consider the acceptability in policy terms of the loss of this potential office floorspace.
- 8.7 In the LBTH Core Strategy (2010) the site is designated as lying within the Preferred Office Location (POL). However, this boundary was further defined as part of the Council's Site and Placemaking DPD Engagement Document (2011), which was consulted on from May to June of 2011. In this document the boundary was moved north, and now only encompasses those arches which sit north of the Tower Gateway DLR line.
- 8.8 UDP policy EMP3 considers the change of use and redevelopment of outmoded or surplus office floorspace. The following factors are taken into account by the Council:
- The length of time that surplus office floorspace has been vacant;
 - The level of vacant floorspace and unimplemented planning permissions for office floorspace in the surrounding area;
 - Whether the development would involve the loss of premises built to a standard which provides adequate loading and servicing facilities for the full range of B1 uses
- 8.9 Policy EE2 of IPG Core Strategy states that proposals that seek to reduce employment floor space may only be considered where:
- The applicant has shown that the site is unsuitable for continued employment use due to its location, accessibility, size and condition;
 - There is evidence that there is intensification of alternative employment uses on site;
 - There is evidence that the possibility to reuse or redevelop the site for a similar or alternative business use, through active marketing, has been fully explored over a period of time or there is recent evidence that the site is suitable for ongoing employment use.
- 8.10 Whilst the London Plan (2011) places significant emphasis on office uses within the CAZ, and the site is identified in the Council's City Fringe Area Action Plan (2007) as a development site to provide office floorspace, the site itself lies at the periphery of the main office area of the City. Development immediately to the east of the site is not possible due to the bank railway lines, and immediately to the south of the site on Royal Mint Street the character of the area is increasingly residential.
- 8.11 The application has been supported with an employment land study which outlines the challenges in the office market in peripheral CAZ locations. The report justifies the mix of uses proposed, together with the fact that the extant office consent is not viable, given the site's location outside of the main office area of the city.
- 8.12 The scheme proposes 1172sqm of flexible commercial space, which can be used as office space if the market demands it.
- 8.13 It is therefore concluded by your officers and the GLA, that the proportion of non-office based uses would not undermine the strategic provision of office floorspace within the CAZ. Thus, given that the proposed mix of uses present opportunities for employment, on

balance the proposal is acceptable in this respect.

Hotel Use

- 8.14 Policy 4.5 of the London Plan (2011) seeks to deliver 40,000 net additional hotel bedrooms by 2031, and also notes that hotel provision should be focussed within the opportunity areas of the CAZ. Policy SP06 of the Council's Core Strategy (2010) notes that large scale hotels should be delivered in the City Fringe Activity Area (CFAA), within which the site sits. The LBTH UDP (1998) saved policy CAZ1 states that a balance of central London core activities, of a scale and type that is compatible with London's role as a financial, commercial and tourist centre, will be encouraged
- 8.15 The applicant has been engaging with Swissotel to become the 5 star end user of the development, thus demonstrating the local demand for a hotel of the calibre of that proposed.
- 8.16 Whilst the northern slither of the site falls within the Preferred Office Location, the scheme includes the potential to accommodate B1 office floorspace, and the proposal for a hotel accords with other CAZ and CFAA objectives. A hotel use is therefore considered acceptable in this location.

Serviced Apartments

- 8.17 Policy EE4 of the IPG notes that serviced apartments will only be considered acceptable where it can be demonstrated that they can and will be managed as short-term accommodation.
- 8.18 Serviced apartments are generally considered acceptable as a use within the CAZ, as well as the north and central parts of the Isle of Dogs. They provide a form of short-term accommodation specifically servicing business tourism.
- 8.19 The principle of serviced apartments is considered acceptable on the subject site, provided that a condition is attached to ensure the apartments will not be occupied for more than 90 days at one time.

Other Flexible Uses

- 8.20 The application proposes flexible commercial space, to include retail, together with SME's and office space. The provision of these uses will assist in activating the ground floor, and in policy terms would provide additional uses suitable within the CAZ, and are therefore considered acceptable in the context of the overall development
- 8.21 The scheme also proposes flexible community and office space, with plans showing space for boxing and training facilities, a gym and police hub within the arches on Chamber Street. Policy SP01 of the Core Strategy (2010) directs community uses towards the Tower Hamlets Activity Areas, Major Centres and District Centres. The subject site falls outside of these areas, and thus a financial contribution toward community facilities is supported in favour on the provision of the community uses on site. The applicants have agreed to the standard s106 community contribution.
- 8.22 Nevertheless, the applicants advise that they intend to deliver the "community arches" as part of the scheme, and have offered an undertaking to the Council to secure the delivery of the arches, with £1,000,000 toward the set up of a 'Community Interest Company' to refurbish and run them. This is separate from the planning obligations which are secured by the s106 Agreement, because the inclusion of the community arches are not considered necessary to secure planning permission. The £1,000,000 is not part of the scheme

viability, but comes from a separate funding stream. The board of this company would include at least one member from LBTH, and it is envisioned by the applicants that the Community Interest Company would provide services to dovetail with existing LBTH initiatives.

Residential Use

- 8.23 The site sits within the City Fringe Opportunity Area (CFOA) as identified in the London Plan (2011). Opportunity Areas across London have the capacity for 233,600 additional homes. The Council's UDP (1998) makes no reference to residential development in the Central Area Zone. Policy SP02 of the Council's Core Strategy (2010) states that the borough will seek to deliver 43,275 new homes (borough wide) from 2010 to 2025 in line with the housing targets set out in the London Plan. Policy SP06 of the Core Strategy (2010) notes that the POL is not appropriate for housing, although as already clarified in paragraph 8.7, the majority of the site lies outside of the POL.
- 8.24 National, regional and local policy indicate that there is a presumption in favour of considering residential development within mixed use schemes in this area. Although the UDP implies that land uses other than residential development take priority in the CAZ, there is an emphasis on seeking compatible uses rather than omission of any particular one. Thus, whilst a small part of the site falls within the POL, the proposal for a mixed use scheme with residential accords with other CAZ and CFOA objectives. Accordingly, the incorporation of residential units on this site is considered acceptable, given that the applicant has demonstrated that a large-scale office use on this site is not sustainable given the current market and the established residential-led mixed-use character along Royal Mint Street.

Density

- 8.25 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.
- 8.26 London Plan (2011) policy 3.4 seeks to optimise housing potential, having regard to local context, design principles and public transport accessibility.
- 8.27 The site has a public transport accessibility level (PTAL) of 6b, and its immediate setting is central in character. For central sites with a PTAL range of 6, both the IPG and London Plan density matrix suggest a density of between 650 and 1,100 habitable rooms per hectare. The proposed density would be 841 habitable rooms per hectare, and is within the guidance range of the London Plan and IPG
- 8.28 However, in considering the acceptability of the density, a wide range of factors are relevant. An overly high-density development may have an unacceptable impact in the following areas:
- Access to sunlight and daylight;
 - Lack of open space and amenity space;
 - Increased sense of enclosure for neighbouring properties;
 - Loss of outlook;
 - Detrimental increased traffic generation; and
 - Impacts on social and physical infrastructure.

- 8.29 As detailed within this report, officers consider that on balance the subject site can accommodate a high density development in line with the suggested PTAL range, and the above symptoms of over-development are not prevalent in this case.

Employment

- 8.30 The existing site is used for parking and car-wash services, and an indication of the number of existing employees has not been given by the applicants. The development being considered proposes a 236 room hotel, 33 serviced apartments, and 2917sqm of A1, A2, A3, A4, D1, D2 and B1 floorspace. The application details that the proposal will provide the equivalent of 270 full time jobs. Although there is an extant office permission on the site, this is unlikely to come forward as a viable proposal, and current employment levels on the site are likely to be significantly lower than this.
- 8.31 The applicant has advised that a minimum 150 jobs can go to local people if planning permission is approved. A commitment to seek to secure best endeavours to achieve this level of local employment can be secured through the s106 legal agreement.
- 8.32 The application is supported by an employment land and office report which outlines the challenges in the office market in peripheral CAZ locations and concludes that the future direction of office growth within London is focused on reinforcing the two internationally important business destinations of Canary Wharf and the City. The bulk of private development is focused in these areas, as is demand for office space. Officers have no reason to doubt this evidence.
- 8.33 It is considered that the submitted employment and office report adequately addresses the viability issues of office supply in this location, and the Council's Employment and Enterprise section support the proposal on the basis of securing employment and training for local people through the legal agreement. Therefore the loss of extant office floorspace is justified in accordance with policies EMP3 of the UDP 1998, EE2 of IPG Core Strategy and also policy SP06 of the Core Strategy DPD (2010) which promotes a range and mix of employment uses, particularly in Activity Areas such as this.

Housing

Affordable Housing

- 8.34 The Draft National Planning Policy Framework notes that "...where affordable housing is required, (local authorities should) set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities"
- 8.35 Policy 3.11 of the London Plan seeks the maximum reasonable amount of affordable housing, and to ensure that 60% is social housing, and 40% is intermediate housing. Policy 3.9 seeks to promote mixed and balanced communities, with a mixed balance of tenures.
- 8.36 Policies SO7 and SO8 of the Core Strategy (2010) seek to ensure that housing growth is delivered to meet housing demand in line with the London Plan, and ensure that housing contributes to the creation of socially balanced and inclusive communities, through delivery of housing reflecting the Councils priorities.
- 8.37 Policy SP02 of the Core Strategy (2010) 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. This policy seeks a split of 70% social rent to 30% intermediate housing

provision.

- 8.38 Under a new national planning policy statement, PPS3, issued in June 2011, the definition of affordable housing has changed and now includes social rented, a new product called affordable rented, and intermediate housing.
- 8.39 Social rented housing is defined as: Rented housing owned and managed by local authorities and registered social landlords, for which guideline target rents are determined through the national rent regime. It may also include rented housing owned or managed by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with the Homes and Communities Agency as a condition of grant.
- 8.40 Affordable rented housing is defined as: Rented housing let by registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is not subject to the national rent regime but is subject to other rent controls that require a rent of no more than 80% of the local market rent.
- 8.41 Intermediate affordable housing is defined as: Housing at prices and rents above those of social rent, but below market price or rents, and which meet the criteria set out above. These can include shared equity products (e.g. HomeBuy), other low cost homes for sale and intermediate rent but does not include affordable rented housing.
- 8.42 The supporting text for Policy 3.12 of the London Plan notes at paragraph 3.74 that affordable housing is normally required on-site, unless in exceptional circumstances, where it could be provided off-site to secure delivery of new affordable housing on identified sites elsewhere.
- 8.43 The London Plan also notes within paragraph 3.74 that such exceptional circumstances include those where they would deliver a higher provision of affordable housing; better address priority needs with specific reference to affordable family housing; secure a more balanced community; and better sustain strategically important clusters of economic activities.
- 8.44 Policy HSG3 of the Council's IPG (2007) notes that consideration of off-site affordable housing will be given where an appropriate alternative site for development has been identified, and it is demonstrated that this site can accommodate the off-site provision. It should also be demonstrated that this approach would result in a better outcome than if the affordable housing was provided on site (the off-site provision should accommodate a 50% affordable housing provision across the three sites). It also needs to be demonstrated that the approach produces a better outcome in providing housing which is more appropriate to the needs of households in housing need than could be provided if the affordable housing was delivered on site.
- 8.45 A total of 9 of the 354 residential units within the proposal would be affordable rent, which represents a total on-site provision of 5% based on habitable rooms. Acceptable rental levels (below the 80% target) have been agreed with the applicants.
- 8.46 However, the applicant has proposed an off-site provision of affordable housing, through the delivery of housing on two donor sites within the Borough. Through a contribution of £9,625,081, the proposal will deliver an additional 445 habitable rooms, or 36% affordable housing across all three sites.

Housing Mix on the subject site

- 8.47 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”.

8.48 Pursuant to policy 3.8 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’. Table 1 below shows the proposed unit mix on the RMS Site. Table 2 shows the mix on the two donor sites.

8.49 Pursuant to saved policy HSG7 of the LBTH 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 houses with private gardens.

8.50 Policy SP02 of the Core Strategy Development Plan Document (2010) seeks to create mixed communities. A mix of tenures and unit sizes assist in achieving these aims.

8.51 According to policy HSG2 of the IPG, the family housing provision in the rented, intermediate and private sale components should be 45%, 25% and 25% respectively. Table 1 below sets out the proposed mix on the Royal Mint Street Site.

Table 1: Unit Mix – Royal Mint Street

8.52

Unit size	Total units in scheme	Affordable Rent			private sale		
		units	%	LDF %	units	%	LDF %
Studio	41	0	0	0	41	11.75	0
1 bed	131	0	0	20	131	37.54	37.5
2 bed	121	0	0	35	121	34.67	37.5
3 bed	53	4	100	45	49	16.04	25
4 bed	8	5			3		
5 Bed	0	0			0		
TOTAL	354	9	100	100	345	100	100

8.53 The subject site is proposing 100% affordable rented family units (9 units) and 16% family housing in the private sale units. The Council’s Housing section support the provision of affordable family houses.

8.54 The provision of family sized accommodation within the private tenure on the Royal Mint Street site falls short of the 25% policy requirement, however on balance, given the central character of the site and the fact that the 16% achieved exceeds the average achieved in the 2008-2009 monitoring (being 3%), the proportion of family units could be considered acceptable.

Rent / Intermediate Shared Ownership and Housing Mix

8.55 No intermediate housing is proposed on the Royal Mint Street site, however this would come forward on the donor sites at a policy compliant split. The approach is therefore considered acceptable.

Donor Sites

- 8.56 There are specific and unique constraints associated with the subject site, due to the extraordinary costs involved with building over the Bank and Tower Gateway DLR lines. This means that the actual cost of delivering housing on this site is much higher than would normally be expected. This accordingly has an impact on the level of affordable housing the scheme can deliver, whilst being viable.
- 8.57 Furthermore, with DLR and train lines running through it, the site itself is not ideal for the provision of family housing. Whilst the designers have achieved good quality townhouses with private gardens and front doors onto Royal Mint Street (these are the 9 affordable units), the constraints of the site make it difficult to secure quality family housing elsewhere within the development.
- 8.58 Accordingly, the logic behind the approach taken in delivering housing on donor sites lies in the fact that the same amount of investment could deliver more, quality affordable housing units on the donor sites, with a higher provision of family housing, than could be achieved on the Royal Mint Street site.
- 8.59 The applicants submitted a financial viability appraisal with their planning application, which has been reviewed by Allsop Property Consultancy on behalf of the Council. Allsop have interrogated the appraisal, in order to ensure that the assumptions made regarding land and build costs, values and returns are acceptable. After significant negotiation, the Council and the Applicants have agreed that the scheme can afford to contribute £9,625,081 to off-site affordable housing, which equates to 445 habitable rooms on the donor site, or a 36% aggregate provision.
- 8.60 Officers have been engaging with Tower Hamlets Community Housing (THCH) regarding the two donor sites, located on Repton Street and Pedley Street. Through these pre-application discussions it has been established that the donor sites have the capability of accommodating the minimum 445 habitable rooms being proposed, whilst being directly linked to the delivery of the Royal Mint Street proposal.
- 8.61 Officers have had two meetings and many exchanges of indicative massing documents and floor plans with THCH regarding both of the donor sites.

Pedley Street

- 8.62 This site lies on the southern side of Pedley Street, is owned by Network Rail, and includes land within the ownership of Spitalfields Housing Association.
- 8.63 The main site is currently in use as a car park, has a rail line on its southern boundary, and is adjacent to the Fournier Street Conservation Area. The site has a PTAL of 3-4, and is designated within the City Fringe Area Action Plan to deliver a mixed use residential-led scheme.
- 8.64 The site within the ownership of Spitalfields Housing Association lies within the Fakruddin Estate. This site is currently occupied by pre-fabricated buildings in community use, and kick-about space. Indicative proposals on this site show a new community facility to replace the existing pre-fabricated buildings, together with re-provided amenity space and some low-scale residential.

Repton Street

- 8.65 This site is at the eastern-most extent of Repton Street, and lies between a rail line and the Regents Canal. The site is owned by Network Rail, and does not lie within a Conservation Area, or contain any Listed Buildings.

8.66 At present the site is in use for car parking, and it has a light industrial planning history. The site has a PTAL of 5, and falls within the identified place of ‘Stepney’ in the Council’s Core Strategy (2010), for which an identified priority is to provide family housing.

8.67 This site is considered to present an opportunity for good quality housing, with private gardens and aspect over the Regents Canal.

Delivery on the Donor Sites

8.68 Through the pre-application discussions, officers gave guidance regarding amenity, accessibility, massing, highways and land use. Officers are satisfied that across the two sites the 445 habitable rooms will be able to be delivered, whilst ensuring that the sites will deliver quality housing schemes, and preserve the amenity of neighbouring residential occupants.

8.69 The donor sites do not benefit from planning permission at this stage and will require separate consideration through the normal application process. However, if consent is granted for the Royal Mint Street site, the s106 Agreement will require the applicant and Tower Hamlets Community Housing to ensure that the housing is delivered on these sites in tandem with the Royal Mint Street site. The Royal Mint Street scheme will not be able to occupy more than 50% of the private residential units until 50% of the off site affordable housing has been provided, and no more than 90% of the private units until 100% of the off site affordable housing has been provided.

8.70 If it is established through the application process that the sites are unable to accommodate the full 445 habitable rooms (for example due to design or amenity impacts), the s106 Agreement will require a financial contribution per habitable room to be paid to the Council, to be used to deliver affordable housing within the Borough.

8.71 The tables below set out the levels of housing which would be delivered through providing the affordable housing on-site vs off-site. Officers have based the donor site figures in Table 2 on a 35% affordable housing provision, however it is possible that this would not be achieved in the current climate, where housing grant is no longer attainable. Therefore, the 20% aggregate provision represents a ‘best case’ scenario.

8.72 **Table 2: Estimated position if the sites were developed separately**

	Units	Habitable Rooms	% by habitable room
Royal Mint Street Only	30	125	13%
Donor Sites Only	41	155	35%
Aggregate Total	74	271	20%

Table 3: Proposed position

	Units	Habitable Rooms	% by habitable room
Royal Mint Street	9	49	5%
Donor Sites	118	445	100%
Aggregate Total	127	494	36%

8.73 It is clear that the proposed approach of developing the sites together will deliver a higher number of affordable units than if the sites were to be developed separately. Whilst the proposed approach does not meet the 50% aggregate IPG policy target, it does secure a

better outcome over all three sites in terms of the overall quantum of affordable housing being delivered.

- 8.74 The s106 legal agreement will be structured to ensure that the donor sites deliver a policy compliant mix and split between affordable rented and intermediate accommodation. This ensures that these schemes will deliver a good level of affordable family units.
- 8.75 The rented homes will be delivered in line with the government's recent changes to PPS3, at Affordable Rents. Tower Hamlets Community Housing (THCH) – who would be developing out the affordable housing acknowledge that 80% of market rent would not be affordable to residents on the Council's waiting list.
- 8.76 With that in mind THCH have agreed to set the rents in line with recent research undertaken by an organisation called POD, on behalf of the Council. This research concluded that to increase affordability, rents should be charged at 65% of market rents for 1 beds, 55% of market rents for 2 beds, and 50% of market rents for 3 beds and larger.
- 8.77 As market rents fluctuate in different parts of the borough and the sites are located in 2 different postcode areas (E1 and E14), the percentage figures above will be applied to borough average markets rents, as identified by POD.
- 8.78 The actual affordable rents (including service charges), as identified by the POD research, should not exceed:
- 1 beds at £180.70 per week;
 - 2 beds at £203.50 per week;
 - 3 beds at £231.50 per week;
 - 4 beds at £258.00 per week.
- 8.79 It is confirmed that the rents for the proposed affordable housing units on both the donor sites and subject site will not exceed these figures.
- 8.80 The agreement will also ensure that the donor sites are developed out at the same time as the Royal Mint Street site, thus ensuring that in planning terms the housing impacts associated with the proposed development will be mitigated at the appropriate time.
- 8.81 The housing offer therefore accords with policies 3.9, 3.11 and 3.12 of the London Plan, Policy HSG3 of the IPG, and policy SP02 of the Core Strategy, in that it delivers the maximum reasonable amount of affordable housing, delivering a better outcome by developing in conjunction with donor sites, as opposed to providing the affordable housing on site. Both the Royal Mint Street site and the donor sites will deliver a mix of housing tenures, and thus officers are satisfied that the proposal is delivering mixed and balanced communities.

Wheelchair Housing and Lifetime Homes

- 8.82 Policy HSG9 of the Interim Planning Guidance requires housing to be designed to Lifetime Homes Standards including 10% of all housing to be designed to a wheelchair accessible or "easily adaptable" standard. The application incorporates these principles.
- 8.83 If planning permission is approved, appropriate conditions should be attached to secure the delivery of accessible residential units, hotel rooms, and parking spaces.

Floorspace Standards

- 8.84 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.

- 8.85 Policy 3.5 of the London Plan seeks to ensure that the design and quality of housing developments are of the highest standard internally, externally and to the wider environment. This includes new space standards from the London Housing Design Guide.
- 8.86 Within the GLA's stage 1 response, concern was raised regarding the internal floor areas, and they requested a detailed assessment of the scheme in this respect. The applicants have submitted an updated planning statement which provides further discussion regarding the floor areas.
- 8.87 The applicants have advised that there are shortfalls within the studio and 1 bedroom units, and have justified these shortfalls on the basis of market demand and the fact that they do not consider the shortfalls are substantial. Given the site's location within the City Fringe, and that the shortfalls are not experienced by the larger family units, on balance the internal floor areas of the proposed units are considered acceptable.

Amenity Space

- 8.88 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”*.
- 8.89 Saved policy HSG16 '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 (2007) sets minimum criteria for private as well as communal and children's playspace. It should be noted that the policy states that variation from the minimum provision of communal space can be considered where the Council accepts the provision of a high quality, useable and public accessible open space in the immediate area of the site. The amenity space standards of the UDP and IPG are summarised in tables 4 and 5 below.
- 8.90 **Table 4: Amenity Space and 1998 SPG standards**

Tenure	Proposed	SPG Requirement	Total (m ²)
Family Units	61	50sqm of private space per family unit	3,050
Non-family units (Communal Space)	293	50sqm plus an additional 5sqm per 5 non-family units;	340
Child Bed spaces (Based on the Tower Hamlets Planning for Population Change and Growth Capacity Assessment 2009)	52	3sq.m per child bed space	156
Overall Total			3,546sqm

8.91 The table below indicates the amenity space required in accordance with policy HSG7 of the Interim Planning Guidance:

8.92 **Table 6: Interim Planning Guidance 2007 standards (Policy HSG7)**

Tenure	Proposed	IPG Requirement	Total (m ²)
Ground Floor Family Units	9	50sqm of private space per family unit	450
1 bedrooms or Studios	172	6sqm private space per unit	1032
2 bedrooms of more	173	10sqm private space per unit	1730
Total Private	354		3212
Communal Amenity Space	354 units	50sqm for first 10 units; 5sqm each 5 units thereafter	390
Child Bed spaces (Based on the Tower Hamlets Planning for Population Change and Growth Capacity Assessment 2009)	52	3sq.m per child bed space	156
Total			3,602sqm

Private Amenity Space

8.93 The scheme proposes 3400sqm of private amenity space.

8.94 The majority of one and two bedroom units, and all of the family units benefit from private space in the form of either a balcony or private terrace. Additionally, as noted below the scheme provides a substantial amount of communal amenity space for the use of residents, which is considered an appropriate response given the urban nature of the site.

Communal Amenity Space

8.95 2142sqm of communal amenity space is proposed on roof terraces within the development, which is considered acceptable.

Public Open Space

8.96 Approximately 260sqm of public open space (this increases to around 800sqm if including the pedestrian route within the arches and circulation space outside the building entrances) is proposed within the centre of the development, within the north-south pedestrian link between Royal Mint Street and Chamber Street. According to the Council's CLC section, based on the Council's Draft s106 SPD, the development generates an overall need for 14,923sqm of open space.

8.97 Given the urban nature of the development site, provision of communal amenity space substantially in excess of Council policy, and proximity of several parks within 15 minutes walk of the subject site, with appropriate mitigation through a financial contribution towards the delivery of open space, the proposal is considered acceptable in this respect.

Play Space

- 8.98 Based on the Tower Hamlets Planning for Population Change and Growth Capacity Assessment 2009 the proposed mix would result in a child yield of 52 children. This yield calculation is evidence based and Tower Hamlets specific, and is therefore considered a more accurate representation than the yield used by the GLA as outlined within the Mayor's supplementary planning guidance 'Providing for Children and Young People's Play and Informal Recreation'.
- 8.99 The Councils UDP (1998) seeks a minimum 3sqm play space per child, however the Mayor's supplementary planning guidance 'Providing for Children and Young People's Play and Informal Recreation' seeks 10sqm per child. Accordingly, a figure between the 3sqm and 10sqm threshold should be accommodated.
- 8.100 Informal play provision is proposed within the areas of public and communal amenity space within the development (total 2142sqm).
- 8.101 The applicants have submitted a play strategy which demonstrates that there are no existing facilities for play for children under 11 years within 100 metres of the site, although there is a play ground within 400m. Whilst the scheme doesn't include designated, enclosed playspace for smaller children, the applicant's Landscape Strategy proposes the incorporation of creative landscaping and features – such as level variation and play boulders
- 8.102 There are three existing areas for play within 800 metres of the site, including a multi-use games area, which will provide facilities for older children. Additionally, the arches along Chamber Street are proposed to provide indoor sporting facilities which would accommodate all ages.
- 8.103 The GLA support the proposed approach to playspace, although they have raised concern regarding the lack of access for residents of the affordable units to the communal amenity areas. This concern is shared by your officers, and if consent is granted, these areas should be accessible to residents of the affordable units, which can be secured by condition.
- 8.104 As detailed above, the application proposes 2142sqm flexible communal and play space areas, with a new area of public space within the centre of the site. On balance, with appropriate mitigation, it is considered that the proposal satisfies the requirements of the Interim Planning Guidance, UDP and the London Plan.

Design

Introduction

- 8.105 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.
- 8.106 Policy 7.1 of the London Plan 'Building London's Neighbourhoods and Communities' sets out over-arching design principles for London. Policy 7.8 of the London Plan requires developments to be sympathetic towards to heritage assets, Policy 7.6 seeks to ensure that new buildings are of the highest architectural quality. These principles are also reflected in policies DEV1 and DEV2 of the UDP and the IPG.
- 8.107 Policy 7.11 sets out the principles associated with the Mayor of London's View Management Framework.

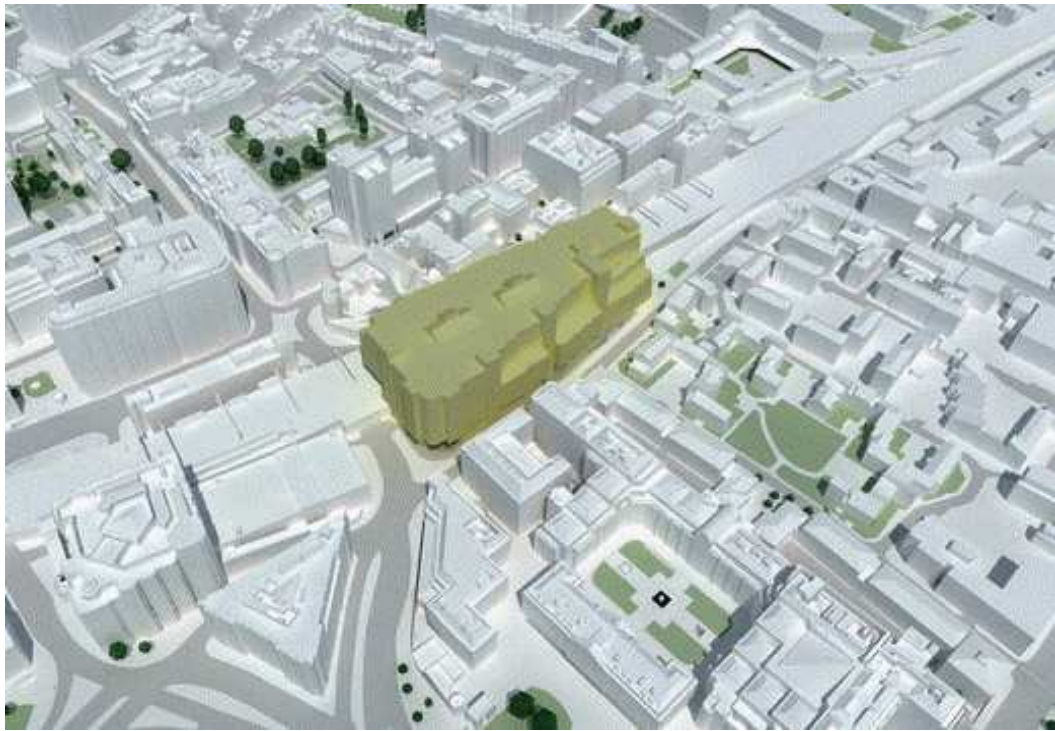
- 8.108 Policy SP10 of the Core Strategy DPD (2010) seeks to promote and implement placemaking across the borough to ensure that the locally distinctive character and context of each place is acknowledged and enhanced. The policy also seeks to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds. The policy lists 8 criteria against which development proposals will be assessed in order to ascertain whether they achieve this.
- 8.109 Policies CON1 and CON2 of the IPG seek to ensure that new development does not have an adverse impact on the character of Conservation Areas or Listed Buildings. Policy CON3 notes that new applications will be assessed against their impact on the setting, character, fabric and identity of World Heritage Sites.

Analysis

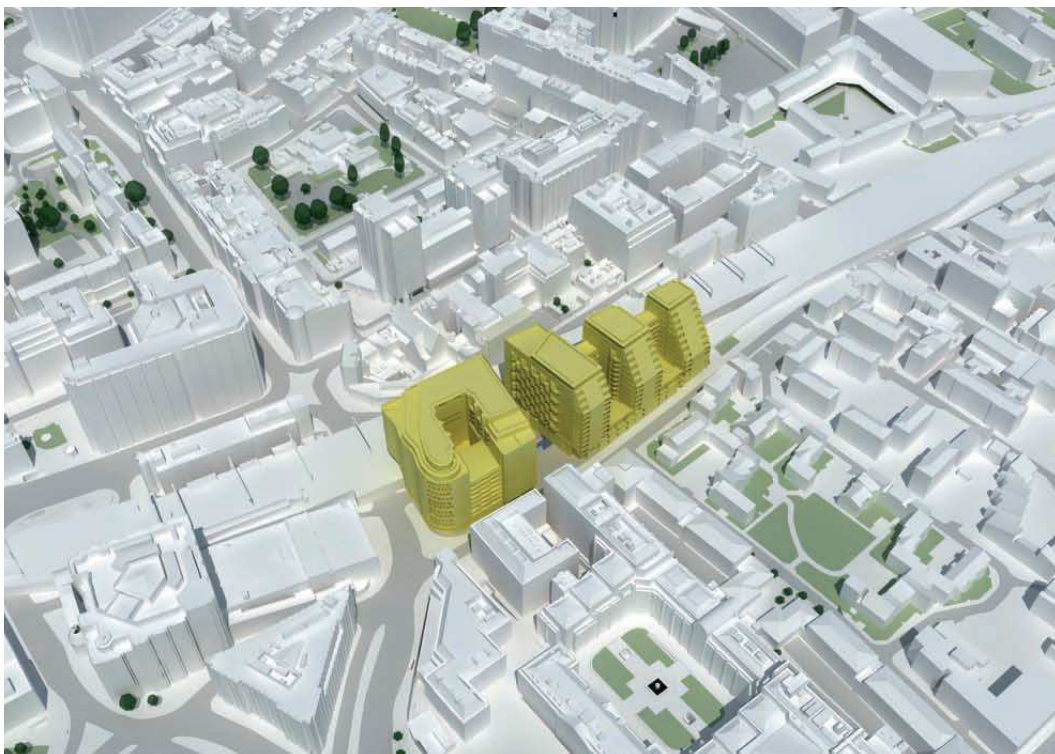
- 8.110 The application site is roughly rectangular, with an area of approximately 1.1 hectares. The Tower of London Conservation Area lies to the southeast of the application site, with the frontage of the site on Royal Mint Street falling within this.
- 8.111 The surrounding area includes a mix of land-uses and built form, including the high density commercial built form of the City of London to the west and north, historic landmarks comprising the Tower of London (World Heritage Site), Tower Bridge and the Royal Mint (both listed buildings/structures) and St Katherine's Dock to the south, and an increasingly more residential surround and domestic scale to the east.
- 8.112 The proposed development is divided into two elements, by a new north-south pedestrian plaza. The orientation of this allows views through the site to the Grade II Listed Church of the English Martyrs to the north. The hotel element of the scheme is located to the west of this space, with the residential on the upper west floors, and within the building to the east.

Scale, massing and layout

- 8.113 Below are massing diagrams comparing the extant office consent, which was originally granted permission in 1998 by the LDDC, and subsequently commenced through the implementation of enabling works in 2008, with the proposed scheme.
- 8.114 Massing diagram of the extant 1998 scheme



8.115 Massing diagram of the proposed scheme



8.116 Block A, comprising hotel, serviced apartments and an element of the residential sits in the backdrop of the Tower of London. When the PA/10/1256 planning application was submitted for this site, objection was raised by Historic Royal Palaces, English Heritage, the GLA and the Council's Conservation officer, due to the impact the proposed building would have on the Tower of London. Subsequently, the applicant entered into extensive pre-application discussions with all parties, and following this process it is considered that the revised design responds positively to it's surrounding context. The mass of the building has been reduced, and the design now incorporates recessed upper floors, with a resulting

scale and massing which is appropriately sensitive to the iconic landmarks surrounding the subject site.

- 8.117 The remaining residential component has been split into three separate blocks (Blocks B, C and D), which are linked by a three storey podium. The blocks are designed with a cut back on their southern aspect, in response to the lower scale residential properties on Royal Mint Street and the height of the blocks decrease as the site moves away from the larger scale context of the City.
- 8.118 The scheme proposes 9 houses at the base of the residential blocks along Royal Mint Street, with a series of set back front doors providing defensible space, which responds to the somewhat residential character of development on the southern side of the street.
- 8.119 Ground floor flexible commercial space fronts the pedestrian plaza, and the railway arches on Chamber Street are also proposed to be brought into use as community facilities. These ground floor units provide a variety of uses, activating the street edge and the new public north-south route.
- 8.120 Plans indicate that single aspect north facing residential units have been largely avoided, which is supported.

Design and Appearance

- 8.121 The proposals are considered to be well designed and of a high quality.
- 8.122 Block A is designed to respond positively to it's location within the setting of a World Heritage Site, by ensuring it recedes into the background behind the Tower of London. The undulating vertically hung rain screen cladding system provides depth and articulation, whilst the high quality cladding creates a rhythm in the façade. High quality materials are proposed, including oxidised copper panels, louvers and brise soleil, ceramic tiles and composite panels. The ground floor treatment and entrance to Block A ensures an appropriate human scale, and a legible entrance.
- 8.123 Blocks B, C and D adopt a simpler design approach, although there is more of an emphasis on the verticality of design. Winter gardens for residential units on the southern elevation have been achieved through chamfering the façade along Royal Mint Street. Similar high quality materials are pulled into this building.
- 8.124 Securing high quality materials is imperative to the success of this proposal, hence it planning permission is approved, a condition securing the submission of full details including samples of conditions is necessary. Assessment of these details will involve consultation with English Heritage and Historic Royal Palaces.
- 8.125 The eastern elevation of the building has been revised during the application process, to create a feature of an elevation which is highly unlikely to be obscured due to the positioning of the DLR lines. The approach is welcome by the Council's Design and Conservation section, in that it provides additional visual interest. The tunnel entrance itself is also considered to make for an improvement and renders this part of the development visually acceptable. Nevertheless, it is recommended that a condition is attached to ensure detailed drawings of this elevation are submitted to ensure this elevation delivers on design quality. This element was of particular concern for the GLA.

Heritage

- 8.126 Concerning the hydraulic accumulator tower which currently exists on site, further information regarding the demolition of the tower was submitted through the course of the application to satisfy the Council's Design and Conservation section's requirements with

relation to PPS5. There are three Listed accumulator towers near to the site, on Tower Place, Tower Bridge Road and in Stepney. The tower on the subject site is not protected by Conservation Area status, nor is it statutorily Listed. Accordingly, it can be demolished at any time. Considering the justification put forward by the applicants, which notes that the tower is not an early example of its type, and does not display particular architectural merit, the Council's Conservation section raises no objection to the demolition of this unlisted heritage asset.

8.127 Historic Royal Palaces have made comments on the application, noting the following:

“Historic Royal Palaces welcomes the development of this long vacant site, and the use of its western end as an hotel, which will contribute to both the facilities and the animation of the street frontages in the vicinity of the Tower of London World Heritage Site.

There are two principal ways in which development of this site will affect the setting of the World Heritage Site. First, in views of the Tower from Queen's Walk, where HRP is content that it would fit comfortably into the background context, being, indeed, barely visible from the vicinity of LVMF view 25. Second, in views from the east wall walk, along which visitors move from south to north; from it they therefore tend to be looking towards the proposed development. HRP is of the opinion that it would provide an appropriate closure to this vista, masking the backs of other buildings, without being over-dominant; the proposed ceramic panel cladding and 'deep skin' would be a welcome change from the locally predominant glass, steel and marble”

8.128 The design, scale and treatment of the buildings are considered acceptable with relation to the Tower Conservation Area, and nearby Listed Buildings.

Strategic Views

8.129 The site falls within Townscape View 25: The Queens Walk to Tower of London, as identified within the London Mayor's London View Management Framework (July 2010). The view is protected to ensure that new development respects the setting of the Tower of London and should not dominate this World Heritage Site, especially the White Tower. New buildings in the background of this view must be subordinate to the Tower of London, and respect its historical significance.

8.130 The GLA have advised within their Stage 1 report that *“The building will not adversely impact on this strategic view, and crucially will not change the horizontal silhouette of the White Tower, or breach the existing tree line, of the Tower of London”*. It is therefore considered the proposal accords with policy 7.12 of the London Plan and the Mayor's View Management Framework.

Design Conclusions

8.131 In terms of height and massing, the proposed development is considered acceptable given the surrounding context. The proposal has been designed in a manner which ensures that the special historic attributes of the Tower of London are preserved, and the relationship in relation to the surrounding buildings is acceptable. The scheme is a significantly more appropriate approach than the extant office consent, and the proposal is therefore supported by officers in design terms.

Amenity

Daylight and Sunlight

8.132 Policy DEV2 of the UDP seeks to ensure that 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.

- 8.133 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 is supported by policy SP10 of the Core Strategy.
- 8.134 The submitted Environmental Statement details that several residential developments are within range of the proposed development, so as to be considered 'sensitive receptors', which contain habitable rooms*. The Council appointed independent daylight and sunlight consultants to review the information submitted by the applicants. Through this assessment the sensitive receptors were broken down into two categories.

Neighbouring residential properties classed as 'primary receptors', due to their proximity to the application site being:

- 1-20 Royal Mint Street
- 15-18 Royal Mint Street
- 21 Royal Mint Street
- 23-29 Royal Mint Street
- 31-37 Royal Mint Street
- 39 Royal Mint Street
- 41 Royal Mint Street
- 43 Royal Mint Street
- 45 Royal Mint Street
- 47 Royal Mint Street

Those other residential properties which are more remote from the application site but could nonetheless be affected by the development, and hence are 'secondary receptors' are:

- 1 Cartwright Street
- 3 Cartwright Street
- 5 Cartwright Street
- 7 Cartwright Street
- 11/15 Cartwright Street
- 1 John Fisher Street
- 1-24 Block F, Peabody Estate
- 1-24 Block G, Peabody Estate
- 15 Prescott Street
- 23 Prescott Street
- 30 Prescott Street
- 87 Mansell Street

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

- 8.135 Daylight is normally calculated by three methods - the vertical sky component (VSC), Daylight Distribution (NSL) and the average daylight factor (ADF). BRE guidance requires an assessment of the amount of visible sky which is achieved by calculating the VSC at the centre of the window. The VSC should exceed 27%, or not exhibit a reduction of 20% on the former value, to ensure sufficient light is still reaching windows. In the event that these figures are not achieved, consideration should be given to other factors including the NSL and ADF. The NSL calculation takes into account the distribution of daylight within the room, and again, figures should not exhibit a reduction beyond 20% of the former value.

The ADF calculation takes account of the size and reflectance of a rooms surfaces, the size and transmittance of its window(s) and the level of VSC received by the window(s). This is typically used to assess the quality of accommodation of new residential units, as opposed to neighbouring units.

- 8.136 British Standard 8206 recommends ADF values for residential accommodation as:
- 2% for kitchens;
 - 1.5% for living rooms; and
 - 1% for bedrooms.
- 8.137 A further material consideration in considering daylight and sunlight is the extant office permission for the redevelopment of the site. This permission could be built out at any time, and it is therefore appropriate to consider the impact of this current proposal against the impact of the extant scheme. It would not be appropriate to expect future development to be fully compliant with the guidelines set out in the BRE Guidance, given the undeveloped nature of the site at present, the urban context, and the extant consent.

Daylight Results: Impacts on Neighbouring Properties

- 8.138 75 out of 88 of the windows on Royal Mint Street will experience a loss in VSC (the amount of sky visible from the window) in excess of 40%, and in the majority of cases this loss will be in excess of 60%. They will therefore experience a major/adverse impact. The results of the daylight distribution (NSL) and average daylight factor tests show a similar pattern in terms of both the number and magnitude of failures.
- 8.139 These results have been considered against the impacts of the extant office consent.

Comparison with Extant Consent

- 8.140 The proposed development would result in some small technical improvements to most rooms in 1-12 Royal Mint Street when compared to the extant consent. There are rooms within 21-47 Royal Mint Street which would be “slightly worse” off than the extant consent.
- 8.141 The submitted Environmental Statement summarises a comparison of the losses between the proposed development and the extant office consent on the site. When using the extant consent as a baseline, the submission concludes the following:
- 24% of surrounding windows would either experience no worse or improved levels of sky visibility;
 - 70% of surrounding rooms would see no change or an improvement in the area of the room which can benefit from direct skylight at working plane height due to the gaps between the blocks of the proposed development;
 - 71% of surrounding windows would either experience no worse or improved levels of sunlight amenity; and
 - Transient overshadowing results show that the gaps in the proposed development would result in a reduction in the general level of shadow cast compared to the extant consent.
- 8.142 The construction of the proposed development instead of the extant consent would result in seven additional neighbouring windows being unable to meet the VSC criteria (176/277 pass). Two additional rooms would meet the NSL criteria (150/220 pass), and an additional 4 windows would benefit from compliant levels of sunlight amenity (99/105 pass).
- 8.143 Officers have considered the daylight and sunlight implications in terms of both the baseline as an undeveloped site, and the baseline of the extant office consent. The BRE

'Site Layout Planning for Daylight and Sunlight' notes that

"The advice given...is not mandatory and the guide should not be seen as an instrument of planning policy...Although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design".

- 8.144 Given the urban context of the area within which the development sits, together with the unique challenges associated with developing this site, on balance officers consider that the impacts in terms of loss of daylight and sunlight do not outweigh the benefits the overall scheme will deliver as a whole – being development of an under-utilised site, housing, employment and a scheme of high design quality.

Daylight Results: Quality of Proposed Units

- 8.145 868 out of 970 (90%) of habitable rooms within the proposed development achieve the minimum design standard for ADF. The majority of those which fail are private studio units.
- 8.146 It is reasonable for some rooms to fail the BRE guidelines on urban developments such as that being considered. Family sized units, in particular the affordable rented units along Royal Mint Street would experience acceptable levels of daylight. On balance, the levels of daylight and sunlight for the proposed units are therefore considered acceptable.

Sunlight Assessment

- 8.147 Sunlight is assessed through the calculation of the annual probable sunlight hours (APSH). This method of assessment considers the amount of sun available in the summer and winter, for windows within 90 degrees of due south.

Sunlight Results: Impacts on Neighbouring Properties

- 8.148 The majority of neighbouring residential properties do not have principle elevations facing within 90 degrees of due south. Accordingly, they do not fall within the assessment criteria.
- 8.149 For those properties that do fall within the criteria for assessment, the impact on sunlight will be relatively minor. One significant failure relates to 30 Prescott Street, where the loss of sunlight will fall within the major/adverse category. However, on balance, and in the context of the whole development, the overall impact on sunlight is considered acceptable.

Shadow Analysis

- 8.150 The BRE report advises that for spaces to appear adequately sunlit throughout the year at least half of gardens or amenity areas should receive at least two hours of sunlight on the 21st of March. If this is not achieved, the result should not be more than 80% of it's former value.
- 8.151 There are no notable areas of surrounding designated amenity space at ground level, which would be affected by this development.
- 8.152 Within the development itself, the all but one of the new public and communal amenity areas will experience acceptable levels of overshadowing. This is aside from a terrace within Block A, however this is confirmed within the application documents as a 'Visual Amenity Area', and is not expected to be used by occupants for general enjoyment. Accordingly, the shadow impacts of the proposal are considered acceptable.

Air Quality

- 8.153 A condition is necessary to require the submission and approval of a further Air Quality Management Plan, to detail measures to reduce dust escaping from the site. Such matters are also covered by separate Environmental Health legislation.

Noise and Vibration

- 8.154 The Councils Environmental Health section reviewed the submitted information, and advised that the application is acceptable in terms of noise and vibration, provided conditions are attached should planning permission be approved, to secure the following:
- That all residential aspects of the development should meet the "Good standard" of BS8233. Post completion testing would be necessary;
 - The reradiated noise/ structure borne noise should not exceed 35dB;
 - The vibration level should meet with the requirements of BS6472 and not regularly exceed ppv of 1mm/s. This assessment should be carried out at the foundation level, and agreed with Environmental Health prior to any further works.

Sense of Enclosure/Loss of Outlook and Privacy

- 8.155 Policies SP10 of the Core Strategy, DEV2 of the UDP and DEV1 of the IPG seek to ensure that new development protects amenity, preventing the loss of privacy. 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.
- 8.156 In the opinion of officers, the separation distances between the proposed development and directly facing neighbouring properties is considered acceptable given the urban context of the surrounding area.

Micro-Climate

- 8.157 Planning guidance contained within the London Plan 2011 places great importance on the creation and maintenance of a high quality environment for London. Policy 7.7 (Location and Design of Tall and Large Buildings) of the London Plan, requires that *"tall buildings should not affect their surroundings adversely in terms of microclimate, wind turbulence.."* 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."

- 8.158 Within the submitted Environmental Statement, the applicant has assessed the likely impact of the proposed development on the wind climate, 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.
- 8.159 The pedestrian level wind microclimate at the site was quantified and classified in accordance with the widely accepted Lawson Comfort Criteria.
- 8.160 Overall, the residual effect of the proposed development, with required mitigation

measures in place, is expected to be minor adverse to moderate beneficial. The mitigation measures include soft planting at street level around the proposed area of public realm, perimeter screening around the roof terraces at upper levels, and recessing or lateral screening at one site entrance.

- 8.161 It is therefore considered that the proposed development would be acceptable in terms of the impact upon microclimate conditions surrounding the development and would not significantly impact on the pedestrian amenity on the site.

Transport

- 8.162 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.
- 8.163 London Plan Policy 6.3 seeks to ensure that new development does not adversely affect safety on the transport network. Policies 6.8, 6.9 and 6.10 seek to ensure that new developments make appropriate provision for coaches, cycles and the pedestrian environment. Policies 6.12 and 6.13 seek to ensure that new developments provide an appropriate level of car parking, whilst ensuring new developments result in a net benefit on road network capacity.
- 8.164 In respect of local policy, UDP saved 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.
- 8.165 Having regard to the IPG, policy DEV17 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 requires a travel plan for all major development. DEV19 sets maximum parking levels. Policies SP08 and SP09 of the Core Strategy DPD (2010) seek to deliver an accessible, efficient and sustainable transport network.
- 8.166 The PTAL rating for the site is excellent (level 6b), given it's proximity to Tower Gateway DLR station, Tower Hill underground station and several bus routes.
- 8.167 The proposal includes a total of 24 residential car parking spaces, 2 of which will be for disabled parking use and 5 to have vehicle charging facilities, and a maximum 489 cycle parking spaces proposed for residents, employees and visitors.

Vehicular Parking

- 8.168 Whilst the Council's Highways section would prefer to see a lower provision, the proposed 24 spaces comply with policy in numerical terms, and TfL have confirmed they also accept the proposed provision. The proposed 24 car parking spaces are considered acceptable on balance.
- 8.169 The parking spaces are proposed within the arches on Chamber Street, with private vehicles able to enter and egress the site in a forward gear.

- 8.170 2 disabled parking spaces are proposed within these arches, which is considered acceptable by the Highways Section. If there is further demand for such spaces by residents of the development, blue badge holders are able to contact the Council's Parking section directly, in order to arrange an on-street parking space associated with their individual permit.
- 8.171 It is therefore considered that the vehicular parking provisions would be in accordance with policies 6.9 and 6.13 of the London Plan. A S106 legal agreement should be entered into in order that the Traffic Management Order can be amended to exempt occupiers of this site from obtaining parking permits. This will ensure no overflow parking on the public highway.

Cycle Parking

- 8.172 The application proposes a scheme whereby a maximum of 489 secure cycle parking spaces can be provided, using a mix of Sheffield stands and a two-tier system. This represents a provision in excess of 1 space per residential unit, and is therefore compliant with Planning Standard 3: Parking and policy DEV16 of the IPG. Commercial cycle spaces are proposed at ground level.

Servicing and Refuse Collection

- 8.173 Plant, delivery and servicing spaces within the proposed development are located within three of the arches on Chamber street.
- 8.174 *Residential Refuse*
The scheme proposes the incorporation of space within each residential unit for general waste, mixed recyclables and organic waste. Residents can deposit their waste in segregated chutes which terminate on the ground floor of Block A, and the mezzanine floor of Blocks B, C and D. The private maintenance organisation will be responsible for replacing bins and transporting the bins by service lift to the collection areas within the railway arches on Chamber Street.
- 8.175 The remainder of the residential refuse collection would be doorstep collection from Royal Mint Street, for the 9 townhouses. Each house has space designated for individual wheelie bin storage.
- 8.176 *Hotel Refuse*
The hotel waste storage area is located within the chambers on Chamber Street, separate from the residential refuse area. Recycling and general waste bins would be provided, and transported by management to the general collection area at the base of Block A.
- 8.177 Serviced apartment collection would take place from the units by management, and transferred to a storage area at the base of Block A.
- 8.178 *Leisure, Retail and SME Refuse*
The refuse arrangements for the retail, leisure and SME units comprise of storage areas, with twice weekly collection taking place from Chamber Street.
- 8.179 The majority of refuse collection would take place from here, as well as general servicing for the development.
- 8.180 Three servicing bays are incorporated into the scheme. The eastern and western-most bays are to accommodate any size vehicle, and the central bay is only to accommodate vehicles up to a box van in size.

- 8.181 The Council's highways section have raised concern regarding the servicing arrangements, whereby larger servicing vehicles would need to reverse out of the western and eastern bays onto the highway. Highways would prefer to see adequate manoeuvring space provided to ensure that all vehicles servicing the site are able to access and egress from the site in a forward gear.
- 8.182 To address these concerns, the applicant has proposed the incorporation of a banksman to supervise the reversing of larger vehicles. At present servicing for the businesses along Chamber Street often takes place on-street, and the proposed arrangement removes the need for on-street servicing. However there would be one to two pre-arranged manoeuvres involving larger vehicles (7.5T and larger) per day, requiring the vehicle to reverse onto the highway. On balance, given the constraints of the site, it is considered that officers have secured the 'best case' available, with highway safety maintained through the incorporation of the banksman. This arrangement can be secured by condition.
- 8.183 The Council's Waste section have raised concern regarding the doorstep collections for the townhouses on Royal Mint Street, in that the collection vehicle would be required to stop on the highway, and the bins/sacks would need to be walked across the cycle superhighway. Officers have liaised with the applicants and the Council's Waste section, and there is no other alternative to this arrangement. On balance, given that this arrangement is only proposed for the 9 townhouses, and collection would be infrequent, it is considered that the impact of doorstep collection would not be unduly detrimental, and is therefore acceptable.

Coach Parking

- 8.184 A coach pick up/drop off bay is proposed on the southern side of Royal Mint Street. Swept path drawings have been submitted which demonstrate that a large luxury coach can access and egress the space without difficulty, and vehicles will be able to pass the parked coach unobstructed.
- 8.185 This arrangement would result in the loss of six pay and display parking bays on Royal Mint Street, however an additional four spaces could be accommodated on Chamber Street as part of the development proposal if agreement over suitable locations can be reached with the Council's Parking Services team. These would be considered as part of the necessary highway works (known as s278 works) which would be completed as part of the development. No residents parking bays would be lost.
- 8.186 The proposed approach is considered acceptable by the Council's Highways section.

Delivery service plan and construction logistics plan

- 8.187 TfL have requested the submission of a delivery service plan and a construction logistics plan. Should permission be granted, conditions which secure the submission of a Construction Management Plan and a Delivery and Service Plan would satisfy this request.

Travel Plan

- 8.188 TfL have requested that additional detail is required from the submitted Travel Plan, including how to promote sustainable transport measures, the inclusion of a site management office and the provision of a travel plan for the commercial element of the development. Should permission be granted, the travel plan could be secured by way of the s106 agreement to the satisfaction of the LPA and TfL, together with future monitoring of the Travel Plan.

Link through to Tower Gateway DLR Station

- 8.189 The applicant is also proposing a new point of access to Tower Gateway station from the eastern side of Mansell Street. This will consist of a stairwell and lift, CCTV, signage, a ticket machine and an Oyster Card reader.
- 8.190 Whilst the principle and feasibility of this link is agreed between the developers and TfL/DLR, the detailed drawings will be finalised post-decision.
- 8.191 The s106 Agreement will secure the delivery of the link prior to occupation of Block A, and it has been requested by TfL that a condition requiring approval of the detailed drawings prior to the implementation of superstructure works be attached to the planning consent.

Energy Efficiency and Sustainability

- 8.192 At a national level, PPS22 and PPS1 encourage developments to incorporate renewable energy and to promote energy efficiency.
- 8.193 The London Plan sets out the Mayor's energy hierarchy which is to:
- Use Less Energy (Be Lean);
 - Supply Energy Efficiently (Be Clean); and
 - Use Renewable Energy (Be Green).
- 8.194 The London Plan 2011 includes the target to achieve a minimum 25% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy (Policy 5.2).
- 8.195 Saved Policy DEV2 of the UDP (1998), DEV 6 of the IPG (2007) and SP02 of the Core Strategy (2010) seek to incorporate the principle of sustainable development, including use of energy efficient design and materials, and promoting renewable technologies. The London Borough of Tower Hamlets Policy SP11 requires all new developments to provide a 20% reduction of carbon dioxide emissions through on-site renewable energy generation.
- 8.196 The submitted energy strategy follows the Mayor's energy hierarchy as detailed above. The development would make use of energy efficiency and passive measures to reduce energy demand (Be Lean). The integration of a communal heating scheme incorporating a Combined Heat and Power (CHP) engine to supply the space heating and hot water requirements in accordance with policy 5.6 of the London Plan will also reduce energy demand and associated CO2 emissions (Be Clean).
- 8.197 Photovoltaic cells are proposed to provide a source of on site renewable energy (Be Green). The technologies employed would result in a 1.5% carbon savings over the baseline. Through the maximisation of the CHP system to deliver space heating and hot water it is acknowledged that achieving a 20% reduction in CO2 emissions through renewable energy technologies is not feasible. The applicant has demonstrated that the proposed CO2 emission reduction through PV's (1.5%) is the maximum that can be achieved from renewable energy technologies for the site. Whilst the proposed development is not meeting Core Strategy Policy SP11, the Council's Sustainable Development Team support the application as the development is in compliance with the London Plan (Policy 5.2) through achieving a cumulative 30% reduction above Building Regulation requirements.
- 8.198 The anticipated 30% reduction in carbon emissions through energy efficiency measures, a CHP power system and renewable energy technologies is considered to be acceptable and in accordance with the above mentioned development plan policies. It is recommended that the strategy is secured by Condition and delivered in accordance with

the submitted Energy Statement dated July 2011.

- 8.199 In terms of sustainability, London Borough of Tower Hamlets requires all new residential development to achieve a Code for Sustainable Homes Level 4 rating and all commercial development to achieve a BREEAM 'Excellent' rating. This is to ensure the highest levels of sustainable design and construction in accordance with Policy 5.3 of the London Plan 2011 dated and Policy 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.
- 8.200 The applicant has submitted a Sustainability Statement that sets out the commitment to achieving a Code for Sustainable Homes Level 4 rating and targets a BREEAM Excellent rating. It is recommended that the achievement of these ratings is secured through an appropriately worded Condition.

Other Planning Issues

Biodiversity

- 8.201 The application site is of negligible biodiversity value, to the extent that ecology was scoped out of the EIA. There is almost no vegetation on the site. There are, therefore, no adverse impacts on biodiversity. The proposals include some soft landscaping at ground level, and more on a series of roof terraces. There are a few areas of naturalistic planting, including a meadow area on the 13th floor roof, which will provide some wildlife habitat. Overall, the proposed development would lead to very minor gains for biodiversity, which is considered acceptable by the Council's Biodiversity officer.

Environmental Statement

- 8.202 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.

Demolition & Construction

- 8.203 With regards to the objections received on the grounds of impacts during demolition and construction, this matter was covered within the submitted Environmental Statement. Some of the construction to be carried out in close proximity to the DLR and Network Rail infrastructure would need to be undertaken overnight when no trains are running. This would be on a limited basis, the actual hours of work would need to be approved by the Council's Environmental Health team post decision. The typical hours of work, which would be secured by condition would be 08:00 – 18:00 weekdays; 08:00 – 13:00 Saturdays; and no working on Sundays or bank holidays.
- 8.204 In addition, the applicants agree to the provision of an Environmental Management Plan (EMP) to be secured by condition. This plan would cover various operational aspects of the development phase, including air quality, noise, dust and vibration, as well as monitoring of impacts. The EMP would be reviewed by the Environmental Health section, and allow the Council to work with the developer to ensure that impacts associated with the build are closely monitored.

Section 106 Agreement

- 8.205 As set out in Circular 05/2005, planning obligations should only be sought where they meet the 5 key tests. The obligations should 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.

8.206 More recently, 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 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.

8.207 Policies 8.2 of the London Plan (2011), Saved policy DEV4 of the UDP (1998), policy IMP1 of the IPG (2007) and policy SP13 in the Core Strategy (2010) seek to negotiate planning obligations through their deliverance in kind or through financial contributions.

8.208 The Council has recently published a draft Supplementary Planning Document on Planning Obligations in August 2011. This document which is currently out on public consultation; provides guidance on the policy concerning planning obligations set out in policy SP13 of the adopted Core Strategy. Within the document, the standard obligations area set out under the following headings:

Key priorities are:

- Affordable Housing
- Employment, skills, training and enterprise
- Community facilities
- Education

Other Tower Hamlets Priority Obligations are:

- Health
- Sustainable Transport
- Public Realm
- Environmental Sustainability

In light of this, LBTH Officers have identified the following contributions to mitigate against the impacts of the proposed development, which the applicant has agreed. As such, it is recommended that a S106 legal agreement secure the following Heads of Terms:

Affordable Housing

2.209 Delivery of 9 affordable rented residential units (49 habitable rooms) on the Royal Mint Street Site, together with 445 habitable rooms (policy compliant housing mix and split) to be delivered on the donor sites. The off-site contribution equates to **£9,625,081**.

2.210 Not to occupy more than 50% of the Open Market Units on Royal Mint Street until 50% of the Off Site Affordable Housing has been provided, and not to occupy more than 90% of the Open Market Units on Royal Mint Street until 100% of the Off Site Affordable Housing has been provided.

Highway and Transport Contributions

8.211 Provide the following towards transport infrastructure and local pedestrian environment improvements.

TFL -

- Crossrail - **£1,201,522**
- Link through to Tower Gateway Station
- Improvements to the Bus network - **£95,321**
- Legible London - **£50,000**
- Cycle Hire Docking Station - **£132,000**
- Real Time Information Boards within the communal areas of the development - **£20,000**

LBTH Highways -

- **£31,000** street lighting improvements in the surrounding area;
- **£22,000** accessibility improvements in the surrounding area.

Education

8.212 Increased residential development impacts on the demand for school places within the borough. Where there is a child yield output from a development, the Council would seek contributions towards additional primary and secondary school places across the borough. Financial contributions towards Education would be pooled in line with Circular 06/2005. This would allow expenditure on Education to be planned on a Borough wide basis to meet the Education need for its residents. Based on the Council's Draft Planning Obligations SPD, the proposal would result in the need for 17 additional primary places at £14,830 per place, and 4 additional secondary school places at £22,347 per place. Accordingly, the total education financial contribution sought is **£341,498**.

Health

8.213 The Tower Hamlets Primary Care Trust have requested a contribution of **£385,342** towards the development of health and wellbeing centres.

8.214 Where the residential population in the Borough is increased through new development, there is further pressure upon existing Health facilities and a consequent demand for new ones. The Council would mitigate that impact by securing contributions from new residential developments towards Health Facilities in the Borough.

8.215 Due to the Borough wide impact, financial contributions towards Health Facilities would be pooled in line with Circular 05/2005. This would allow expenditure on health to be planned on a Borough wide basis to meet the need for its residents.

Leisure and Community Facilities, together with Library/Idea Store Facilities

8.216 Community facilities provide the space for community groups within the Borough to meet and carry out activities and include, but not limited to, community centres, Idea Stores, libraries and leisure centres. Community facilities provide the space for community groups within the Borough to meet and carry out community activities. The Borough has a range of facilities but their condition means they are not always able to cope with demands upon these groups and potentially new community groups emerging in Tower Hamlets. This new residential development would bring additional people and there would be an increased demand on existing community facilities. Officers consider that the proposed financial contributions towards community facilities would sufficiently mitigate against the development. The Cultural Services team have requested a contribution of **£391,722**.

Employment and Training

8.217 In terms of non-financial obligations, the applicant has also been asked to use reasonable endeavours to ensure:

- 20% Local procurement at construction phase

This requirement would be captured in the S106 requiring the developer to include a 'local procurement clause' for their subcontracting supply chains. The developer would provide LBTH with a list detailing a package of works/trades, so that LBTH can match these requirements with appropriate suppliers within the Borough.

The Skillsmatch Service would also assist in local procurement through advertising upcoming contracts in the East London Business Place and facilitating an integrated consultation event with a number of developers to enable them to meet with prospective local suppliers.

8.218 • 20% Local labour in construction phase

This requirement would also be captured in the S106 where by Tower Hamlets would provide a full job brokerage service. The Skillsmatch team would have access to a database of entry-level operatives, experienced trades people and site managers and the team would develop a complete skills solution based on the developer's labour requirements.

This can also include pre-employment training for local jobseekers (e.g. Construction Skills Certification Scheme (CSCS) cards, Traffic Marshall certificates, Plant training tickets and other accreditations).

A sum of **£149,711** has been secured to achieve this.

8.219 • Local jobs in end-phase

The owner/operator will use best endeavours to ensure that no less than 150 of the jobs created in end-user hotel phase, and 10 of the jobs created in the end-user community arches of new development, will be taken up by local residents of Tower Hamlets and as a separate obligation, the same proportion of such jobs in this phase will be advertised exclusively to local residents through the Council's job-brokerage service before general release on the open market.

A sum of **£62,770** has also been secured for training and development of unemployed Tower Hamlets residents.

Public Realm Improvements and Open Space Provision

8.220 An open space contribution of **£958,528** has been calculated based on the Council's draft Planning Obligations SPD which requires a contribution per resident/employee and hotel guest towards Public Open Space. Nevertheless, the application scheme can afford to contribute a total of **£3,707,283** toward financial contributions, whilst maintaining a 36% aggregate affordable housing provision. Accordingly, officers have taken the view that it is appropriate to reduce this amount to **£813,707**, in order to ensure that the key priorities as outlined in the draft S106 SPD are protected.

Smarter Travel

8.221 A total contribution of **£9,690** is required towards Smarter Travel. This contribution is based on the draft Planning Obligations SPD to contribute toward sustainable travel initiatives within the Borough such as cycle training.

Total

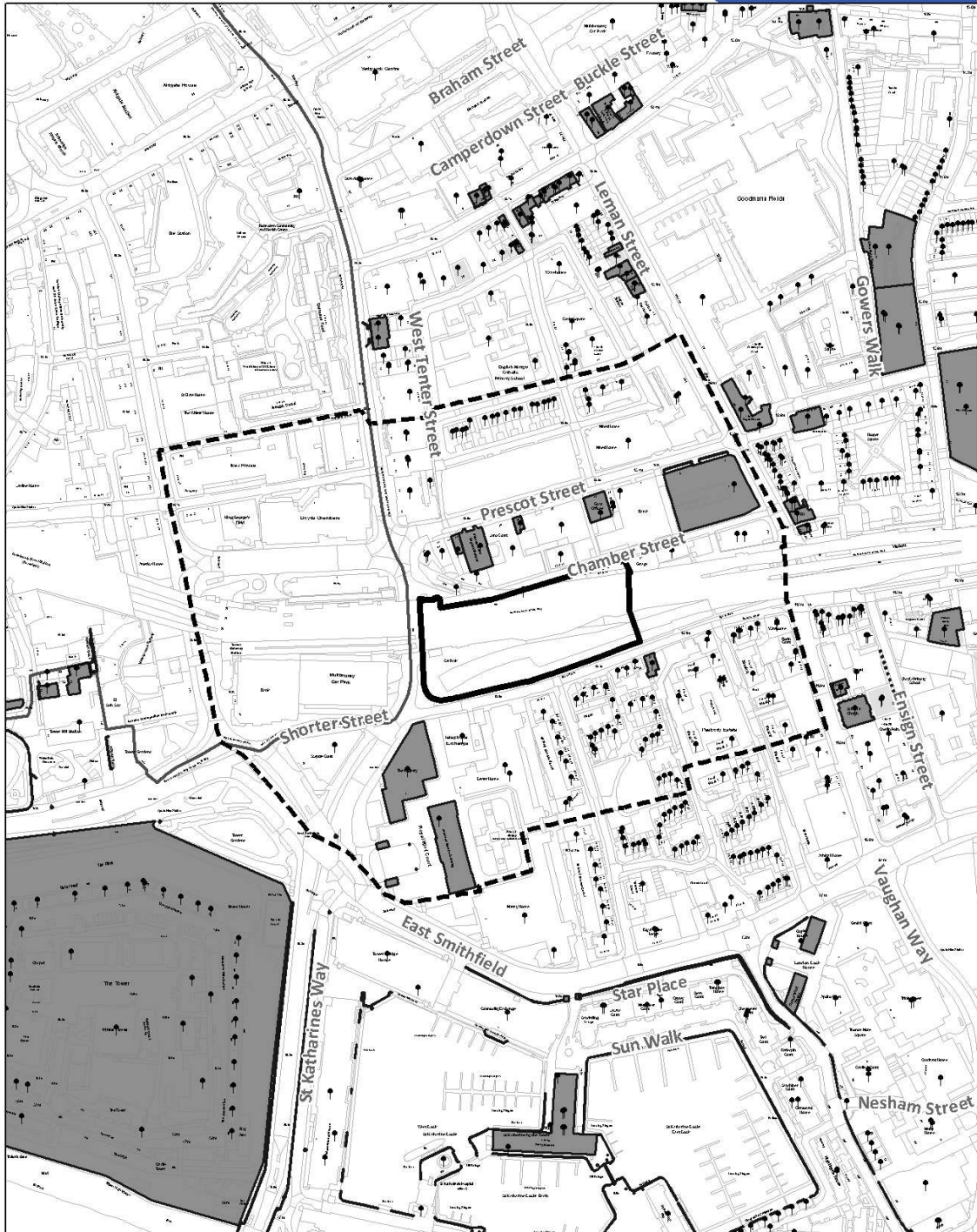
8.222 A total financial contribution of **£13,332,634** is therefore sought.

8.223 The Council has had a financial consultant review the toolkit submitted by the applicants for review. Through the Council's assessment of the viability it was found that the assumptions in this respect were acceptable. Officers consider that the proposed Section 106 offer would not compromise the viability of the scheme and ensures that the impacts associated with the development would be mitigated.

9 Conclusions

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

Planning Application Site Map



Planning Application Site Boundary	Locally Listed Buildings	Land Parcel Address
Consultation Area	Statutory Listed Buildings	Borough Boundary

0 30 m
 1:4,000

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.
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Agenda Item 6.2

Committee: Strategic Development	Date: 8 th December 2011	Classification: Unrestricted	Agenda Item No: 6.2
Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: Jane Jin		Ref No: PA/11/01294	
		Ward(s):	

1. APPLICATION DETAILS

Location: Land bound by Dongola Rd, Duckett St, Ben Jonson Rd & Harford St, Ocean Estate, (Site F)

Existing Use: Community Centre and Place of worship – Mosque (Use Class D1)

Proposal: Application under s73 of the Town and Country Planning Act 1990 to vary condition A1 (approved plans) of planning permission PA/09/02585 dated 23rd of March 2010, to enable minor material amendments to the approved development on Site F only, involving:

- 1) Relocation of the CHP/Electrical Sub-Station and tank room;
- 2) Removal of open deck access to courtyard elevations and introduction of enclosed corridors;
- 3) Change of balcony details to Ben Jonson Road from cantilevered to recessed;
- 4) Reconfiguration of the internal arrangement of the units, relocating all 3 bedroom maisonettes to ground and first floor level;
- 5) Improvements to internal efficiency resulting in additional habitable rooms (without an increase in units);
- 6) Corresponding changes to window locations and balcony locations;
- 7) Removal of entrance core access ramps;
- 8) Movement of retail wall 290mm northwards; and
- 9) Increase in Hartford Street and Duckett Street front garden depths from 1.3m to 1.5m.

Drawing Nos: 012 REV P3; 050 REV P3; 051 REV P2; 052 REV P2; 053 REV P2; 054 REV P3; 055 REV P3; 056 REV P3; 057 REV P3; 058 REV P3; 058 REV P3; 060 REV P5; 061 REV P4; 062 REV P4; 063 REV P4; 065 REV P5; 066 REV P4; 100 REV P2; 101 REV P2; 102 REV P2; 103 REV P2; 104 REV P2; 105 REV P2; 106 REV P2; 107 REV P3; 108 REV P3; 108 REV P3; 109 REV P1; 110 REV P2; 111 REV P2; 112 REV P2; 113 REV P2; 114 REV P2; 115 REV P2; 116 REV P2; 117 REV P2; 118 REV P2; 119 REV P2; 120 REV P3; 121 REV P2; 122 REV P2; 123 REV P2; 124 REV P3; 125 REV P3; 126 REV P3; 127 REV P2; 130 REV P5; 131 REV P4; 132 REV P4; 133 REV P4; 134 REV P5; 135 REV P5; 136 REV P5; 137 REV P4; 138 REV P2; 200 REV P2; 201 REV P2; 202 REV P2; 202 REV P2; 203 REV P2; 204 REV P4; 210 REV P2; 213 REV P3; 220 REV P2; 221 REV P2; 222 REV P2; 223 REV P2; 225 REV P2; 226 REV P2; 227 REV P2;

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

Brief Description of background papers:	Tick if copy supplied for register	Name and telephone no. of holder:
Application, plans, adopted UDP. draft LDF and London Plan		Eileen McGrath 020 7364 5321

228 REV P2; 230 REV P2; 231 REV P2; 232 REV P2; 233 REV P2;
235 REV P5; 236 REV P5; 237 REV P5; 238 REV P4; 239 REV P5;
260 REV P3; 261 REV P3; 270 REV P1; 271 REV P1; 272 REV P1;
273 REV P1; 274 REV P1; 275 REV P1; 276 REV P1; 277 REV P1;
278 REV P1; 022 REV P1; and 023 REV P1.

Documents:

Impact Statement by Barton and Willmore dated May 2011;
Addendum Internal Daylight and Sunlight Assessment: Site F by GIA
dated 20 May 2011;
Energy Note by Richard Hodgkinson dated 19th May 2011; and
Ocean Estate Block F Design Statement

Applicant:

East Homes, c/o Barton and Willmore

Owners:

East Homes Ltd and London Borough of Tower Hamlets

Historic Building:

N/A

Conservation Area:

N/A

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

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

The proposed minor amendment does not significantly alter the original permission PA/09/2585 and would still continue to provide a high quality design scheme; provide satisfactory standard of residential accommodation; satisfactory standard of amenity and sufficient proportion of affordable housing which complies with Policies 3.12 and 7.6 of London Plan 2011; Policies SP02 and SP10 of Core Strategy Development Plan Document 2010; and DEV1 and HSG7 of Unitary Development Plan 1998.

3. RECOMMENDATION

- 3.1 That the Committee resolve to **GRANT** planning permission subject to conditions.
- 3.2 That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:

Conditions

- 3.3 The unaltered conditions of the previous decision notice with reference PA/09/2585 dated 23rd March 2011 which are not subject to this application shall be re-imposed to the decision notice.
- 3.4 Condition 2 relates to the timeframe for implementation. Usually this is a 3 year time frame from the date of issue in accordance with Section 91(1)(a) of the Town and Country Planning Act 1990 (as amended). The wording will be changed to specify the date of when the development needs to be implemented to ensure that extension of time is not granted.
- 3.5 Where conditions of planning permission have already been discharged, the condition will be re-imposed however the condition will make a reference to the already approved details.

S106

- 3.6 The original permission was subject to a legal agreement to mitigate against the impacts from the development. As this application requires the issue of a new/fresh planning permission it would usually require a deed of variation. However, in this instance, the original deed captures an event for when permissions are varied and therefore deed of variation is

not necessarily required. In addition, the dwelling mix breakdown for affordable housing does not require alteration as there are no changes to what has been secured through S106. There are no additional heads of terms which is required as a result of the proposal and therefore, the subject application does not need any deed of variation to the original agreement.

4. Background to Minor Material Amendments

- 4.1 Changes were introduced in October 2009 to allow minor and non material amendments to developments after planning permission has been granted.
- 4.2 The 'Greater Flexibility Guidance' states that the use of the existing route under s.73 to vary a condition would be the best short term solution in allowing minor material amendments. However, the use of s.73 depends on the existence of a relevant condition which can be amended, which includes either a condition listing plans numbers or compliance with the approved plans condition.
- 4.3 The current proposal relies on Condition A1 (listing of approved plan numbers) of planning permission with reference PA/09/2585 for the proposed minor-material amendment.

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 The application relates to an existing planning permission with reference PA/09/2585 which comprised of:

Site E – The demolition of existing buildings and redevelopment, involving the erection of buildings up to 9 storeys, to provide for 462 residential dwellings (Class C3) with associated car parking Central Heating Plant (CHP), private and communal amenity spaces, alterations to the existing highway network and landscaping works in connection with the regeneration of the Ocean Estate.

Site F – The demolition of existing buildings and redevelopment, involving the erection of buildings up to 7 storeys, to provide for 240 residential dwellings (Class C3) and 1300sqm of built floorspace for flexible non-residential uses (Classes A1, A2, A3 and D1), with associated car parking Central Heating Plant (CHP), private and communal amenity spaces, alterations to the existing highway network and landscaping works in connection with the regeneration of the Ocean Estate.

- 4.2 The proposal seeks changes to SITE F only, for the following:

1. Relocation of the CHP/Electrical Sub-Station and tank room;
2. Removal of open deck access to courtyard elevations and introduction of enclosed corridors;
3. Change of balcony details to Ben Jonson Road from cantilevered to recessed;
4. Reconfiguration of the internal arrangement of the units, relocating all 3 bedroom maisonettes to ground and first floor level;
5. Improvements to internal efficiency resulting in additional habitable rooms (without an increase in units);
6. Corresponding changes to window locations and balcony locations;
7. Removal of entrance core access ramps;
8. Movement of retail wall 290mm northwards; and
9. Increase in Hartford Street and Duckett Street front garden depths from 1.3m to 1.5m.

Site and Surroundings

- 4.3 The application site is split between two existing sites, Site E and Site F, within the Ocean Estate. Block E is bound by Shandy Street, White Horse Lane, Trafalgar Gardens, Masters Street and Duckett Street. Site F is bound by Dongola Road Duckett Street, Ben Jonson

Road and Harford Street.

The application site is characterised by post war residential development, generally in the form of medium rise tower blocks. The surrounding area is predominately residential with element of mixed-use, including shops, offices and community facilities.

Planning History

4.4 An outline planning application (PA/09/2584) and a full planning application for Sites E and F (PA/09/2585) were approved on 23rd March 2010.

4.5 PA/09/2584: Outline Planning Permission

Outline Planning Permission for a total of 819 residential dwellings (Class C3) and up to 1300sq.m of built floorspace for flexible non residential uses (Classes A1, A2, A3 & D1) as follows:

Site E – The demolition of existing buildings and redevelopment, involving the erection of buildings up to 9 storeys in height, to provide for up to 462 residential dwellings (Class C3) with associated car parking Central Heating Plant (CHP), private and communal amenity spaces, alterations to the existing highway network and landscaping works in connection with the regeneration of the Ocean Estate.

Site F – The demolition of existing buildings and redevelopment, involving the erection of buildings up to 7 storeys, to provide for up to 240 residential dwellings (Class C3) and up to 1300sqm of built floorspace for flexible non-residential uses (Classes A1, A2, A3 and D1), with associated car parking Central Heating Plant (CHP), private and communal amenity spaces, alterations to the existing highway network and landscaping works in connection with the regeneration of the Ocean Estate.

Feeder Site 2 – The demolition of existing buildings and redevelopment, involving the erection of a building up to 7 storeys, to provide for up to 24 residential dwellings (Class C3), with associated car parking, private and communal amenity spaces, and landscaping works in connection with the regeneration of the Ocean Estate.

Feeder Site 3 – The demolition of existing buildings and redevelopment, involving the erection of buildings up to 10 storeys, to provide for up to 70 residential dwellings (Class C3), with associated car parking, private and communal amenity spaces and landscaping works in connection with the regeneration of the Ocean Estate.

Feeder Site 4 – The demolition of two existing buildings and the conversion of one building for the redevelopment, involving the erection of buildings up to 3 storeys, to provide for up to 23 residential dwellings (Class C3), with associated car parking, private and communal amenity spaces and landscaping works in connection with the regeneration of the Ocean Estate.

Approved 23rd March 2010.

4.6 Reserved Matters

PA/10/1813:

Reserved matters on **Feeder Site 2** for submission in accordance with condition A3 and A4 for approval of 'Appearance' and 'landscaping' associated with the erection of a building of up to 7 storeys comprising 24 class C3 residential dwellings of planning permission PA/09/2584 dated 23/03/2010 was approved 6th September 2010.

PA/10/2283:

Submission of reserved matters for **Feeder Site 3** (Former Lifra Hall, Halley Street) in accordance with condition A4 for approval of 'appearance' and 'landscaping' associated with the erection of a building up to 10 storeys comprising 70 residential units (Class C3) following the granting of Outline Planning Permission ref. PA/09/2584 dated 23rd March 2010, was approved 13th December 2010.

4.7 Other permissions

PA/10/2279: Cycle store to Feeder Site 3

Erection of a single storey cycle store and sub-station in connection with the creation of 70 residential dwellings (Use Class C3) pursuant to Planning Permission ref PA/09/2584, approved 26/11/10.

PA/10/2281: Non Material Amendment

Application for a non-material amendment to outline planning permission PA/09/2584 dated 23/03/2010 for elevational changes to Feeder Site 3 as identified on plan 2749-L181 P3. Approved 9th November 2010.

PA/10/1844: Non Material Amendment

Application for a non-material amendment to planning permission PA/09/2584 dated 23/03/2010 for minor changes to the siting of the new block to the rear of Feeder Site 4 (Land at 85 Harford Street, Ocean Estate, London) and a change to the scale of the new building block fronting Essian Street on Feeder Site 4 (Land at 85 Harford Street, Ocean Estate, London).

Approved 15th October 2010.

4.8 PA/09/2585: Full Planning Permission for Site E and Site F

Site E – The demolition of existing buildings and redevelopment, involving the erection of buildings up to 9 storeys, to provide for 462 residential dwellings (Class C3) with associated car parking Central Heating Plant (CHP), private and communal amenity spaces, alterations to the existing highway network and landscaping works in connection with the regeneration of the Ocean Estate.

Site F – The demolition of existing buildings and redevelopment, involving the erection of buildings up to 7 storeys, to provide for 240 residential dwellings (Class C3) and 1300sqm of built floorspace for flexible non-residential uses (Classes A1, A2, A3 and D1), with associated car parking Central Heating Plant (CHP), private and communal amenity spaces, alterations to the existing highway network and landscaping works in connection with the regeneration of the Ocean Estate.

Approved 23rd March 2010.

4.9 PA/10/1085: Demolition of Site E

Prior notification of proposed demolition of five blocks and on, two storey house/shop (Site E) approved 6th September 2010.

4.10 PA/10/2123: Non-Material amendments to Site E

Application for a non-material amendment to full planning permission PA/09/2585 dated 23/03/2010 for:

Non-material changes to Site E only involving:

10) Change in balcony positions

11) window positions

12) position of E2 east wing south entrance

13) Additional rainwater down pipes

14) Double aspect maisonette front windows changed from full height to standard openings with cills

15) Service penetrations at roof level

16) Additional rainwater pipes

- 17) Escape added across roof at 7th floor level
- 18) Louvres extended/added at ground floor level
- 19) Bike storage units

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 The London Plan 2011

Policies:	3.5	Quality and design of housing developments
	3.8	Housing Choice
	3.16	Protection and enhancement of social infrastructure
	5.1	Climate change mitigation
	5.2	Minimising carbon dioxide emissions
	5.3	Sustainable design and construction
	7.2	An inclusive environment
	7.4	Local character
	7.5	Public realm
	7.15	Reducing noise and enhancing soundscapes

Adopted Core Strategy 2010

Policies:	SP02	Urban living for everyone
	SP09	Creating attracting and safe streets and spaces
	SP10	Creating distinct and durable places
	SP11	Working towards a zero-carbon borough
	SP12	Planning Obligation

5.3 Unitary Development Plan 1998 (as saved September 2007)

Policies:	DEV1	Design Requirements
	DEV2	Environmental Requirements
	HSG13	Internal Space Standards
	HSG15	Development affecting residential amenity
	HSG16	Amenity Space

5.4 Interim Planning Guidance for the purposes of Development Control 2007

Policies:	DEV1	Amenity
	DEV2	Character and design
	DEV3	Accessibility and inclusive design
	DEV5	Sustainable Design
	HSG7	Housing amenity space
	HSG9	Accessible and adaptable homes.

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

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

6. CONSULTATION RESPONSE

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

The following were consulted regarding the application:

6.2 **GLA**

GLA conclude that the proposed changes does not raise any strategic issues and therefore does not need to be consulted further on this application.

6.3 **Environment Agency**

Raise no objections

6.4 **Thames Water**

Variation of conditions application does not affect Thames Water and as such no comments are made.

6.5 **LBTH Energy Efficiency**

Amendments do not alter the permitted energy strategy for the development. The submitted information notes that the CHP system rating (160kW capacity) is unchanged from the permitted planning permission. It is also highlighted that the CHP relocation will not prevent compliance with the associated conditions imposed on the original grant of planning permission.

Provided the changes and relocation of the CHP plant room do not alter the proposed energy strategy then there are no objections.

Officer's comment: The conditions relating to the energy strategy will be re-imposed.

6.6 **LBTH CLC**

As there is no increase in units from the previous proposal, no additional request for financial contribution relating to open space, idea stores/libraries or Leisure has been identified.

6.7 **LBTH Highways**

No objections raised to the proposed changes.

6.8 **LBTH Housing**

The proposal to convert 3 three bed flats into 3 three bed maisonettes and to move the 3 bed maisonettes on the 2nd and 3rd floors to the Ground and First floor. These units will therefore all have private gardens; this is a better provision of private amenity than the balconies that were proposed under the previous consent.

Housing would support both these changes as it was always considered that these maisonettes should have been sited on the ground and 1st floor. The total number of affordable units and mix remains unchanged from the consented scheme.

7. **LOCAL REPRESENTATION**

7.1 A total of 669 neighbouring properties within the area shown on the map appended to this report were notified about the application. The application has also been publicised in the press and a site notice was erected on site.

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

No of individual responses: 0 Objecting: 0 Supporting: 0
No of petitions received: 1 objecting containing 23 signatories

7.3 The following issues were raised:

- the current/recent demolition activity adversely affected the residents;
- dust and sound pollution already affects the daily healthy life, opening doors is impossible due to dust;

- cannot open windows because excessive sandy dust directly come in to the kitchen;
- our houses vibrate due to demolition and cannot rest in the day time, significantly effect elderly citizen's and children's health;
- the developer has failed to safeguard our right to health and safe living;
- large vehicle/construction machinery is having negative impact on local residents;

- residents were told that the houses will be sold privately as advertised during Fun day at Shandy Park as organised by East Homes;
- proposed balcony or window location could restrict privacy;
- front and back gardens should be assimilated to existing adjacent properties and facilities should be adopted with family size accommodation and also an open kitchen plan should not be preferred.

Officer's comment:

Majority of the concerns raised by the residents are predominately in relation to the nuisance created as a result of the current construction/demolition works taking place on Ocean Estate for the extant planning permissions. Therefore the concerns raised by the residents do not relate to the proposed minor amendments itself. In addition, as part of the extant permission, conditions have been imposed for: limitation on noise (Condition A10); and restricted hours for hammer driven piling (Condition A13). The legal agreement to the extant permission secures the Code of construction practice which ensures construction works are carried out responsibly. It is considered that the issues raised by the residents in relation to the current construction works can either be investigated by the Council's Planning Enforcement Team and/or the Environmental Health Service under the Pollution Prevention and Control Act 1999. The issues raised are not considered to be directly related to the proposed minor amendments.

In relation to the comment raised on the private housing, the proposed minor amendment does not include any changes to the tenure mix of the entire scheme. The proposal minor amendment does not alter the details of the family dwelling accommodation which has already been approved.

In relation to the overlooking issue raised, this concern would be the only relevant planning concern which has been raised in the petition in relation to the proposed minor amendment. However, the minor changes to the balcony and window positions are not significant; they are changes which is in-line with the original consented elevation strategy with an offset/irregular balcony/window pattern. As part of the original proposal, the principle of the windows and balconies were previously considered.

There are two new balconies on Dongola Road elevation and four on Hartford Street however there are more balconies omitted as a result of the proposed changes. The proposed balconies are to the approved habitable rooms and its respective window. In the officer's report for the original proposal, paragraphs 9.41 to 9.46 deal with privacy and overlooking issue, which states:-

'..given the density of the development, the design of the perimeter block and the inner city location the development does produce an aspect of overlooking which cannot reasonably be designed out.

In the majority of cases, the units that have an outlook over the surrounding roads have an acceptable separation distance exceeding 18m between any neighbouring buildings. '

It is considered that majority of the concerns raised by the residents of Dongola Road and Harford Street through their petition is not relevant to the subject minor amendment proposal. Nevertheless, the Council's Environmental Health will be notified of the concerns.

Also, the amendments to the windows and balconies are not considered to create additional

overlooking and privacy issues for the residents of Dongola Road and Hartford Street. The changes are considered to be minor in nature, and when seen in the context of the approved development and retaining 18m separation distance, it is considered there would be no net increase in the overlooking impact. This is discussed in more detail below.

8. MATERIAL PLANNING CONSIDERATIONS

- 8.1 As introduced earlier, the 'Greater Flexibility Guidance' introduced on 23rd November 2009 states that the use of the existing route under s.73 to vary a condition would be the best short term solution in allowing minor material amendments.

Whilst there is no statutory definition of a minor material amendment, the Guidance provides a definition as:

' A minor material amendment is on whose scale and nature results in a development which is not substantially different from the one which has been approved.'

The Guidance also suggests a pre-application discussion with the Local Planning Authority to be a useful tool in judging the appropriateness of this type of application.

- 8.2 The applicant has had pre-application discussions with the officers of the Council, and it was considered that the proposal would be minor material, and therefore an advice was given to submit a formal application for consideration.
- 8.3 Therefore the main planning issues raised by the application that the committee must consider is whether the proposed changes can be considered to be minor material changes to the original planning permission and also material planning consideration as a result of the changes.
- 8.4 The proposed changes are discussed in turn and its material planning considerations will be set out under each heading.
- 8.5 Relocation of the CHP/Electrical Sub-Station and tank room

The CHP and electric sub station is proposed to be reduced in size and relocated from Block F2 to Block F1. This is as a result of Block F1 being the first phase of the development for Site F and CHP plant will be required to be delivered ahead of Block F2 and also applicant's funding arrangement.

- 8.6 The material consideration is considered to be the changes to the ground floor elevation of Blocks F1 and F2, and whether the energy strategy as agreed in the extant planning permission can be delivered.
- 8.7 The applicant's reason to build the CHP plant within the first phase is logical and therefore supported, however the applicant's funding arrangement is not a matter for planning to consider. The relocation of the CHP from Blocks F2 to F1 will simply swap the elevation treatment between the two buildings and therefore is considered to be a minor change. The proposal will still deliver a good quality residential scheme in accordance with Policies DEV1 of the UDP 1998; DEV2 of IPG 2007 and SP10 of the Core Strategy which seeks high quality architecture and design in all development proposals.
- 8.7 Amendments do not alter the permitted energy strategy for the development and therefore will still remain to comply with policy SP11 of the Core Strategy 2010 and policies 5.1 and 5.2 of the London Plan 2011. The submitted information notes that the CHP system rating (160kW capacity) is unchanged from the permitted planning permission. It is also highlighted that the CHP relocation will not prevent compliance with the associated conditions imposed on the original grant of planning permission. Therefore there is no material change to the

energy requirements as a result of the proposed reduced size and relocation.

8.8 Removal of open deck access to courtyard elevations and introduction of enclosed corridors

The consented scheme show open corridor access along Court yard elevation from core to units on the first floor and the proposal seeks to enclose this corridor. The proposed enclosure is considered to be minor which does not have any design implications to the proposal which would be visible from the street.

8.9 The material planning consideration is whether the proposed change would have impact on the sunlight and daylight availability to the future residents of the units. The submitted sunlight and daylight assessment concludes that there is no material change to the availability of sunlight and daylight to the flats as a result of the enclosure due to internal re-arrangement of the units. The proposal is considered to be acceptable and in accordance with policies DEV2 of the Unitary Development Plan 1998; DEV1 of the IPG 2007; and SP10 of the Core Strategy 2010.

8.10 Change of balcony details to Ben Jonson Road from cantilevered to recessed

The proposed amendment is to recess the balconies on Ben Jonson Road is as a result of rationalising the layout of each floor. The recessed balconies are considered to be acceptable and there would be no net loss of internal areas to these flats and retaining the same amount of private amenity space. The proposal is considered to be minor material change.

8.11 The material planning consideration is whether the proposal would still provide sufficient private amenity space, internal dwelling size, and availability of sunlight and daylight. The proposed recessed balconies would re-provide the same amount of private amenity space and internal dwelling size as the approved plans.

In addition, sunlight and daylight assessment shows that the internal balconies will still permit good level of internal lighting. The proposal will comply with policies DEV2 of the Unitary Development Plan 1998; DEV1 of the IPG 2007; SP02 and SP10 of the Core Strategy 2010.

8.12 Reconfiguration of the internal arrangement of the units, relocating all 3 bedroom maisonettes to ground and first floor level

The proposal is to relocate the 3 bedroom maisonettes from second and third floors to ground and first floors. This is supported as it will allow family sized dwellings to have private gardens and this form of amenity space is more suitable for family sized dwellings and therefore this is considered to be minor material amendment.

8.13 The material planning consideration is whether the suitable of family housing will be retained and external design changes. The Council's Housing Officer supports the relocation of the 3 bedroom maisonettes as it offers better accessible amenity space in a form of private courtyard on the ground floor. The proposed external design changes mainly to location of windows and balconies which is discussed later in the report under the heading of 'Corresponding changes to window locations and balcony locations'.

8.14 Improvements to internal efficiency arrangement resulting in additional habitable rooms (without an increase in units):

The follow table show the difference between the consented scheme and the proposal.

BLOCK F	Consented		Proposed	
	Unit	Number	Unit	Number
Tenure				

Social Rent	1b	16	1b	16
	2b	19	2b	19
	3b flat	17	3b flat	15
	3b maisonette	3	3b maisonette	5
	4b maisonette	8	4b maisonette	8
	5b maisonette	2	5b maisonette	2
		65		65
Intermediate	Shared Ownership		Shared Ownership	
	1b	14	1b	14
	2b	19	2b	19
	3b	7	3b	6
	3b maisonette	4	3b maisonette	5
		44		44
	Shared Equity		Shared Equity	
	1b	0	1b	0
	2b	3	2b	3
	3b flat	12	3b flat	12
		15		15
Private	1b	47	1b	34
	2b	49	2b	62
	3b	12	3b	14
	3b maisonette	8	3b maisonette	6
		116		116

As it can be seen from the table, there are alterations to the dwelling mix however the overall tenure mix and unit numbers do not change as a result.

- 8.15 The main material consideration of the increase in habitable room numbers is two fold. Whether education contribution which was previously sought is sufficient for the revised dwelling mix which has an uplift of two bedroom flats, and also whether the density of the scheme is still acceptable.

Education Contribution: Since the approval of the original consent the Council has a draft SPD on Planning Obligations. This outlines all planning contributions which should from development. The original consent secured an educational contribution of £206,209. However, applying the draft SPD the education contribution of £780,105 should be sought from the subject proposal. The increase the amount is primarily due to the draft SPD calculating contribution towards secondary school place where as previously, it didn't. The proposal results in a difference of £573,896 from what had previously been paid for Blocks E and F.

The applicant has submitted a viability toolkit which states that the scheme would not be viable if further contributions are sought from the Council. The original consent was also subject to viability assessment and testing, and concluded similar. Whilst development proposals are required to mitigate against its impact, given the viability of the scheme the originally sought contribution towards primary school places would be sufficient in this instance.

Density: The consented scheme resulted in a density of 198units per hectare. The proposal results in the same density per unit as the total units numbers being the same however using habitable rooms, the density for the proposed development on Site F is 573hr/ha. The proposal still falls comfortably within the suitable density range 200-700hr/ha for a site with PTAL 4 and in urban context, in accordance with the London Plan 2011 density matrix.

- 8.16 Corresponding changes to window locations and balcony locations

Balconies and window positions have slightly altered as a result of internal re-configuration as a result of changes to internal layout of the flats. The amendment allows a more rational approach to the internal layout with the result of improve flat layouts and entrance lobbies. Whilst the re-configuration results in omission of some balconies on elevations and introducing new ones, there is no overall increase in new balconies as a result. The omission and introduction of the new balconies and windows, follow rational of the consented elevation and in majority of the cases, the new balconies are to the approved habitable room windows.

- 8.17 The material consideration is whether the new balconies and windows would further implicate overlooking and privacy issues to the neighbouring buildings. Also, whether the omission of windows and balconies still delivers acceptable design approach. Firstly, the elevation is rationalised and therefore retain visual interest and articulation as per originally granted, and the separation distances between habitable room windows remain the same as the consented and therefore there are minimal impact to neighbouring dwellings in terms of privacy and overlooking.

Therefore, the proposal is considered to be minor alteration to the overall development.

8.18 Removal of entrance core access ramps

The consented scheme had a number of access ramps to avoid stepped environs and to allow levelled access across the site. The proposal now include for the ground floor slab to be stepped to reduce the number of such ramps.

- 8.19 The proposed amendment will result in a less cluttered public realm, and a reduction in the overall building height whilst providing access free environment within the estate. This is a positive amendment to the scheme which is supported.

8.20 Movement of retail wall 290mm northwards

The re-configuration of the blocks results in a loss of retail space within Block F2. As the consented scheme had 1300sq.m of retail space, the proposed amendment include the retail wall to increase 290mm northwards (into the courtyard section) of the development. This results in approximately 10sq.m loss of Courtyard amenity space.

- 8.21 This is considered to be minor in context of the overall 12,441sq.m of space which has already been approved, together with financial contribution of £9.4million towards landscaping and public realm improvements through the wider estate secured through the original consent. The proposal will still retain much of the useable amenity and play space area, and therefore the proposed change is acceptable.

8.22 Increase in Hartford Street and Duckett Street front garden depths from 1.3m to 1.5m.

The applicant considered that the consented 1.3m depth of garden space along Hartford Street and Duckett Street was insufficient as a usable space and therefore now proposes 1.5m measured from the external face of the wall.

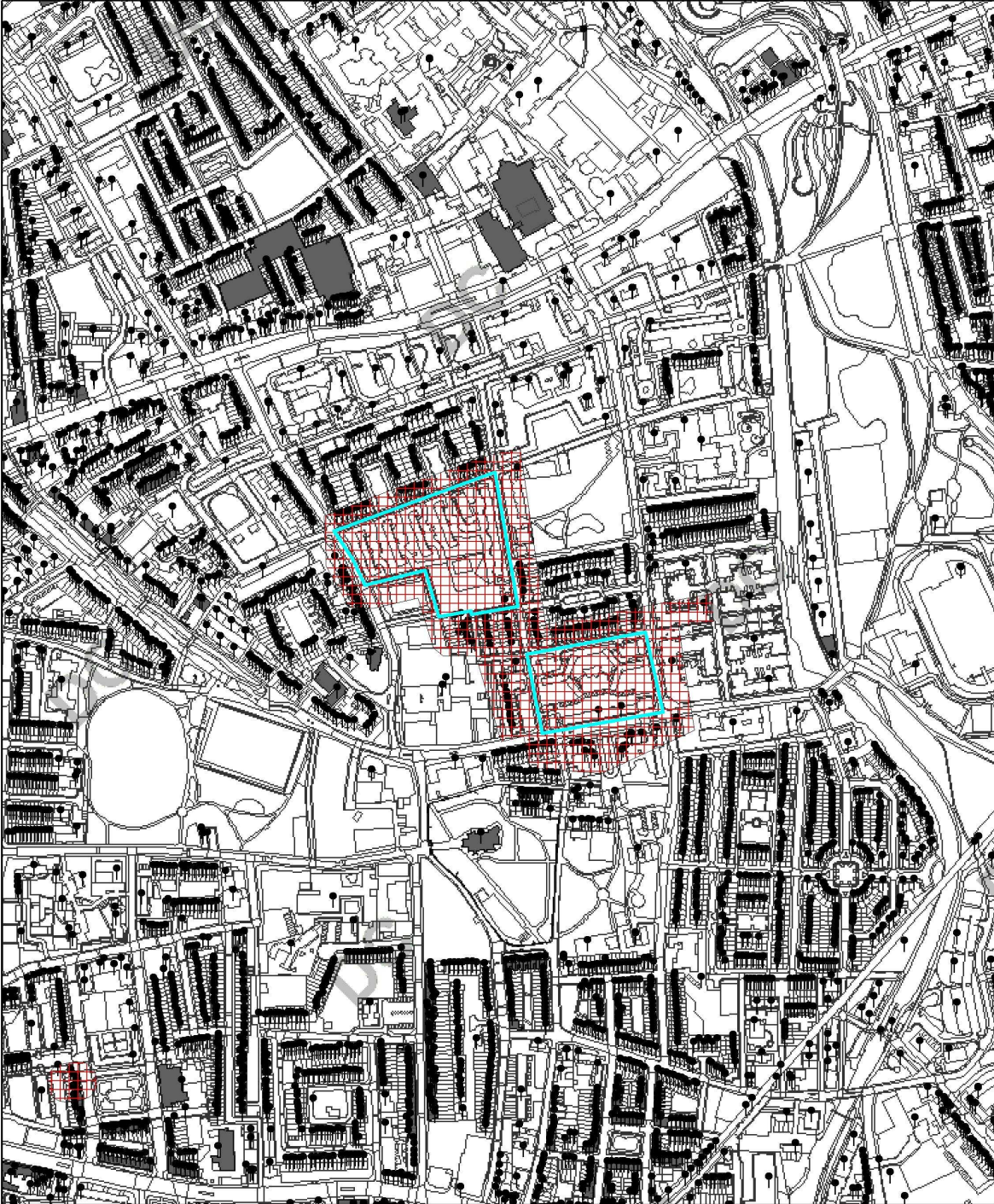
- 8.23 This is an improvement and no objection is raised to the proposed amendment. The increase of 200mm does shunt the dwelling size, but projects closer to the street whilst being within the redline boundary of the site. The forecourts of the dwellings increase and provide better usable space and therefore it is supported.

- 8.24 In summary, the proposed amendments are minor in nature and are considered to acceptable which does not alter the scale and nature of the original consent.





Conclusion

8.25 All other relevant policies and considerations have been taken into account. The proposed changes to the approved development is not considered alter the consented development and continue to provide positive regenerative benefits to the local area; with delivery of housing (affordable housing) and contributions towards improvements to services and infrastructure. 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



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



Agenda Item 7

Committee: Strategic Development	Date: 8 th December 2011.	Classification: Unrestricted	Agenda Item No: 7
Report of: Corporate Director Development and Renewal		Title: Other Planning Matters	
Originating Officer: Owen Whalley		Ref No: See reports attached for each item	
		Ward(s): See reports attached for each item	

1. INTRODUCTION

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

2. FURTHER INFORMATION

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

3. PUBLIC SPEAKING

- 3.1 The Council's Constitution only provides for public speaking rights for those applications being reported to Committee in the "Planning Applications for Decision" part of the agenda. Therefore reports that deal with planning matters other than applications for determination by the Council do not automatically attract public speaking rights.

4. RECOMMENDATION

- 4.1 That the Committee take any decisions recommended in the attached reports.

LOCAL GOVERNMENT ACT 2000 (Section 97)
LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THE REPORTS UNDER ITEM 8

Brief Description of background papers:
See individual reports

Tick if copy supplied for register:

Name and telephone no. of holder:
See individual reports

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Agenda Item 7.1

Committee: Strategic Development	Date: 8 th December 2011	Classification: Unrestricted	Agenda Item No: 7.1
Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: Amy Thompson		Ref No: PA/11/01426	
		Ward(s): 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 officers views on the application.

Location: Land at Virginia Quay off Newport Avenue, Newport Avenue, London, E14

Existing Use: Car park and landscaping

Proposal: Erection of 12 storey residential building (measuring 42.6m AOD in height) including basement storage/plant area to provide 26 residential dwellings and associated works comprising access, landscaping, car parking and other works

Drawing Nos:

- Drawing nos. 675_PL_GA_099, 675_PL_GA_100, 675_PL_GA_101 C, 675_PL_GA_102 C, 675_PL_GA_103 A, 675_PL_GA_104 A, 675_PL_GA_105 A, 675_PL_GA_106 A, 675_PL_GA_120, 675_PL_GE_121, 675_PL_GE_122, 675_PL_GE_123 and 675_PL_GS_130
- Design and Access Statement (Dated May 2011)
- Impact Statement (Dated May 2011)
- Impact Statement Summary
- Updated Energy Strategy (Dated 19th September 2011)
- Sustainability – Electric Loads (Dated 29th September 2011)
- Response to LBTH Housing comments (Dated 19th September 2011)

Applicant: Cube Developments

Owner: Barratt London, BDW Limited and Hyline Developments Limited

Historic Building: N/A

Conservation Area: N/A

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

Brief Description of background papers: Tick if copy supplied for register

Telephone no. of holder:

Application, plans, adopted UDP (as saved). IPG, LDF Core Strategy and London Plan

020 7364 5009

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1 LBTH has reviewed the application and taken into account all relevant policies and considerations in assessing the proposed scheme for the erection of a 12 storey residential building (measuring 42.6m AOD in height), including basement storage/plant area, to provide 26 residential dwellings and associated works, comprising access, landscaping, car parking and other works. In summary:

- The principle of a residential scheme is considered to be appropriate and in accordance with London Plan (2011) policy 3.3, which sets out targets for each Borough and requires Local Authorities to seek the maximum provision of additional housing possible. The proposal is also in accordance with policy SP02 of the Core Strategy (2010) which seeks to deliver new housing and the creation of sustainable places and policy HSG1 of the Council's Interim Planning Guidance (2007) which seeks to ensure the use of land is appropriately optimised
- The proposal provides an acceptable amount of affordable housing and mix of units. As such, the proposal is in line with Policy 3.11 of the London Plan (2011) and policy SP02 of the Core Strategy Development Plan Document (2010) which seek to ensure that new developments offer a range of housing choices and appropriate affordable housing contributions

2.2 The Council has no objections in principle to the proposals to erect a residential development of 12 storeys on the site, subject to LTGDC officers appropriately addressing the following matters of concern that officers have identified:

- Inclusivity and the lack of access for affordable unit occupiers to the roof terrace amenity area
- Confirmation of adequate daylight and sunlight received within the proposed units
- Confirmation of agreement with Virginia Quay owners for residents of the proposed development to use the play area within the Virginia Quay Development
- The provision of a shadowing diagram to clarify impact upon Wingfield Court and surrounding properties

2.3 The following matters also fail to meet policy and where possible should be addressed:

- The mix of housing fails to provide sufficient family housing within the private tenure
- The unit sizes of some of the 1 bedroom 2 person units fail to meet minimum requirements and therefore provide poor internal amenity.

3. RECOMMENDATION

3.1 That the Committee resolve to **ratify officers views on** the application for the reasons set out above, subject to the amendments sought and the matters below.

A. The prior completion of a **legal agreement**, to secure the following:

Financial Contributions

LTGDC have a tariff approach to the financial contributions required to provide infrastructure and mitigation for the impacts of the development. LBTH accept this approach and does not consider that there are any additional financial contributions required.

Non-Financial Contributions

LBTH would seek to ensure that the affordable housing provision is secured through the use of the S106 legal agreement as a planning obligation. As discussed previously, it is

also considered that a target rent level is secured in accordance with LBTH's POD research in order to ensure that the affordable housing rent level is affordable to the borough's residents.

Other non-financial contributions should be sort as follows:

- Restriction for all new units on obtaining a Council Parking Permit to park on the highway
- Employment Initiatives to use reasonable endeavours to employ local people during the construction and end user phases of the development.
- Electricity Energy Strategy for the development.

3.2 If LTGDC are minded to approve the application, it is recommended that this is subject to a number of conditions relating to:

Conditions

- 3.3
- 1) 3 year time limit
 - 2) Development to be built in accordance with approved plans
 - 3) Plant noise levels to be 10dB below background levels at residential properties
 - 4) Submission and approval of Construction Management Plan
 - 5) Cycle storage to be installed prior to occupation and retained for the lifetime of development
 - 6) Submission and approval of landscaping details and management plan
 - 7) Development built and retained in accordance with lifetime homes standards
 - 8) Submission and approval of Secured by Design details
 - 9) Waste storage to be installed prior to occupation and retained for the lifetime of development
 - 10) Submission and approval of Black Redstart survey and incorporation of appropriate habitat measures
 - 11) Submission and approval of rainwater harvesting tank and system, requiring installation prior to occupation and retention for the lifetime of the development
 - 12) Low flow water devices to be installed and retained for the lifetime of development
 - 13) Oil/petrol filters to be installed in drainage off vehicle parking areas
 - 14) Submission and approval of CHP air pollution abatement technology, requiring insulation prior to operation and retention for the lifetime of the development
 - 15) Submission and approval of site waste and service management plan
 - 16) Submission and approval of details of land contamination, including if relevant details for remediation and verification
 - 17) A scheme showing a disabled parking space shown on Drawing 675_PL_GA_101c shall be submitted be provided and retained for the exclusive use of blue badge holders
 - 18) Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal.

4. PROPOSAL AND LOCATION DETAILS

Background

- 4.1 This request for observations was originally dealt with under delegated authority as officers considered that the application did not raise matters that were of especially wide borough significance as required under the Part 3 of the Councils constitution. A copy of the officers original response is appended to this report at Appendix A.
- 4.2 Following a public meeting held on the 17th November 2011 at the request of Members and surrounding residents, a number of matters were discussed including the decision not to refer the matter to the Strategic Development Committee. The Head of Planning and Building Control has now reviewed the position, and whilst officers consider the decision not to refer

the matter was lawfully sound, given the level of public interest, and in the interests of transparency, officers have decided to now take the matter to committee for open discussion amongst Members

- 4.3 The London Thames Gateway Development Corporation have agreed to defer making a decision on the application and the matter will now go to their January 2012 committee. This report had been drafted to include a summary the views of residents so that Members are fully conversant with the concerns raised by residents when deciding whether or not to ratify the recommendation. The actual responses will be made available at the committee.

Proposal

- 4.1 The application proposes the erection of a 12-storey building containing 26 residential units, together with a basement, landscaping and car parking at street level.

Site and Surroundings

- 4.2 The application site comprises 0.08 ha, located on the North bank of the River Thames, opposite the O2 Arena, in the London Borough of Tower Hamlets and the London Thames Gateway Development Corporation. The site comprises a car park and landscaping area of the Virginia Quay residential development. The site currently provides 6 car parking spaces and planted areas of landscaping on the fringes of the car park area.
- 4.3 Immediately to the east of the site lies a tree line-lined hard landscaped open space area, associated with the Virginia Quay development, with the Greenwich Meridian running through its centre. Existing residential buildings sit to the north and east of the site.
- 4.4 The Virginia Quay development currently consists of essentially residential use, with buildings up to 12 storeys in height.
- 4.5 To the west of the site is an open area of landscaping and a car park called Blackwell Yard. Further to the west is the Reuters technical centre.
- 4.6 The site is approximately 100m from the East India Dock Docklands Light Railway (DLR) station. The 277 bus route currently stops on Clove Crescent and Saffron Avenue to the North of Aspen Way. A future amendment to the route proposes that the route pass along Blackwall Way.
- 4.7 The subject site is identified as a Flood Protection Area, a Strategic Riverside Walkway and an Area of Archaeological Importance.

Planning History

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

PA/97/91058 Use of land for residential (C3) accommodation (up to 700 units) educational (T97/167 purposes (D1) and retail/financial & professional/public house/restaurant L.D.D.C) (A1/A2/A3) uses to a maximum of 750sqm floor space; riverside walkway, landscaping, car parking including vehicular access from Leamouth Road, including details of Phase 1 (residential; 216 units) and Phase 2 (residential; 118 units and restaurant). Granted Planning Permission 04/12/1997

PA/06/01734 Conversion of an existing vacant A3 unit into six residential units with private terraces including the replacement of temporary hoarding with permanent external walls. Granted Planning Permission 27/04/2007

5. POLICY FRAMEWORK

- 5.1 The subject site lies within the boundary of the London Thames Gateway Development Corporation (LTGDC). Under Section 4 of The London Thames Gateway Development Corporation (Planning Functions) Order 2005, the LTGDC is the local planning authority for the planning functions area for the purposes of Part 3 of the Town and Country Planning Act 1990. As such, the London Borough of Tower Hamlets is only able to provide observations to the LTGDC and is not the decision making authority for this planning application.
- 5.2 The purpose of this report is therefore to outline the assessment the planning application in terms of the London Borough of Tower Hamlets' planning policies and provide a basis for observations to LTGDC.

The following policy documents are relevant to the assessment of this application:

- Government Planning Policy Guidance/Statements
- The London Plan Spatial Development Strategy for Greater London (July 2011)
- Core Strategy 2025 Development Plan Document (September 2010)
- Unitary Development Plan 1998 (as saved September 2007)
- Interim Planning Guidance for the purposes of Development Control (October 2007)
- Supplementary Planning Guidance/Documents
- Community Plan – One Tower Hamlets

6. CONSULTATION RESPONSE

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

LBTH Accessibility Officer

- 6.2 No comments received.

LBTH Communities, Localities and Culture

- 6.3 No objections. The following financial contributions are requested:
- £6,804 towards Idea Stores;
 - £24,116 towards Leisure Facilities; and
 - £43,330 towards Open Space

(OFFICER COMMENT: The LTGDC operate a tariff approach to s106 obligations, however are urged to take the above into account)

LBTH Crime Prevention Officer

- 6.4 The scheme should use Secure By Design standards.

LBTH Education

- 6.5 No comments received.

LBTH Energy Efficiency

- 6.6 Energy Comments

1. The applicant has broadly followed the requirements of Policy 5.2 of the London Plan 2011 and the proposals aim to reduce regulated carbon emissions by 25%.
2. Energy Baseline – A Sustainability Statement has been submitted along with the planning application. This states that SAP calculations have been undertaken, however these have not been provided. The applicant should submit the SAP sheets

to show the TER and DER of the proposed development to verify the anticipated CO2 reductions of 25%.

3. Be Lean – The scheme has been designed in accordance with Policy 5.3 in seeking to minimise energy use through passive design measures including:
 - i) Air tightness – maximum air permeability of 5m³/h/m²;
 - ii) Improved U-values – Walls at 0.20 W/m²K, Windows at 1.6 W/m²K, Roof at 0.16W/m²K, Floor at 1.8 W/m²K; and
 - iii) Low energy lighting (75% of all light fittings).
4. Energy efficiency measures are anticipated to result in total site carbon savings of approximately 6%.
5. Be Clean – The development proposes the installation of a micro CHP system to serve all units within the proposed development. The proposed is a 5.5kWe unit.
6. Be Green – The development proposals do not incorporate any renewable energy technologies. Policy SP11 of the Tower Hamlets Core Strategy requires all new development to reduce CO2 emissions through on-site renewable energy provisions. The applicant should seek to incorporate renewable energy technologies where appropriate to ensure compliance with Policy SP11.

Sustainability Comments

Sustainability: The submitted information details a commitment of the scheme to achieve a Code Level 4 rating. This is considered appropriate for the scheme and can be secured through an appropriate Condition.

Further Information

The applicant is requested to provide further information with regard to renewable energy technologies, in particular Photovoltaics as these are considered a complimentary technology to the proposed CHP

(OFFICER COMMENT: Additional information has since been provided by the applicant. Energy and sustainability is discussed below within the main body of the report)

LBTH Environmental Health

- 6.7 No objections raised.

LBTH Housing

- 6.8
- The affordable housing offer of 35% (by habitable room) is acceptable;
 - The split of affordable tenures is acceptable at 79% social rent and 21% intermediate;
 - 60% of the social rented units are family sized which is acceptable;
 - Clarification sought with regard to wheelchair access

(OFFICER COMMENT: Additional information has since been provided by the applicant. These matters are addressed below within the main body of the report)

LBTH Transportation & Highways

- 6.9 No objections:
- The proposed level of car parking is acceptable;
 - The provision of one disabled car parking space for the development and the retention of 6 parking spaces for the proposed development is welcomed;
 - The provision of 29 cycle stands is welcomed, the specification should be secured via condition; and
 - A Construction Management Plan should be secured by condition

(OFFICER COMMENT: Conditions have been recommended to this effect)

LBTH Waste Policy & Development

6.10 No objections: bin store dimensions and capacity are adequate, as is the recycling provision

Environment Agency (Statutory Consultee)

6.11 No objection subject to the imposition of four conditions, as follows:

1. Submission of risk assessment and site investigation;
2. Submission of a verification report;
3. Submission of a remediation strategy if contamination is found; and
4. No infiltration of surface water drainage

(OFFICER COMMENT: Conditions have been recommended to this effect)

Greater London Authority (Statutory Consultee)

6.12 The principle of this residential development is acceptable, and in accordance with London Plan policy 3.3 and Lowe Lee Valley Opportunity Area Planning Framework guidance. The following matters require addressing:

- Further information is requested with relation to housing mix and tenure, together with verification of the applicant's financial appraisal to demonstrate that the affordable housing level is the maximum reasonable amount;
- Further information is required in relation to how the scheme demonstrates best practice in residential design quality;
- Further detail regarding the ground floor internal arrangement and amenity space;
- More information upon the size and quality of the on-site child playspace provision;
- Further information is required as to how the scheme would meet Lifetime Homes standard and how the wheelchair accessible units meet the Mayor's Best Practice Guidance;
- Further information required in relation to the CHP plantroom and the use of PV;
- Further information regarding cycle parking and assessment of walking routes

(OFFICER COMMENT: The applicant has since responded to the above issues, as detailed within the main body of the report, below)

London City Airport (Statutory Consultee)

6.13 No safeguarding objection raised. Any cranes or scaffolding above the final height of the building should be consulted upon London City Airport

(OFFICER COMMENT: Should planning permission be granted, LTGDC are recommended to attach an informative to this effect)

London Fire and Emergency Planning Authority (Statutory Consultee)

6.14 No comments received.

Transport for London (Statutory Consultee)

6.15 No objections in principle, however further information is required with regard to cycle parking. Conditions should be attached requesting the submission of a Travel Plan and Delivery and Servicing Plan.

(OFFICER COMMENT: The applicant has since responded to these requests and do not

consider that the submission of a Delivery and Service Plan or a Travel Plan is appropriate to this development)

London Borough of Greenwich

6.16 No objections raised.

Thames Water

6.17 No objection subject to an informative with regard to minimum water pressure provision.

(OFFICER COMMENT: LTGDC are recommended to attach this informative, should planning permission be granted)

Tower Hamlets Primary Care Trust

6.18 No comments received.

7. LOCAL REPRESENTATION

7.1 A total of 372 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: 69 Objecting: 68 Supporting: 0
No of petitions received: 1 objecting containing 339 signatories

7.2 The following groups or societies have made representations upon the application:

- Virginia Quay Residents Forum

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

Design

- The development is taller than the surrounding townscape and out of keeping with the character and nature of the Virginia Quay development
- The proposal would sit over the Prime Meridian – an important landmark
- The proposal should incorporate tree planting
- The proposal development is inaccessible to those with restricted mobility and sensory impairment
- The proposal would increase the risk of anti-social behaviour
- The proposed use of a dark brick and green cladding is out of keeping with the materials used in the adjacent Virginia Quay development

Land Use

- The development would add additional unwelcome density to Virginia Quay
- The proposed development has a density in excess of development plan policy standards
- The proposal would result in a loss of public open space
- The existing area of open space is the only one with direct views of the River Thames

Amenity

- The proposal would detriment the quality of life of surrounding residents by way of a loss of light and privacy
- The proposal would exacerbate existing poor daylight and sunlight conditions for neighbouring residents
- A number of the proposed units are substandard in terms of floorspace
- The existing nearby child play space is already heavily used
- The proposal would give rise to anti social behaviour on the rooftop amenity space
- The proposal would give rise to adverse microclimate conditions, particularly wind tunnel effects
- Air quality would be detrimentally impacted
- The area suffers from a lack of green space, which this proposal would exacerbate
- There will be amenity impacts during construction, namely noise, dust, run-off, plant storage requirements and vehicular traffic
- The proposal would give rise to a sense of enclosure and overshadowing upon adjacent residents

Transportation and Highways

- The development would give rise to further traffic (particularly during construction), increasing the risk of accidents
- The proposal would result in the loss of parking, thereby increasing the amount of unauthorised parking on the estate, which often results in hostility
- Public transport serving the area is already overburdened
- The proposal does not provide for servicing, taxi drop off or delivery access
- The site has a low PTAL rating which precludes such high density development
- The proposal would lead to a loss of parking space for existing residents.

7.4 The following issues were raised in representations, but they are not considered to be material planning considerations:

- The proposal sets an unacceptable precedent
- The proposal blocks views of the River Thames
- The proposal would affect the value of adjacent properties
- The proposed balconies overhang land outside of the applicant's ownership (at the time of writing, the applicant is providing a revised red-line boundary plan)

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

- There have been a number of procedural matters raised in relation to the determination of this application. LTGDC have responded to these under separate cover.
- Land ownership issues arose during the course of the application, with particular regard to access over the application site to car parking within Wingfield Court. A revised plan has since been submitted, which would ensure access remains.

8. MATERIAL PLANNING CONSIDERATIONS

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

1. Land Use
2. Housing
3. Amenity
4. Highways & Transportation
5. Design & Layout
6. Environmental Sustainability
7. Planning Obligations

Land Use

Loss of Car Parking and Landscaping

- 8.2 The subject site is currently occupied by an area of car parking. There are no planning policies that protect the provision of parking, other than requirements for developments to provide disabled parking. Subject to the proposed condition above, the parking spaces to be lost will not result in the loss of any allocated disabled parking spaces.
- 8.3 Policy 6.13 of the London Plan, policy SP09 of the Core Strategy and policy DEV 19 of the UDP, seek to restrict parking to minimum levels in order to reduce traffic congestion and maximise the use of sustainable transport modes. Restriction of parking is considered to be a mechanism to reduce the level of private vehicle use and thus improve conditions for cycling and pedestrians. Less private vehicle use and more reliance on sustainable transport modes also serves to improve the environmental conditions, including reduction in the emission of air pollutants and reduction in noise pollution.
- 8.4 While policies seek to require landscaping, biodiversity and contact with nature, the landscaping lost is of minimal value and not statutorily protected under adopted or emerging planning policies. The development seeks to mitigate the lost soft landscaping and its ecological benefits through the provision of living roofs.

Principle of Residential Development

- 8.5 The provision of additional housing is supported at the national, regional and local level. PPS3 states that “A flexible, responsive supply of land – managed in a way that makes efficient and effective use of land, including re-use of previously-developed land, where appropriate.” should be applied to the provision of housing. Within the London Plan policy 3.3 sets out targets for each Borough and requires Local Authorities to seek the maximum provision of additional housing possible. At the local level this is supported by policy SP02 of the Core Strategy.
- 8.6 Given the site is located outside a town centre and within an area dominated by other residential properties, the inclusion of residential units within the redevelopment proposal is considered acceptable and would contribute to the provision of additional housing within the Borough, in accordance with policy 3.3 of the London Plan and policy SP02 of the Core Strategy.
- 8.7 Council policy requires provision of affordable housing once a scheme exceeds 10 or more units, as noted in policy SP02 of the Core Strategy and policy HSG3 of the IPG. Therefore, given the scheme provides 26 residential units, these policies are triggered and further regard will be given to this matter below.

Housing

Density of Development

- 8.8 Policy 3.4 of the London Plan sets out a requirement to optimise housing potential. The policy sets out a matrix for appropriate housing densities given their location, character and accessibility to public transport. Given that the site is set within an urban London location with a Public Transport Accessibility Level (PTAL) of 2 (poor), policy 3.4 seeks a density of between 200-450 habitable rooms per hectare for the application site. This is supported by policy SP02 of the Core Strategy, which states that the Council will ensure new developments optimise the use of land and that the distribution and density levels of housing will correspond to transport accessibility levels and the wider accessibility of the location.
- 8.9 Policy HSG1 of the IPG seeks to take account of the density matrix provided in Planning

Standard 4: Tower Hamlets Density Matrix. This seeks a density of between 200-450 habitable rooms per hectare for the site. Policy HSG1 also requires account to be taken of, amongst other matters, the local context and character, the need to protect and enhance amenity and the provision of other non-residential uses on site.

- 8.10 The density of the proposed housing within the development will be 987.5 habitable rooms per hectare. This would exceed the density matrix in policy 3.4 of the London Plan and that provided in Planning Standard 4: Tower Hamlets Density Matrix, which policy HSG1 of the IPG seeks to take account of.
- 8.11 While the density is significantly in excess of the matrix levels, it is considered that the development does not exhibit traits of overdevelopment and would sit comfortably within the context. As discussed further below, matters such as sunlight and daylight, servicing, amenity space and living conditions of neighbouring residents are considered acceptable.
- 8.12 Taking account of all of the matters in HSG1, including the expected density range provided by Planning Standard 4: Tower Hamlets Density Matrix, it is considered that the density would be acceptable in terms of policy HSG1 of the IPG. It is therefore considered that the density of the development would be acceptable in terms of policy 3.4 of the London Plan, policy SP02 of the Core Strategy and policy HSG1 of the IPG.

Housing Mix

- 8.13 Policy SP02 of the Core Strategy requires an overall target of 30% of all new housing to be of a suitable size for families (3 bedrooms or more). This is in accordance with saved policy HSG7 of the UDP, which expects a mix of unit sizes including a proportion of dwellings with between 3 and 6 bedrooms, and policy HSG2 of the IPG which requires a minimum 25% of market housing to comprise of 3 or more bedrooms.
- 8.14 The applicant is seeking to provide mix of dwelling sizes as outlined in Table 1 below:

		Affordable Housing				Market Housing	
		Social Rented		Intermediate		Private Sale	
Unit size	Total units	Units	%	Units	%	Units	%
Studio	0	0	0	0	0	0	0
1 bed	9	0	0	0	0	9	47.4
2 bed	12	2	40	2	100	8	42.1
3 bed	4	2	60	0	0	2	10.5
4 bed	1	1		0		0	
5 bed	0	0		0		0	
Total	26	5	100	2	100	19	100

Table 1 – Housing Mix

- 8.15 The applicant is proposing a mix of housing sizes that results in a large percentage of 1 and 2 bedroom units. Within the social rented portion of the affordable housing there is a significant percentage within the family 3-5 bedroom units. Overall only 19% of the units are family housing, with only 10.5% of the private housing large enough to be considered family housing. The provision of family housing would therefore fail to meet the requirements of policy SP02 of the Core Strategy, saved policy HSG7 of the UDP and policy HSG2 of the IPG.

Affordable Housing

- 8.16 Policy 3.11 of the London Plan 2011 states that policies should set an overall target for the amount of affordable housing provision over the plan period in their area, based on an assessment of all housing needs and a realistic assessment of supply. It also states that boroughs should take account of regional and local assessments of need, the Mayor of London's strategic target for affordable housing provision that 50% of provision should be affordable and, within that, the London-wide objective of 60% social housing and 40% intermediate.
- 8.17 This policy is supported by policy SP02 of the CS which states that the Council will seek to achieve a 35% - 50% affordable housing target across the Borough, with a minimum of 35% affordable housing provision being sought on all development of more than 10 housing units. Policy SP02 of the CS seeks a tenure split of 70% social rent to 30% intermediate.
- 8.18 The affordable housing provision for the development is 35.44% by habitable room, which represents a total of 7 affordable units over the various unit sizes. While not meeting the London Plan target of 50%, the development exceeds the minimum 35% required by the policy SP02 of the CS.
- 8.19 The tenure split provided by the development is 71% social rent to 29% intermediate. Again, while this falls short of the London-wide tender split objective of the London Plan, it generally accords to the tenure split required by policy SP02 of the CS.
- 8.20 At a local level the provision of affordable housing and tenure split is considered acceptable and would accord with policy SP02 of the CS. While the quantum and tenure split fail to accord to London-wide targets set by the London Plan, it is considered that these are overall London-wide targets and the relatively small scale of units involved in this application is not considered to be detrimental to the achievement of these targets London-wide over all developments.

Affordable Housing Rent Model

- 8.21 Under the new national planning policy statement, PPS3, issued in June 2011, the definition of affordable housing has changed and now include social rented, a new product called affordable rented and intermediate housing.
- 8.22 Social rented housing is defined as:
- Rented housing owned and managed by local authorities and registered social landlords, for which guideline target rents are determined through the national rent regime. It may also include rented housing owned or managed by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with the Homes and Communities Agency as a condition of grant.*
- 8.23 Affordable rented housing is defined as:
- Rented housing let by registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is not subject to the national rent regime but is subject to other rent controls that require a rent of no more than 80 per cent of the local market rent.*
- 8.24 Intermediate affordable housing is defined as:
- Housing at prices and rents above those of social rent, but below market price or rents, and which meet the criteria set out above. These can include shared equity products (e.g. HomeBuy), other low cost homes for sale and intermediate rent but does not include affordable rented housing.*

- 8.25 Policy SP02 requires developments to provide 35% affordable housing (subject to viability), and a split of 70:30 between the tenures. The Council has not had the opportunity to reconsider or vary this policy in light of the new definitions in PPS3 at this stage but the change in national policy is a material consideration. The indication from housing officers is that they generally favour retaining the current split of 70% social rent and 30% intermediate tenures. This is because the new affordable rent levels, if taken up to the maximum level of 80% of market rent have been shown to be unaffordable to local applicants.
- 8.26 Tower Hamlets has commissioned a housing consultancy called the Pod Partnership to research market rent levels in different areas of the borough and to carry out affordability analyses. Pod established that 80% of average market rent in the E14 area was £239 for one beds, £319 for two beds, £447 for three beds and £387 for four beds units. The affordability analyses for all areas of the boroughs led to the conclusion that rents would only be affordable to local people if they were kept at or below 65% of market rent for one beds, 55% for two beds and 50% for three beds and larger properties.
- 8.27 These adjusted percentage levels for the E14 area would be £194 for one beds, £219 for two beds, £279 for three beds and £242 for 4 bed units. The affordable rents proposed by this applicant is at £187.50 for a two bedroom home, £275 for a three bedroom home and £300 for a 4 bedroom Wheelchair home. This is below the affordable rent levels of 80% of the market rate. The 2 bed units are below our affordability tolerances as is the 3 bedroom units, however the rent on the 4 bed property is above our tolerances and therefore not deemed affordable.
- 8.28 The Council does not support the rents on the 3 bed units and would seek to ensure that rent levels remain locally affordable with a restriction placed in the s106 agreement setting a maximum monetary level that can be charged for each size unit. It is suggested that this would be able to rise year on year by the Retail Price Index (RPI) + 0.5%.

Amenity of Adjoining Occupiers and the Surrounding Area

Daylight and Sunlight

- 8.29 Policy SP10 of the Core Strategy, saved policy DEV2 of the UDP and policy DEV1 of the IPG seek to protect the amenity of surrounding existing and future residents, as well as the amenity of the surrounding public realm, including sunlight and daylight.
- 8.30 The applicant has provided a Daylight and Sunlight Report in support of their application, outlining the daylight and sunlight received by the buildings adjacent the development site, including the consented scheme to the west on the Blackwall Yard site. It has assessed the impact on the daylight and sunlight levels against the latest guidance provided in the "Site layout planning for daylight and sunlight: A good guide to practice" by P Littlefair (2011) providing the results of the effect on daylight in terms of the tests use in the BRE guidelines.
- 8.31 The daylight and sunlight report shows that there is a loss of daylight to some of the neighbouring residential buildings. However, levels are not significant, given the urban context. The retained level of daylight Average Daylight Factor is considered to be sufficiently close to the BRE Guidelines as to be acceptable.
- 8.32 Likewise, in relation to sunlight, the majority of windows within surrounding developments will meet the BRE Guidelines and those which do not will be sufficiently close to be considered acceptable on balance.
- 8.33 It is therefore considered that the proposed development would accord with policy SP10 of the Core Strategy, saved policy DEV2 of the UDP and policy DEV1 of the IPG, in terms of daylight and sunlight.

Privacy

- 8.34 By seeking to protect the amenity of surrounding existing and future residents, policy SP10 of the Core Strategy, saved policy DEV2 of the UDP and policy DEV1 of the IPG also seek to protect neighbouring occupiers from the effects of overlooking from new developments and reduction in terms of privacy.
- 8.35 The proposed development is separated a minimum distance of 15.8m from Wingfield Court and a minimum distance of 24m from Studley Court. No windows to habitable rooms within the proposed development face directly towards Wingfield Court. Therefore there is no direct overlooking from window to window. The windows looking to the east towards Studley Court would be separated from habitable windows of the residential properties in Studley Court by a distance greater than 18m, which is the distance that the Council's UDP states reduces inter-visibility to a degree acceptable to most people.
- 8.36 On the north side of the fourth floor of the development is a roof terrace. The roof terrace would be set back 1.3m from the north façade of the development and would, at the closest point, be a minimum of 17m from the closest habitable window within Wingfield Court. This would have an impact on the privacy of units on the levels around the 4th floor level, but given that the acceptable 18m distance is only breached in the corner of the roof terrace, the level of impact on privacy is not considered significant.
- 8.37 It is therefore considered that the proposed development would not result in any unacceptable impacts in terms of overlooking or privacy and would accord with policy SP10 of the Core Strategy, saved policy DEV2 of the UDP and policy DEV1 of the IPG, in terms of overlooking and privacy.

Outlook

- 8.38 When considering amenity, the outlook from developments must also be considered. Policy SP10 of the Core Strategy, saved policy DEV2 of the UDP and policy DEV1 of the IPG also seek to control development in terms of unacceptably restricting outlook from an existing development. It must be noted that "outlook" is different from a "view" and that policy SP10 of the Core Strategy, saved policy DEV2 of the UDP and policy DEV1 of the IPG do not seek to protect private views from residences.
- 8.39 Given the separation distances of the proposed building from the existing developments, the proposed development not considered to impact significantly on the outlook of the existing developments and would be in accordance with policy SP10 of the Core Strategy, saved policy DEV2 of the UDP and policy DEV1 of the IPG, in term of protecting outlook from existing developments.

Wind Microclimate

- 8.40 Planning guidance contained within the London Plan 2010 places great importance on the creation and maintenance of a high quality environment for London. Policy 7.7 of the London Plan 2008, requires that tall buildings should not affect their surroundings adversely in terms of microclimate and wind turbulence.
- 8.41 Wind microclimate is therefore an important factor in achieving the desired planning policy objective. Policy DEV1 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.”

- 8.42 The applicant has provided a wind micro-climate assessment detailing the wind micro-climate around the proposed building. The report concludes that the conditions around the proposed development are likely to be similar to the existing, in the ‘standing’ or ‘strolling’ range, in terms of the Lawson Comfort Criteria.
- 8.43 The conclusion also states, taking into the grouping effect with the consented Blackwell Yard scheme, the proposed development is likely to have a positive impact off-site on the east side and non-significant elsewhere.
- 8.44 It is therefore considered that the development would not create significant adverse wind micro-climate conditions for adjacent areas and would be acceptable in terms policies 7.6 and 7.7 of the London Plan, policy SP10 of the Core Strategy, saved policy DEV2 of the UDP and policy DEV1 of the IPG, in relation to wind micro-climate.

Noise and Vibration

- 8.45 In protecting the amenity of the surrounding area policy SP03 of the CS, policies DEV2 and DEV 50 of the UDP and policy DEV1 and DEV 10 of the IPG also require the noise and vibration nuisance from a development to be minimised.
- 8.46 The application makes no reference to any plant associated with the development and therefore provides no specific details of any proposed noise and vibration levels. While it is unlikely that the proposed C3 uses would require the installation of significant plant equipment, it is considered that a condition of consent could ensure that details of noise and vibration impacts of any proposed plant or ventilations systems would be submitted to the Local Planning Authority for approval prior to installation. This would ensure that any acoustic attenuation required would be installed to mitigate the impact on the adjoining occupiers and surrounding area.
- 8.47 As such it is considered that the with the recommended condition of consent imposed the proposed development would accord with policy SP03 of the CS, policies DEV2 and DEV 50 of the UDP and policy DEV1 and DEV 10 of the IPG and not adversely impact on adjacent properties in terms of noise and vibration.

Construction

- 8.48 It is acknowledged that the proposed development would result in some disruption to the amenity of the area and highway network due to the construction effects of the proposed development, however these will be temporary in nature.
- 8.49 Demolition and construction is already controlled by requirements to adhere to numerous other legislative standards, such as Building Act 1984, Environmental Protection Act (EPA) 1990, Environment Act 1995 and Air Quality Regulations 2000 and Health and Safety at Work Act 1974. However, PPS23 makes provision for the inclusion of conditions of consent to mitigate effects of construction.
- 8.50 It is therefore recommended that if approved a condition of consent is included, which would require the submission of a Construction Management Plan in order to ensure that the best practice examples are followed to avoid, remedy and mitigate the effects of construction.

Highways & Transportation

Trip Generation

- 8.51 Policies 6.1 and 6.3 of the London Plan, policy SP09 of the Core Strategy, policy T16 of the UDP and policy DEV17 of the IPG seek to restrain unnecessary motor-vehicle trip generation, integrate development with transport capacity and promote sustainable transport and the use of public transport systems.
- 8.52 The subject site is located within an area where the Public Transport Accessibility Level (PTAL) of 2 indicates limited access to public transport. However, the East India Dock DLR is located approximately 110m from the site. This will mean that the DLR, which connects to major shopping and service centres at Stratford, Canary Wharf and the City, is easily accessible to future occupiers and that the development would be appropriately situated to encourage occupiers and visitors to use the public transport, rather than less sustainable modes of transport, such as private cars.
- 8.53 The development creates 26 additional C3 residential units, which would not result in a significant impact in terms of peak time trip generation. The applicant's Transport Assessment shows that there is sufficient capacity on the DLR network to accommodate the expected increase in use requirement.
- 8.54 It is therefore considered that the development is appropriately serviced by public transport and the scale of development and proposed use is appropriate for the transport capacity of the area. The development is considered to accord with policies 6.1 and 6.3 of the London Plan, policy SP09 of the Core Strategy, policy T16 of the UDP and policy DEV17 of the IPG in terms of integrating development with transport capacity.

Vehicle Parking

- 8.55 Policies 6.1, 6.11 and 6.13 of the London Plan seek to reduce traffic congestion and vehicle use by minimising vehicle parking within developments and promoting use of public transport. This is supported by policy SP09 of the Core Strategy and policy DEV19 of the IPG.
- 8.56 The application site is currently a car park. 6 of the spaces on the site are not controlled by the applicant. In order to re-provide a majority of these spaces the development provides 5 car parking spaces. However a space is lost so that a disabled parking space is provided for the development.
- 8.57 Parking Standards provided in the London Plan and the IPG both set out maximum standards, encouraging minimal parking to be provided, if any. The only exception to this is parking for Blue Badge holders (disabled parking). Both the London Plan and the IPG parking standards require 1 disabled parking bay to be provided.
- 8.58 In order to minimise the use of private motor vehicles, reduce motor vehicle traffic, prevent increased stress on the permit parking bays and promote sustainable transport use, it is considered that the future occupants should be prevented from obtaining parking permits for on-street parking. In order to achieve this, it is recommended within the S106 there is a clause restricting the issuing of parking permits to the future occupiers be imposed on any approval.
- 8.59 With the imposition of a clause in the S106 restricting the issuing of on street parking permits and that there is no parking, other than 1 disabled parking space, provided onsite, it is considered that the development would appropriately reduce traffic congestion and vehicle use by minimising vehicle parking within developments and promote the use of public transport and would accord with policies 6.1, 6.11 and 6.13 of the London Plan, policy SP09 of the Core Strategy and policy DEV19 of the IPG.

Cycle Parking and Facilities

- 8.60 Policy 6.9 of the London Plan, policy SP09 of the Core Strategy and policy DEV16 of the IPG seek to provide better facilities and a safer environment for cyclists.
- 8.61 The proposals within the development aim to provide provision for 1 cycle space per unit. These will be provided in dedicated storage areas within the core of the development block. They are therefore only accessible to residents. A further 3 cycle spaces or 10% is provided at to the east of the building, for the purpose of visitors' cycle storage.
- 8.62 This provision is in accordance with Council's standards and therefore considered to provide adequate cycle storage. A condition of consent is recommended to ensure the cycle storage is retained within the development for the lifetime of the use.
- 8.63 Given that the development provides adequate cycle storage provision, it is considered that the development would be acceptable in terms of policy 6.9 of the London Plan, policy SP09 of the Core Strategy and policy DEV16 of the IPG.

Delivery and Servicing

- 8.64 Policies 6.1, 6.11 and 6.14 of the London Plan, policies SP08 and SP09 of the Core Strategy, policies T16 and T26 of the UDP and policy DEV17 of the IPG seek to minimise the impacts on the highway network and promote efficient and sustainable arrangements for deliveries and servicing.
- 8.65 The site is located off Newport Avenue, a privately owned and maintained road. The site is located some distance from Council administered adopted public highway. Therefore, servicing is not considered to impact on the safety and efficiency of the public highway. The reversing of a vehicle into the parking area for servicing and waste collection is not considered ideal, as it would raise safety concerns, but this is not a unique situation. In terms of the site constraints, due to the relatively narrow nature of the site it is unlikely that onsite servicing would be able to be accomplished without reversing in any case. Officers consider that a service management plan should be provided prior to the commencement of development to ensure that the servicing arrangements do not conflict with the proposed parking on site.
- 8.66 Subject to the submission and approval of a Service Management Plan, it is considered that the servicing of the development would be acceptable in terms of policies 6.1, 6.11 and 6.14 of the London Plan, policies SP08 and SP09 of the Core Strategy, policies T16 and T26 of the UDP and policy DEV17 of the IPG.

Revised Ground Floor Plan and Parking Layout

- 8.67 Further to the publication of the previous LTGDC report upon this application, it has been brought to the attention of LTGDC and LBTH that the proposed ground floor car park layout would preclude vehicular access to Wingfield Court.
- 8.68 Accordingly, the applicant has submitted a revised parking layout which maintains the vehicular access point to Wingfield Court whilst also retaining 6 parking spaces, one of which is a disabled space and associated with the proposed development, with the remaining 5 allocated to existing off-site residential occupiers.

Design and Layout

Mass and Scale

- 8.69 Policies 7.1, 7.4, 7.5 and 7.6 of the London Plan, policies SP02, SP10 and SP12 of the Core Strategy, policies DEV1, DEV2 and DEV3 of the UDP and policies DEV1 and DEV2 of the IPG seek to ensure developments are of appropriate mass and scale to integrate with

the surrounding environment and protect the amenity of the surrounding environment and occupiers.

- 8.70 The applicant participated in a pre-application process in which they reduced the height of the development from 17 storeys to 12 storeys. The height is considered in keeping with the height of the immediately adjacent existing buildings in the Virginia Quay development, which are 10 to 12 storeys in height. The 12 storey height is also significantly shorter than the approved 27 storey scheme to the west at Blackwall Yard.
- 8.71 The portion of the building closes to the adjacent Wingfield Court is kept to a lower 4 storey height in order to allow light to and outlook from the existing units. In addition the narrow profile of the building allows maximum consideration to the outlook to the south, towards the river.
- 8.72 Overall the scale, mass and profile of the proposed scheme is considered to be in keeping with that of the immediate surrounds and would maintain the character of the area. It is considered the proposed development would accord with Policies 7.1, 7.4, 7.5 and 7.6 of the London Plan, policies SP02, SP10 and SP12 of the Core Strategy, policies DEV1, DEV2 and DEV3 of the UDP and policies DEV1 and DEV2 of the IPG, in terms of scale and mass.

Appearance and Materials

- 8.73 Policies 7.1, 7.4 and 7.6 of the London Plan, policies SP02, SP10 and SP12, policies DEV1, DEV2 and DEV3 of the UDP and policies DEV1 and DEV2 of the IPG, also seek to ensure development is high quality in design, including materials and appearance.
- 8.74 Through the pre-application process the materials have been considered and proposed as a coherent high quality material palette. The use of the dark brick as the predominant material has created a building of homogenous character which complements the existing dominant building material of stock brick, yet sets the building apart from the existing Virginia Quay development. The coloured panels break up the scale of the building and add relief and interest to the scale of the building.
- 8.75 Comments have been received stating the development sits on the Prime Meridian, however this is not the case as the Prime Meridian runs to the East of the site.
- 8.76 Overall the materials proposed are supported as high quality and would ensure an appropriate appearance of the building within the existing environment, in accordance with policies 7.1, 7.4 and 7.6 of the London Plan, policies SP02, SP10 and SP12, policies DEV1, DEV2 and DEV3 of the UDP and policies DEV1 and DEV2 of the IPG.

Internal Amenity

Flat Sizes

- 8.76 Policy 3.5 of the London Plan, policy SP02 of the Core Strategy, policy HSG13 of the UDP and policy DEV2 of the IPG seek to ensure that adequate dwelling sizes and room sizes are provided to ensure appropriate living conditions for future occupiers. The London Plan provides minimum standards for overall dwelling sizes, while the Council's "Supplementary Planning Guidance Note – Residential Space" provides both minimum dwelling sizes as well as minimum room sizes.
- 8.77 In addition to these documents, the interim edition of the Mayor of London's London Housing Design Guide (LHDG) August 2010 provides guidance on housing size and room sizes. The London Plan states that this will form the basis of the proposed Housing SPD. It is therefore considered to carry considerable weight in terms of consideration of what are

acceptable standards.

- 8.78 The proposed room sizes and overall flat sizes are in most cases appropriate, exceeding the minimum standards provided by the London Plan, the Council's Supplementary Planning Guidance and the LHDG. However, 6 of the 1 bedroom (2 person) private flats fall below the space standards provided in the London Plan, Council's Supplementary Planning Guidance and the LHDG.
- 8.79 It is therefore considered that the proposed development fails to provide acceptable internal space for the amenity of the future residents in accordance with policy 3.5 of the London Plan, policy SP02 of the Core Strategy, policy HSG13 of the UDP and policy DEV2 of the IPG.

Daylight and Sunlight

- 8.80 Policy 3.5 of the London Plan, policy SP02 of the Core Strategy and policy DEV2 of the IPG also seek to ensure development are designed to provide appropriate living conditions in term of Daylight and sunlight received by the proposed development.
- 8.81 The applicant has failed to provide details of the daylight and sunlight levels that would be received by the proposed new development. It is therefore not possible to confirm that adequate levels of daylight and sunlight would be received by the development to ensure that the living conditions of future residents are acceptable.
- 8.82 It is therefore considered that the details of the level of daylight and sunlight should be ascertained prior to the approval of the application. Daylight and sunlight levels should meet the minimum guidelines for appropriate living conditions outlined in the BRE guidance document "Site layout planning for daylight and sunlight: A good guide to practice" by P Littlefair (2011)".

Overshadowing

- 8.83 The applicant has not provided details of the levels of permanent and transient overshadowing that would be created as a result of the proposed development. As such, it is not possible to ascertain whether the proposal would adhere to the relevant standards as contained within the "Site layout planning for daylight and sunlight: A good guide to practice" by P Littlefair (2011)".

Play Areas and External Amenity Space

- 8.84 Policy 3.5 of the London Plan, policy SP02 of the Core Strategy, policy HSG16 of the UDP and policy HSG7 of IPG and promote the good design and the provision of amenity spaces within developments. Furthermore, policy 3.6 of the London Plan, policy SP02 of the Core Strategy, policy O9 of the UDP and policy HSG7 of the IPG require the provision of appropriate child play space within residential developments.
- 8.85 Policy HSG7 of the IPG provides details of the Council's private and communal amenity space requirements. All ground floor units comprising 3 bedrooms or greater should be provided with a minimum 50m² of private amenity space. Units comprising 2 or more bedrooms should be provided with a minimum of 10m² of private amenity space and 1 bedroom units should be provided with a minimum of 6m² of private amenity space. In addition to the private amenity space, all developments comprising of 10 or more units should also provide 50m² of communal amenity space, plus 5m² for ever additional 5 units thereafter.
- 8.86 In terms of the private amenity space provision only 3 one bedroom private units and the top floor private three bedroom unit meet the private amenity space standards required by

policy HSG7 of IPG. However, the communal amenity space provided significantly exceeds the 65m² required, with the provision of 127m² at ground floor level and 80m² at the fourth floor roof terrace level.

- 8.87 The GLA Supplementary Planning Guidance “Providing for Children and Young People’s Play and Informal Recreation” clearly sets out the appropriate level of play space for developments. It details that on-site playable space should be provided for under 5 year olds within 100m walking distance from residential units, facilities within 400m walking distance for 5-11 year olds and within 800m for 12+ year olds.
- 8.88 From the information submitted by the applicant in response to GLA Stage I comments, the play space provision will be made for under 5 year olds on site and an agreement with the managing agent for the Virginia Quay development has been made to allow use of the MUGA and play area within the Virginia Quay for children over 5 years old. This play area and MUGA is located within 100m of the site and considered to provide acceptable play space.
- 8.89 The proposed development would fail to accord with policy SP02 of the Core Strategy, policy HSG16 of the UDP and policy HSG7 of IPG in that it would provide sufficient private amenity space. However, given the quantity of communal amenity space proposed in the development it is considered that on balance the amenity space provision would be acceptable, provided all units can access the roof terrace amenity space.
- 8.90 In terms of the provision of play space within the development and the area, this is considered acceptable, subject to details being provided of the provision of the under 5 year old onsite and the agreement with the management of Virginia Quay to allow access to the MUGA and play area within the Virginia Quay development.

Landscaping

- 8.91 Policies 5.10 and 5.11 of the London Plan and policy SP04 of the Core Strategy seek to ensure that development contributes to the greening of the urban environment. Policy DEV12 of the UDP and policy DEV13 of the IPG also require the provision of landscaping within a development.
- 8.92 The applicant is proposing to incorporate the development into the surrounding landscaping by reproducing the existing hard landscaping approach up to the edge of the development. Low planting and grass is provided at areas of the ground level landscaping including an area of lawn in the communal amenity space. Much of landscaped amenity space to the west side of the development will be landscaped in Grass Crete permeable paving. In addition areas of roof at various levels incorporate elements of a living building by the inclusion of Sedum planting.
- 8.93 Some of the materials proposed have been included in the Design Statement for the application. These appear to be acceptable. However, details of planting proposed and maintenance of the landscaping has not been provided.
- 8.94 It is recommended that a condition of consent is imposed on the application if granted, which will ensure that a robust landscaping plan is submitted for approval. With such a condition imposed it is considered that the development would acceptably accord with policies 5.10 and 5.11 of the London Plan, policy SP04 of the Core Strategy, policy DEV12 of the UDP and policy DEV13 of the IPG.

Access and Inclusivity

- 8.95 Policies 3.8 and 7.2 of the London Plan, policy SP02 of the Core Strategy, policy DEV1 of the UDP and policies DEV3 and HSG9 of the IPG seek to ensure the development is

accessible and that housing is appropriate for changing needs of residents.

- 8.96 The design statement states that the main entrance level and entrance to the ground floor flat will be set at the existing datum level at the northern part of the existing steps to create a seamless and level access to the building. Step free access will also be provided externally to the ground floor communal amenity area.
- 8.97 The ground floor unit and 2 two bedroom units on the first floor have been designed to be accessible to wheelchairs. The building is served by two 8 person lifts from the independent affordable and private residential reception entrance lobbies. The lift providing access to the private units will be accessible in emergency to the wheelchair units on the first floor. It is recommended that a condition of consent is included requiring that the retention of this ability is imposed on the application, to ensure it will be available for the life of the development.
- 8.98 All accommodation should be built to Lifetime Homes Standards. It is therefore recommended that a condition of consent requiring that the development is built to Lifetime Homes Standards is imposed.
- 8.99 The proposal has one main entrance which then splits into two separate entrance lobbies, one for private and one for affordable. The single entry point to the building is supported as providing inclusiveness. However, there is a fourth floor roof terrace that provides some of the amenity space for the development. This space is only accessible to the private units. It is considered that this is not inclusive, as this area of communal amenity space is only accessible to those in the private units and the affordable units are excluded from this area. It is considered that the lift core and stair well servicing the affordable tenures should be extended to provide access to the fourth floor roof terrace also.
- 8.100 With such a change and the recommended conditions imposed, it is considered that the development would provide adequate access, adaptable to the changing needs of residents and would be appropriately inclusive, in accordance with policies 3.8 and 7.2 of the London Plan, policy SP02 of the Core Strategy, policy DEV1 of the UDP and policies DEV3 and HSG9 of the IPG.

Security and Safety

- 8.101 Policy 7.3 of the London Plan, policy DEV1 of the UDP and policy DEV4 of the IPG seek to ensure that developments are safe and secure.
- 8.102 No details of how the development will meet the secured by design standards have been provided. In order to ensure that the development maximises the safety of residents, details of how the development meets secured by design standards should be submitted for approval and it is recommended that this is required by condition.
- 8.103 With such a condition imposed on the permission it is considered that the development would adequately provide a safe and secure environment and accord with policy 7.3 of the London Plan, policy DEV1 of the UDP and policy DEV4 of the IPG.

Waste Storage

- 8.104 Policy 5.17 of the London Plan, policy SP05 of the Core Strategy, policy DEV56 of the UDP and policy DEV15 of the IPG require developments to make suitable waste and recycling provision within the development.
- 8.105 The Council's Waste Management team have reviewed the waste storage provision and consider that it will be acceptable for the level of estimated waste and recycling that would be generated by the development. The storage area is easily accessible to the servicing

area and would not require waste to be transported significant distances from the storage points to collection vehicles. To ensure that the waste storage areas are retained it is recommended a condition of consent is imposed if permission for the development is granted.

- 8.106 With such a condition imposed ensuring that the waste storage facilities are retained for the lifetime of the development, it is considered that appropriate provisions for waste and recycling facilities are provided within the development in accordance with policy 5.17 of the London Plan, policy SP05 of the Core Strategy, policy DEV56 of the UDP and policy DEV15 of the IPG.

Environmental Sustainability

- 8.107 The London Plan 2011 has a number of policies aimed at tackling the increasingly threatening issue of climate change and the impacts of human habitation on the natural environment. London is particularly vulnerable to matters of climate change due to its location, population, former development patterns and access to resources. Policies within the Core Strategy, UDP and IPG also seek to reduce the impact of development on the environment, promoting sustainable development objectives.

Energy

- 8.108 Policies 5.2, 5.3, 5.4 and 5.7 of the London Plan, policy SP11 of the Core Strategy and policies DEV5 and DEV6 of the IPG require development to incorporate energy efficient design and utilise low carbon and renewable energy technology in order to minimise the carbon emissions associated with the development.
- 8.109 The applicant has employed an energy strategy approach in accordance with the GLA energy hierarchy. The total provision of the Lean, Clean and Green measures leads to a 25.90% improvement against the notional or target ADL1A compliant building.
- 8.110 Although the applicant has met the 25% carbon dioxide required by policy 5.2 of the London Plan, the applicant has failed to provide any renewable energy technology. Policy SP11 of the Core Strategy requires all new developments to provide 20% reduction of carbon dioxide emissions through onsite renewable energy generation where feasible.
- 8.111 The use of CHP for space and water heating makes many of the renewable energy technologies inappropriate, as the heat requirement is already provided. However, the applicant has stated that they have excluded any provision of electricity producing renewable technology, such as photovoltaics (PV) as the CHP technology produces excess electrical demand for the site. As such the PV would have no benefit to the occupiers and would have a significant cost.
- 8.112 This case would only occur if the electrical energy production from the CHP technology is used by the building rather than feed back into the grid. Confirmation has been sort from the applicant as to how this will happen, given the legislation around electricity sales in the UK.
- 8.113 This should be secured in a S106 legal agreement, to ensure the full benefits of the carbon dioxide reduction strategy are achieved. If secured by S106 it is considered that the development would be acceptable in accordance with policies 5.2, 5.3, 5.4 and 5.7 of the London Plan, policy SP11 of the Core Strategy and policies DEV5 and DEV6 of the IPG, in terms of energy efficiency.

Biodiversity

- 8.114 Policy 7.19 of the London Plan, policy SP04 of the Core Strategy and Policy DEV5 of the

IPG require development to protect and enhance biodiversity.

- 8.115 The applicant has not provided any information on the environmental quality of the site. However, a site visit to the site confirms that the site will have little ecological value. The applicant does however acknowledge that black redstarts have been sighted within the local area.
- 8.116 It is considered that the application proposals will improve the biodiversity value of the site, through the provision of soft landscaping and sedum roofs. The applicant has indicated that a condition requiring a black redstart survey to be undertaken prior to the commencement of development and other measures to be incorporated into the scheme in order to ensure that the measures are implemented could be imposed on any approval. It is recommended that such a condition is imposed to ensure appropriate mitigation. This could lead to the sedum roof proposed on the top level of the development to be changed to a brown roof, appropriate for Black Redstart habitat.
- 8.117 With such a condition imposed, it is considered that the development would be acceptable in terms of policy 7.19 of the London Plan, policy SP04 of the Core Strategy and Policy DEV5 of the IPG.

Water Use

- 8.118 Policy 5.15 of the London Plan, policy DEV69 of the UDP and policy DEV7 of the IPG, seek to ensure appropriate minimisation of water use within developments.
- 8.119 The applicant has submitted a Sustainability Statement providing details of the design intent for the development. The document states that the development will have a rainwater harvesting tank in the basement allowing for sustainable drainage and attenuation as well as reuse of water for irrigation of external areas.
- 8.120 No further detail is provided of how this will operate or even is the provision shown on the plans. It is therefore considered that a condition of consent should be imposed to require detail of how this will operate to be submitted and approved and retention and use of the approved water recycling system. It is also considered that low flow devices should be installed and retained in all residential units and a condition should be imposed to ensure this.
- 8.121 With such conditions imposed, it is considered that the development would appropriately mitigate water usage in accordance with policy 5.15 of the London Plan, policy DEV69 of the UDP and policy DEV7 of the IPG.

Drainage and Flood Protection

- 8.122 Policies 5.12, 5.13 and 5.14 of the London Plan, policy SP04 of the Core Strategy, policy DEV46 of the UDP and policies DEV7, DEV8 and DEV21 of the IPG, seek to ensure development has suitable flood protection, flood protection of other sites is not reduced and that sustainable drainage is used to ensure that storm water run-off rates are reduced and water quality is maintained.
- 8.123 The applicant has undertaken a comparison between ground levels at the site and the relevant River Thames tidal flood water level and confirmed that this indicates that the site is located within Flood Zone 1, which means that there is a low risk of flooding. The probability of flooding at the site is very low as the site is defended against tidal flooding to a very high standard. The results of the SFRA show that the residual risk at the site following a breach in the flood defences would be negligible.
- 8.124 Furthermore, because the site does not result in the alteration to any flood protection

defences or result in a reduction in the level of flood water storage capability, the development is not considered to raise the risk of flooding of other developments.

- 8.125 The proposed development is reducing the number of parking spaces from 15 to 7. This will in effect reduce the contamination of the runoff surface. In order to maintain the quality of water discharged from the site it is recommended that oil/petrol filters are fitted into drainage from vehicle parking areas. This should be secured by condition of consent.
- 8.126 A rainwater harvesting tank is being provided in the basement, allowing for sustainable drainage and attenuation, as well as water re-use. The development is not creating an increase of hard landscaping, but instead is proposing sedum roofs, which will attenuate rainwater, and deliver a larger amount of soft landscaping, to that of the existing site conditions, resulting in greater overall site permeability. It is considered that these measures will significantly reduce the total run-off and the run-off rate.
- 8.127 Subject to the recommended conditions the scheme is considered to satisfy policies 5.12, 5.13 and 5.14 of the London Plan, policy SP04 of the Core Strategy, policy DEV46 of the UDP and policies DEV7, DEV8 and DEV21 of the IPG and ensure development has suitable flood protection, ensure flood protection of other sites is not reduced and ensure that sustainable drainage is used to ensure that storm water run-off rates are reduced and water quality is maintained.

Air Quality

- 8.128 Policy 7.14 of the London Plan, policy SP03 of the Core Strategy and policy DEV11 of the IPG seek to ensure that air quality is protected. Air pollution has an impact on human health, biodiversity, crops and forests, materials, buildings and cultural heritage. Air Quality testing has identified that the whole of the London Borough of Tower Hamlets has poor air quality. As such, London Borough of Tower Hamlets is an air quality control zone.
- 8.129 Given that combustion engine vehicles are a significant contributor to poor air pollution, through emissions from combustion engines, the reduction in vehicle parking spaces is considered to contribute towards measures for improving air quality. Minimisation of parking spaces will result in a reduction in the use of private motor vehicles, thereby reducing emission rates.
- 8.130 However, although no details have been provided, the development has potential to create additional levels of air pollution emissions through the use of a CHP system. As such, in order to minimise the emission levels from the CHP system, it is recommended a condition is imposed to require the installation of abatement technology to minimise the air pollution emissions.
- 8.130 With the recommended condition imposed, it is considered the development would be acceptable in terms of 7.14 of the London Plan, policy SP03 of the Core Strategy and policy DEV11 of the IPG, with respect to air quality.

Construction Waste and Recycling

- 8.131 Policy 5.18 of the London Plan 2011 requires developments to follow the principles of the waste hierarchy and that reuse and recycling of waste reduces the unnecessary landfilling of waste. This is supported by policy SP05 of the Core Strategy.
- 8.132 The applicant has not provided detail of how the principles of the waste hierarchy will be followed in during the construction period. It is therefore recommended a condition of consent should require a Site Waste Management Plan to be submitted detailing the particulars in relation to the development to ensure that the development is implemented in accordance with the principles of the waste hierarchy and that reuse and recycling of waste

reduces the unnecessary landfilling of waste. If development is undertaken in accordance with an appropriate Site Waste Management Plan the development would be considered to be in accordance with policy 5.18 of the London Plan and policy SP05 of the Core Strategy.

Land Contamination

- 8.133 Policy 5.21 of the London Plan, policy DEV51 of the UDP and policy DEV22 of the IPG, seek to ensure that land that is potentially contaminated is appropriately tested and any contamination issues addressed to ensure that the land is appropriately addressed prior to development. This include ensuring that pathways for contaminants to enter ground water and surface water are not created as well as ensuring that the soil onsite does not cause a safety risk to those that come into contact with it.
- 8.134 The site, while previously developed, is currently primarily hard surfaced. Given that there is a historic use of the site for industrial purposes associated with the wharf, the site is considered potentially contaminated. No detail of testing of the site for land contamination has been submitted with the application and it is considered that a condition should be imposed to ensure that the potential contamination of the land is tested. If found to be contaminated the condition should require appropriate mitigation.
- 8.135 With such a condition imposed, the development would be considered acceptable in terms of policy 5.21 of the London Plan, policy DEV51 of the UDP and policy DEV22 of the IPG.

Planning Obligations

- 8.136 Policy DEV 4 of the UDP and policy IMP1 of the IPG provide ability for the Council to seek planning obligations to secure onsite or offsite provisions or financial contributions in order to mitigate the impacts of a development.

Financial Contributions

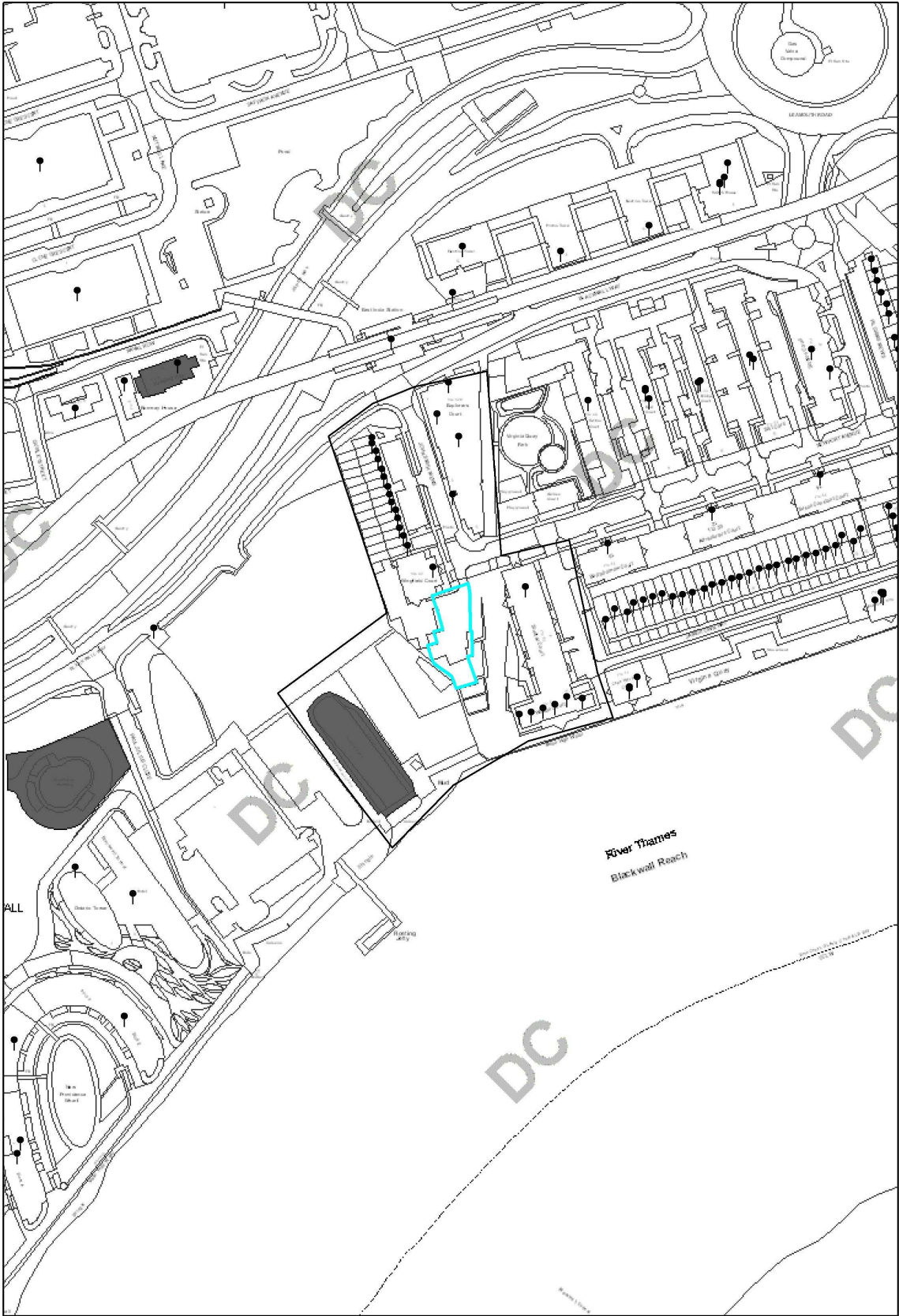
- 8.137 LTGDC have a tariff approach to the financial contributions required to provide infrastructure and mitigation for the impacts of the development. LBTH accept this approach and does not consider that there are any additional financial contributions required.

Non-Financial Contributions

- 8.138 LBTH would seek to ensure that the affordable housing provision is secured through the use of the S106 legal agreement as a planning obligation. As discussed previously, it is also considered that a target rent level is secured in accordance with LBTH's POD research in order to ensure that the affordable housing rent level is affordable to the borough's residents.
- 8.139 Other non-financial contributions should be sort as follows:
- Restriction for all new units on obtaining a Council Parking Permit to park on the highway
 - Employment Initiatives to use reasonable endeavours to employ local people during the construction and end user phases of the development.
 - Electricity Energy Strategy for the development.

9. Conclusions

- 9.1 All other relevant policies and considerations have been taken into account. Members are asked to ratify officer views for the reasons set out in RECOMMENDATION section of this report, subject to the matters of concern being addressed beforehand.



APPENDIX A

Stephen Allen
London Thames Gateway Development Corporation
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London
E14 9SH

03 October 2011

Development and Renewal

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Dear Stephen,

Land at Virginia Quay, off Newport Avenue, London - Planning Application Number PA/11/01426

I write in relation to the above application providing comments on behalf of London Borough of Tower Hamlets (LBTH). Attached is the officer's report detailing the full assessment of the application, with neighbours representations and specialist consultee responses attached.

LBTH has reviewed the application and taken into account all relevant policies and considerations in assessing the proposed scheme for the erection of a 12 storey residential building (measuring 42.6m AOD in height), including basement storage/plant area, to provide 26 residential dwellings and associated works, comprising access, landscaping, car parking and other works.

The Council has no objections in principle to the proposals to erect a residential development of 12 storeys on the site, subject to appropriately addressing the following matters of concern that officers identify:

- Inclusivity and the lack of access for affordable unit occupiers to the roof terrace amenity area
- Confirmation of adequate daylight and sunlight received within the proposed units
- Confirmation of agreement with Virginia Quay owners for residents of the proposed development to use the play area within the Virginia Quay Development.

The following matters also fail to meet policy and where possible should be addressed

- The mix of housing fails to provide sufficient family housing within the private tenure
- The unit sizes of some of the 1 bedroom 2 person units fail to meet minimum requirements and therefore provide poor internal amenity.

The Council also seeks the following conditions to be imposed on any approval of planning permission:

- 3 year time limit
- Development to be built in accordance with approved plans
- Plant noise levels to be 10dB below background levels at residential properties
- Submission and approval of Construction Management Plan

- Cycle storage to be installed prior to occupation and retained for the lifetime of development
- Submission and approval of landscaping details and management plan
- Development built and retained in accordance with lifetime homes standards
- Submission and approval of Secured by Design details
- Waste storage to be installed prior to occupation and retained for the lifetime of development
- Submission and approval of Black Redstart survey and incorporation of appropriate habitat measures
- Submission and approval of rainwater harvesting tank and system, requiring installation prior to occupation and retention for the lifetime of the development
- Low flow water devices to be installed and retained for the lifetime of development
- Oil/petrol filters to be installed in drainage off vehicle parking areas
- Submission and approval of CHP air pollution abatement technology, requiring insulation prior to operation and retention for the lifetime of the development
- Submission and approval of site waste management plan
- Submission and approval of details of land contamination, including if relevant details for remediation and verification
- The disabled parking space shall be marked out as approved drawings and retained for the exclusive use of blue badge holders

I trust the above clearly states the Council's position in respect of the application, but if you require any further information, please do not hesitate to contact me.

Yours sincerely,

Jerry Bell
Strategic Applications Manager

London Borough of Tower Hamlets		File Reference:	PA/11/01426
Directorate of Development and Renewal		Case officer:	Devon Rollo
		Date:	22/09/2011
		Deputy Team leader:	Simon Ryan
Delegated Officer Report		Manager:	Jerry Bell
		Application Expiry Date:	Subject to PPA with LTGDC

PROPOSAL: Erection of 12 storey residential building (measuring 42.6m AOD in height) including basement storage/plant area to provide 26 residential dwellings and associated works comprising access, landscaping, car parking and other works.

LOCATION: Land at Virginia Quay off Newport Avenue, Newport Avenue, London, E14

CHECKLIST

(1) Has statutory CONSULTATION and neighbour NOTIFICATION been properly carried out?	Yes
(a) Evidence of site notice and site visit on file?	Yes
(2) Has the application been properly ADVERTISED in the press?	Yes (d)
(a) the decision would not conform to the provisions of the Development Plan	(e) affects a listed building
(b) was accompanied by an EIA	(f) is of wide public interest
(c) would affect a public right of way	(g) affects a conservation area
(d) is a major/strategic development	
(3) What date did the consultation period expire for the application?	22/08/2011
(4) Is the application subject to Referral to the MAYOR of London?	Yes
(5) Is it necessary to consult Secretary of State before determining this application?	NO (none of the below apply) (a) Circular 02/2009T&CP (Consultation) (England) Direction 2009 applies
(6) Do the matters considered in this report raise any unique HUMAN RIGHTS issues?	NO

REPORT

SITE AND SURROUNDS

The application site comprises 0.08 ha, located on the North bank of the River Thames, opposite the O2 Arena, in the London Borough of Tower Hamlets and the London Thames Gateway Development Corporation. The site comprises a car park and landscaping area of the Virginia Quay residential development. The site currently provides 6 car parking spaces and planted areas of landscaping on the fringes of the car park area.

Immediately to the east of the site lies a tree line-lined hard landscaped open space area, associated with the Virginia Quay development, with the Greenwich Meridian running through its centre. Existing residential buildings sit to the north and east of the site.

The Virginia Quay development currently consists of essentially residential use, with buildings up to 12 storeys in height.

To the west of the site is an open area of landscaping and a car park called Blackwell Yard. Further to the west is the Reuters technical centre.

The site is approximately 100m from the East India Dock Docklands Light Railway (DLR) station. The 277 bus route currently stops on Clove Crescent and Saffron Avenue to the North of Aspen Way. A future amendment to the route proposes that the route pass along Blackwall Way.

The subject site is identified as a Flood Protection Area, a Strategic Riverside Walkway and an Area of Archaeological Importance.

RELEVANT PLANNING HISTORY

PA/97/91058 (T97/167 L.D.D.C) - Use of land for residential (C3) accommodation (up to 700 units) educational purposes (D1) and retail/financial & professional/public house/restaurant (A1/A2/A3) uses to a maximum of 750sqm floor space; riverside walkway, landscaping, car parking including vehicular access from Leamouth Road, including details of Phase 1 (residential; 216 units) and Phase 2 (residential; 118 units and restaurant).

Granted Planning Permission 04/12/1997

PA/06/01734 - Conversion of an existing vacant A3 unit into six residential units with private terraces including the replacement of temporary hoarding with permanent external walls.

Granted Planning Permission 27/04/2007

CONSULTATIONS

Representations

The representations received to consultation are appended to this report in Appendix One. 47 objections and 2 petitions have been received.

Internal/External Consultation Responses

Comments received from internal and external consultees are appended to this report in Appendix Two.

RELEVANT PLANNING POLICY

The subject site lies within the boundary of the London Thames Gateway Development Corporation (LTGDC). Under Section 4 of The London Thames Gateway Development Corporation (Planning Functions) Order 2005, the LTGDC is the local planning authority for the planning functions area for the purposes of Part 3 of the Town and Country Planning Act 1990.

As such, the London Borough of Tower Hamlets is only able to provide observations to the LTGDC and is not the decision making authority for this planning application.

The purpose of this report is therefore to outline the assessment the planning application in terms of the London Borough of Tower Hamlets' planning policies and provide a basis for observations to

LTGDC.

The following policy documents are relevant to the assessment of this application:

- Government Planning Policy Guidance/Statements
- The London Plan Spatial Development Strategy for Greater London (July 2011)
- Core Strategy 2025 Development Plan Document (September 2010)
- Unitary Development Plan 1998 (as saved September 2007)
- Interim Planning Guidance for the purposes of Development Control (October 2007)
- Supplementary Planning Guidance/Documents
- Community Plan – One Tower Hamlets

MATERIAL PLANNING CONSIDERATIONS

Principle of the Land Use

Loss of Car Parking and Landscaping

The subject site is currently occupied by an area of car parking. There are no planning policies that protect the provision of parking, other than requirements for developments to provide disabled parking. The parking spaces to be lost will not result in the loss of any allocated disabled parking spaces.

Policy 6.13 of the London Plan, policy SP09 of the Core Strategy and policy DEV 19 of the UDP, seek to restrict parking to minimum levels in order to reduce traffic congestion and maximise the use of sustainable transport modes. Restriction of parking is considered to be a tool to reduce the level of private vehicle use and thus improve conditions for cycling and pedestrians. Less private vehicle use and more reliance on sustainable transport modes also serves to improve the environmental conditions, including reduction in the emission of air pollutants and reduction in noise pollution.

While policies seek to require landscaping, biodiversity and contact with nature, the landscaping lost is of minimal value. The development seeks to replace the lost soft landscaping through the provision of living roofs.

Principle of Residential Development

The provision of additional housing is supported at the national, regional and local level. PPS3 states that “A flexible, responsive supply of land – managed in a way that makes efficient and effective use of land, including re-use of previously-developed land, where appropriate.” should be applied to the provision of housing. Within the London Plan policy 3.3 sets out targets for each Borough and requires Local Authorities to seek the maximum provision of additional housing possible. At the local level this is supported by policy SP02 of the Core Strategy.

Given the site is located outside a town centre and within an area dominated by other residential properties, the inclusion of residential units within the redevelopment proposal is considered acceptable and would contribute to the provision of additional housing within the Borough, in accordance with policy 3.3 of the London Plan and policy SP02 of the Core Strategy.

Council policy requires provision of affordable housing once a scheme exceeds 10 or more units, as noted in policy SP02 of the Core Strategy and policy HSG3 of the IPG. Therefore, given the scheme provides 26 residential units, these policies are triggered and further regard will be given to this matter below.

Housing Provision

Density of Development

Policy 3.4 of the London Plan sets out a requirement to optimise housing potential. The policy sets out a matrix for appropriate housing densities given their location, character and accessibility to public transport. Given that the site is set within an urban London location with a Public Transport Accessibility Level (PTAL) of 2 (poor), policy 3.4 seeks a density of between 200-450 habitable rooms per hectare for the application site. This is supported by policy SP02 of the Core Strategy, which states that the Council will ensure new developments optimise the use of land and that the distribution and density levels of housing will correspond to transport accessibility levels and the wider accessibility of the location.

Policy HSG1 of the IPG seeks to take account of the density matrix provided in Planning Standard 4: Tower Hamlets Density Matrix. This seeks a density of between 200-450. habitable rooms per hectare for the site. Policy HSG1 also requires account to be taken of, amongst other matters, the local context and character, the need to protect and enhance amenity and the provision of other non-residential uses on site.

The density of the proposed housing within the development will be 987.5 habitable rooms per hectare. This would exceed the density matrix in policy 3.4 of the London Plan and that provided in Planning Standard 4: Tower Hamlets Density Matrix, which policy HSG1 of the IPG seeks to take account of.

While the density is significantly in excess of the matrix levels, it is considered that the development does not exhibit traits of overdevelopment and would sit comfortably within the context. As discussed further below, matters such as sunlight and daylight, servicing, amenity space and living conditions of neighbouring residents are considered acceptable.

Taking account of all of the matters in HSG1, including the expected density range provided by Planning Standard 4: Tower Hamlets Density Matrix, it is considered that the density would be acceptable in terms of policy HSG1 of the IPG.

It is therefore consider that the density of the development would be acceptable in terms of policy 3.4 of the London Plan, policy SP02 of the Core Strategy and policy HSG1 of the IPG.

Housing Mix

Policy SP02 of the Core Strategy requires an overall target of 30% of all new housing to be of a suitable size for families (3 bedrooms or more). This is in accordance with saved policy HSG7 of the UDP, which expects a mix of unit sizes including a proportion of dwellings with between 3 and 6 bedrooms, and policy HSG2 of the IPG which requires a minimum 25% of market housing to comprise of 3 or more bedrooms.

The applicant is seeking to provide mix of dwelling sizes as outlined in Table 1 below.

		Affordable Housing				Market Housing	
		Social Rented		Intermediate		Private Sale	
Unit size	Total units	Units	%	Units	%	Units	%
Studio	0	0	0	0	0	0	0
1 bed	9	0	0	0	0	9	47.4
2 bed	12	2	40	2	100	8	42.1
3 bed	4	2	60	0	0	2	10.5
4 bed	1	1		0		0	
5 bed	0	0		0		0	
Total	26	5	100	2	100	19	100

Table 1 – Housing Mix

The applicant is proposing a mix of housing sizes that results in a large percentage of 1 and 2 bedroom units. Within the social rented portion of the affordable housing there is a significant percentage within the family 3-5 bedroom units. Overall only 19% of the units are family housing, with only 10.5% of the private housing large enough to be considered family housing.

The provision of family housing and would fail to meet the requirements of policy SP02 of the Core Strategy, saved policy HSG7 of the UDP and policy HSG2 of the IPG.

Affordable Housing

Policy 3.11 of the London Plan 2011 states that policies should set an overall target for the amount of affordable housing provision over the plan period in their area, based on an assessment of all housing needs and a realistic assessment of supply. It also states that boroughs should take account of regional and local assessments of need, the Mayor of London's strategic target for affordable housing provision that 50% of provision should be affordable and, within that, the London-wide objective of 60% social housing and 40% intermediate.

This policy is supported by policy SP02 of the CS which states that the Council will seek to achieve a 35% - 50% affordable housing target across the Borough, with a minimum of 35% affordable housing provision being sought on all development of more than 10 housing units. Policy SP02 of the CS seeks a tenure split of 70% social rent to 30% intermediate.

The affordable housing provision for the development is 35.44% by habitable room, which represents a total of 7 affordable units over the various unit sizes. While not meeting the London Plan target of 50%, the development exceeds the minimum 35% required by the policy SP02 of the CS.

The tenure split provided by the development is 71% social rent to 29% intermediate. Again, while this falls short of the London-wide tender split objective of the London Plan, it generally accords to the tenure split required by policy SP02 of the CS.

At a local level the provision of affordable housing and tenure split is considered acceptable and would accord with policy SP02 of the CS. While the quantum and tenure split fail to accord to London-wide targets set by the London Plan, it is considered that these are overall London-wide targets and the relatively small scale of units involved in this application is not considered to be detrimental to the achievement of these targets London-wide over all developments.

Affordable Housing Rent Model

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

Social rented housing is defined as:

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

Affordable rented housing is defined as:

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

Intermediate affordable housing is defined as:

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

Policy SP02 requires developments to provide 35% affordable housing (subject to viability), and a split of 70:30 between the tenures. The Council has not had the opportunity to reconsider or vary this policy in light of the new definitions in PPS3 at this stage but the change in national policy is a material consideration. The indication from housing officers is that they generally favour retaining the current split of 70% social rent and 30% intermediate tenures. This is because the new affordable rent levels, if taken up to the maximum level of 80% of market rent have been shown to be unaffordable to local applicants.

Tower Hamlets has commissioned a housing consultancy called the Pod Partnership to research market rent levels in different areas of the borough and to carry out affordability analyses. Pod established that 80% of average market rent in the E14 area was £239 for one beds, £319 for two beds, £447 for three beds and £387 for four beds units. The affordability analyses for all areas of the boroughs led to the conclusion that rents would only be affordable to local people if they were kept at or below 65% of market rent for one beds, 55% for two beds and 50% for three beds and larger properties.

These adjusted percentage levels for the E14 area would be £194 for one beds, £219 for two beds, £279 for three beds and £242 for 4 bed units. The affordable rents proposed by this applicant is at £187.50 for a two bedroom home, £275 for a three bedroom home and £300 for a 4 bedroom Wheelchair home. This is below the affordable rent levels of 80% of the market rate. The 2 bed units are below our affordability tolerances as is the 3 bedroom units, however the rent on the 4 bed property is above our tolerances and therefore not deemed affordable.

Council does not support the rents on the 3 bed units and would seek to ensure that rent levels remain locally affordable with a restriction placed in the s106 agreement setting a maximum monetary level that can be charged for each size unit. It is suggested that this would be able to rise year on year by the Retail Price Index (RPI) + 0.5%.

Amenity of Adjoining Occupiers and the Surrounding Area

Daylight and Sunlight

Policy SP10 of the Core Strategy, saved policy DEV2 of the UDP and policy DEV1 of the IPG seek to protect the amenity of surrounding existing and future residents, as well as the amenity of the surrounding public realm, including sunlight and daylight.

The applicant has provided a Daylight and Sunlight Report in support of their application, outlining the daylight and sunlight received by the buildings adjacent the development site, including the consented scheme to the west on the Blackwall Yard site. It has assessed the impact on the daylight and sunlight levels against the latest guidance provided in the "Site layout planning for daylight and sunlight: A good guide to practice" by P Littlefair (2011) providing the results of the effect on daylight in terms of the tests use in the BRE guidelines.

The daylight and sunlight report shows that there is a loss of daylight to some of the neighbouring residential buildings. However, levels are not significant, given the urban context. The retained level of daylight Average Daylight Factor is considered to be sufficiently close to the BRE Guidelines as to be acceptable.

Likewise, in relation to sunlight, the majority of windows within surrounding developments will meet the BRE Guidelines and those which do not will be sufficiently close to be considered acceptable on balance.

It is therefore considered that the proposed development would accord with policy SP10 of the Core Strategy, saved policy DEV2 of the UDP and policy DEV1 of the IPG, in terms of daylight and sunlight.

Privacy

By seeking to protect the amenity of surrounding existing and future residents, policy SP10 of the Core Strategy, saved policy DEV2 of the UDP and policy DEV1 of the IPG also seek to protect neighbouring occupiers from the effects of overlooking from new developments and reduction in terms of privacy.

The proposed development is separated a minimum distance of 15.8m from Wingfield Court and a minimum distance of 24m from Studley Court. No windows to habitable rooms within the proposed development face directly towards Wingfield Court. Therefore there is no direct overlooking from window to window. The windows looking to the east towards Studley Court would be separated from habitable windows of the residential properties in Studley Court by a distance greater than 18m, which is the distance that the Council's UDP states reduces inter-visibility to a degree acceptable to most people.

On north side of the fourth floor of the development is a roof terrace. The roof terrace would be set back 1.3m from the north façade of the development and would, at the closest point, be a minimum of 17m from the closest habitable window within Wingfield Court. This would have a impact on the privacy of units on the levels around the 4th floor level, but given that the acceptable 18m distance is only breached in the corner of the roof terrace, the level of impact on privacy is not considered significant.

It is therefore considered that the proposed development would not result in any unacceptable impacts in terms of overlooking or privacy and would accord with policy SP10 of the Core Strategy, saved policy DEV2 of the UDP and policy DEV1 of the IPG, in terms of overlooking and privacy.

Outlook

When considering amenity, the outlook from developments must also be considered. Policy SP10 of the Core Strategy, saved policy DEV2 of the UDP and policy DEV1 of the IPG also seek to control development in terms of unacceptably restricting outlook from an existing development. It must be noted that "outlook" is different from a "view" and that policy SP10 of the Core Strategy, saved policy

DEV2 of the UDP and policy DEV1 of the IPG do not seek to protect private views from residences.

Given the separation distances of the proposed building from the existing developments, the proposed development not considered to impact significantly on the outlook of the existing developments and would be in accordance with policy SP10 of the Core Strategy, saved policy DEV2 of the UDP and policy DEV1 of the IPG, in term of protecting outlook from existing developments.

Wind Microclimate

Planning guidance contained within the London Plan 2010 places great importance on the creation and maintenance of a high quality environment for London. Policy 7.7 of the London Plan 2008, requires that tall buildings should not affect their surroundings adversely in terms of microclimate and wind turbulence.

Wind microclimate is therefore an important factor in achieving the desired planning policy objective. Policy DEV1 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.”

The applicant has provided a wind micro-climate assessment detailing the wind micro-climate around the proposed building. The report concludes that the conditions around the proposed development are likely to be similar to the existing, in the ‘standing’ or ‘strolling’ range, in terms of the Lawson Comfort Criteria.

The conclusion also states, taking into the grouping effect with the consented Blackwell Yard scheme, the proposed development is likely to have a positive impact off-site on the east side and non-significant elsewhere.

It is therefore considered that the development would not create significant adverse wind micro-climate conditions for adjacent areas and would be acceptable in terms policies 7.6 and 7.7 of the London Plan, policy SP10 of the Core Strategy, saved policy DEV2 of the UDP and policy DEV1 of the IPG, in relation to wind micro-climate.

Noise and Vibration

In protecting the amenity of the surrounding area policy SP03 of the CS, policies DEV2 and DEV 50 of the UDP and policy DEV1 and DEV 10 of the IPG also require the noise and vibration nuisance from a development to be minimised.

The application makes no reference to any plant associated with the development and therefore provides no specific details of any proposed noise and vibration levels. While it is unlikely that the proposed C3 uses would require the installation of significant plant equipment, it is considered that a condition of consent could ensure that details of noise and vibration impacts of any proposed plant or ventilations systems would be submitted to the Local Planning Authority for approval prior to installation. This would ensure that any acoustic attenuation required would be installed to mitigate the impact on the adjoining occupiers and surrounding area.

As such it is considered that the with the recommended condition of consent imposed the proposed development would accord with policy SP03 of the CS, policies DEV2 and DEV 50 of the UDP and policy DEV1 and DEV 10 of the IPG and not adversely impact on adjacent properties in terms of noise and vibration.

Construction

It is acknowledged that the proposed development would result in some disruption to the amenity of the area and highway network due to the construction effects of the proposed development, however these will be temporary in nature.

Demolition and construction is already controlled by requirements to adhere to numerous other legislative standards, such as Building Act 1984, Environmental Protection Act (EPA) 1990, Environment Act 1995 and Air Quality Regulations 2000 and Health and Safety at Work Act 1974. However, PPS23 makes provision for the inclusion of conditions of consent to mitigate effects of

construction.

It is therefore recommended that if approved a condition of consent is included, which would require the submission of a Construction Management Plan in order to ensure that the best practice examples are followed to avoid, remedy and mitigate the effects of construction.

Traffic and Servicing

Trip Generation

Policies 6.1 and 6.3 of the London Plan, policy SP09 of the Core Strategy, policy T16 of the UDP and policy DEV17 of the IPG seek to restrain unnecessary motor-vehicle trip generation, integrate development with transport capacity and promote sustainable transport and the use of public transport systems.

The subject site is located within an area where the Public Transport Accessibility Level (PTAL) of 2 indicates limited access to public transport. However, the East India Dock DLR is located approximately 110m from the site. This will mean that the DLR, which connects to major shopping and service centres at Stratford, Canary Wharf and the City, is easily accessible to future occupiers and that the development would be appropriately situated to encourage occupiers and visitors to use the public transport, rather than less sustainable modes of transport, such as private cars.

The development creates 26 additional C3 residential units, which would not result in a significant impact in terms of peak time trip generation. The applicant's Transport Assessment shows that there is sufficient capacity on the DLR network to accommodate the expected increase in use requirement.

It is therefore considered that the development is appropriately serviced by public transport and the scale of development and proposed use is appropriate for the transport capacity of the area. The development is considered to accord with policies 6.1 and 6.3 of the London Plan, policy SP09 of the Core Strategy, policy T16 of the UDP and policy DEV17 of the IPG in terms of integrating development with transport capacity.

Vehicle Parking

Policies 6.1, 6.11 and 6.13 of the London Plan seek to reduce traffic congestion and vehicle use by minimising vehicle parking within developments and promoting use of public transport. This is supported by policy SP09 of the Core Strategy and policy DEV19 of the IPG.

The application site is currently a car park. 6 of the spaces on the site are not controlled by the applicant. In order to re-provide these spaces the development provides 7 car parking spaces. These being the 6 spaces in re-provision for the existing spaces and an additional disabled car parking space for the proposed development.

Parking Standards provided in the London Plan and the IPG both set out maximum standards, encouraging minimal parking to be provided, if any. The only exception to this is parking for Blue Badge holders (disabled parking). Both the London Plan and the IPG parking standards require 1 disabled parking bay to be provided.

In order to minimise the use of private motor vehicles, reduce motor vehicle traffic, prevent increased stress on the permit parking bays and promote sustainable transport use, it is considered that the future occupants should be prevented from obtaining parking permits for on-street parking. In order to achieve this, it is recommended within the S106 there is a clause restricting the issuing of parking permits to the future occupiers be imposed on any approval.

With the imposition of a clause in the S106 restricting the issuing of on street parking permits and that there is no parking, other than 1 disabled parking space, provided onsite, it is considered that the development would appropriately reduce traffic congestion and vehicle use by minimising vehicle parking within developments and promote the use of public transport and would accord with policies 6.1, 6.11 and 6.13 of the London Plan, policy SP09 of the Core Strategy and policy DEV19 of the IPG.

Cycle Parking and Facilities

Policy 6.9 of the London Plan, policy SP09 of the Core Strategy and policy DEV16 of the IPG seek to provide better facilities and a safer environment for cyclists.

The proposals within the development aim to provide provision for 1 cycle space per unit. These will be provided in dedicated storage areas within the core of the development block. They are therefore only accessible to residents. A further 3 cycle spaces or 10% is provided at to the east of the building, for the purpose of visitors' cycle storage.

This provision is in accordance with Council's standards and therefore considered to provide adequate cycle storage. A condition of consent is recommended to ensure the cycle storage is retained within the development for the lifetime of the use.

Given that the development provides adequate cycle storage provision, it is considered that the development would be acceptable in terms of policy 6.9 of the London Plan, policy SP09 of the Core Strategy and policy DEV16 of the IPG.

Delivery and Servicing

Policies 6.1, 6.11 and 6.14 of the London Plan, policies SP08 and SP09 of the Core Strategy, policies T16 and T26 of the UDP and policy DEV17 of the IPG seek to minimise the impacts on the highway network and promote efficient and sustainable arrangements for deliveries and servicing.

The site is located off Newport Avenue, a privately owned and maintained road. The site is located some distance from Council administered adopted public highway. Therefore, servicing is not considered to impact on the safety and efficiency of the public highway. The reversing of a vehicle into the parking area for servicing and waste collection is not considered ideal, as it would raise safety concerns, but this is not a unique situation. In terms of the site constraints, due to the relatively narrow nature of the site it is unlikely that onsite servicing would be able to be accomplished without reversing in any case.

As such, it is considered that the servicing of the development would be acceptable in terms of policies 6.1, 6.11 and 6.14 of the London Plan, policies SP08 and SP09 of the Core Strategy, policies T16 and T26 of the UDP and policy DEV17 of the IPG

Design and Layout of the Development

Mass and Scale

Policies 7.1, 7.4, 7.5 and 7.6 of the London Plan, policies SP02, SP10 and SP12 of the Core Strategy, policies DEV1, DEV2 and DEV3 of the UDP and policies DEV1 and DEV2 of the IPG seek to ensure developments are of appropriate mass and scale to integrate with the surrounding environment and protect the amenity of the surrounding environment and occupiers.

The applicant participated in a pre-application process in which they reduced the height of the development from 17 storeys to 12 storeys. The height is considered in keeping with the height of the immediately adjacent existing buildings in the Virginia Quay development, which are 10 to 12 storeys in height. The 12 storey height is also significantly shorter than the approved 27 storey scheme to the west at Blackwall Yard.

The portion of the building closest to the adjacent Wingfield Court is kept to a lower 4 storey height in order to allow light to and outlook from the existing units. In addition the narrow profile of the building allows maximum consideration to the outlook to the south, towards the river.

Overall the scale, mass and profile of the proposed scheme is considered to be in keeping with that of the immediate surrounds and would maintain the character of the area. It is considered the proposed development would accord with Policies 7.1, 7.4, 7.5 and 7.6 of the London Plan, policies SP02, SP10 and SP12 of the Core Strategy, policies DEV1, DEV2 and DEV3 of the UDP and policies DEV1 and DEV2 of the IPG, in terms of scale and mass.

Appearance and Materials

Policies 7.1, 7.4 and 7.6 of the London Plan, policies SP02, SP10 and SP12, policies DEV1, DEV2 and DEV3 of the UDP and policies DEV1 and DEV2 of the IPG, also seek to ensure development is high quality in design, including materials and appearance.

Through the pre-application process the materials have been considered and proposed as a coherent high quality material palette. The use of the dark brick as the predominant material has created a building of homogenous character which complements the existing dominant building material of stock brick, yet sets the building apart from the existing Virginia Quay development. The

coloured panels break up the scale of the building and add relief and interest to the scale of the building.

Overall the materials proposed are supported as high quality and would ensure an appropriate appearance of the building within the existing environment, in accordance with policies 7.1, 7.4 and 7.6 of the London Plan, policies SP02, SP10 and SP12, policies DEV1, DEV2 and DEV3 of the UDP and policies DEV1 and DEV2 of the IPG.

Internal Amenity

Flat Sizes

Policy 3.5 of the London Plan, policy SP02 of the Core Strategy, policy HSG13 of the UDP and policy DEV2 of the IPG seek to ensure that adequate dwelling sizes and room sizes are provided to ensure appropriate living conditions for future occupiers. The London Plan provides minimum standards for overall dwelling sizes, while the Council's "Supplementary Planning Guidance Note – Residential Space" provides both minimum dwelling sizes as well as minimum room sizes.

In addition to these documents, the interim edition of the Mayor of London's London Housing Design Guide (LHDG) August 2010 provides guidance on housing size and room sizes. The London Plan states that this will form the basis of the proposed Housing SPD. It is therefore considered to carry considerable weight in terms of consideration of what are acceptable standards.

The proposed room sizes and overall flat sizes are in most cases appropriate, exceeding the minimum standards provided by the London Plan, the Council's Supplementary Planning Guidance and the LHDG. However, 6 of the 1 bedroom 2 person private flats fall below the space standards provided in the London Plan, Council's Supplementary Planning Guidance and the LHDG.

It is therefore considered that the proposed development fails to provide acceptable internal space for the amenity of the future residents in accordance with policy 3.5 of the London Plan, policy SP02 of the Core Strategy, policy HSG13 of the UDP and policy DEV2 of the IPG.

Daylight and Sunlight

Policy 3.5 of the London Plan, policy SP02 of the Core Strategy and policy DEV2 of the IPG also seek to ensure development are designed to provide appropriate living conditions in terms of Daylight and sunlight received by the proposed development.

The applicant has failed to provide details of the daylight and sunlight levels that would be received by the proposed new development. It is therefore not possible to confirm that adequate levels of daylight and sunlight would be received by the development to ensure that the living conditions of future residents are acceptable.

It is therefore considered that the details of the level of daylight and sunlight should be ascertained prior to the approval of the application. Daylight and sunlight levels should meet the minimum guidelines for appropriate living conditions outlined in the BRE guidance document "Site layout planning for daylight and sunlight: A good guide to practice" by P Littlefair (2011).

Play Areas and External Amenity Space

Policy 3.5 of the London Plan, policy SP02 of the Core Strategy, policy HSG16 of the UDP and policy HSG7 of IPG and promote the good design and the provision of amenity spaces within developments. Furthermore, policy 3.6 of the London Plan, policy SP02 of the Core Strategy, policy O9 of the UDP and policy HSG7 of the IPG require the provision of appropriate child play space within residential developments.

Policy HSG7 of the IPG provides details of the Council's private and communal amenity space requirements. All ground floor units comprising 3 bedrooms or greater should be provided with a minimum 50m² of private amenity space. Units comprising 2 or more bedrooms should be provided with a minimum of 10m² of private amenity space and 1 bedroom units should be provided with a minimum of 6m² of private amenity space. In addition to the private amenity space, all developments comprising of 10 or more units should also provide 50m² of communal amenity space, plus 5m² for every additional 5 units thereafter.

In terms of the private amenity space provision only 3 one bedroom private units and the top floor private three bedroom unit meet the private amenity space standards required by policy HSG7 of IPG. However, the communal amenity space provided significantly exceeds the 65m² required, with

the provision of 127m² at ground floor level and 80m² at the fourth floor roof terrace level.

The GLA Supplementary Planning Guidance “Providing for Children and Young People’s Play and Informal Recreation” clearly sets out the appropriate level of play space for developments. It details that on-site playable space should be provided for under 5 year olds within 100m walking distance from residential units, facilities within 400m walking distance for 5-11 year olds and within 800m for 12+ year olds.

From the information submitted by the applicant in response to GLA Stage I comments, the play space provision will be made for under 5 year olds on site and an agreement with the managing agent for the Virginia Quay development has been made to allow use of the MUGA and play area within the Virginia Quay for children over 5 years old. This play area and MUGA is located within 100m of the site and considered to provide acceptable play space.

The proposed development would fail to accord with policy SP02 of the Core Strategy, policy HSG16 of the UDP and policy HSG7 of IPG in that it would provide sufficient private amenity space. However, given the quantity of communal amenity space proposed in the development it is considered that on balance the amenity space provision would be acceptable, provided all units can access the roof terrace amenity space.

In terms of the provision of play space within the development and the area, this is considered acceptable, subject to details being provided of the provision of the under 5 year old onsite and the agreement with the management of Virginia Quay to allow access to the MUGA and play area within the Virginia Quay development.

Landscaping

Policies 5.10 and 5.11 of the London Plan and policy SP04 of the Core Strategy seek to ensure that development contributes to the greening of the urban environment. Policy DEV12 of the UDP and policy DEV13 of the IPG also require the provision of landscaping within a development.

The applicant is proposing to incorporate the development into the surrounding landscaping by reproducing the existing hard landscaping approach up to the edge of the development. Low planting and grass is provided at areas of the ground level landscaping including an area of lawn in the communal amenity space. Much of landscaped amenity space to the west side of the development will be landscaped in Grass Crete permeable paving.

In addition areas of roof at various levels incorporate elements of a living building by the inclusion of Sedum planting.

Some of the materials proposed have been included in the Design Statement for the application. These appear to be acceptable. However, details of planting proposed and maintenance of the landscaping has not been provided.

It is recommended that a condition of consent is imposed on the application if granted, which will ensure that a robust landscaping plan is submitted for approval. With such a condition imposed it is considered that the development would acceptably accord with policies 5.10 and 5.11 of the London Plan, policy SP04 of the Core Strategy, policy DEV12 of the UDP and policy DEV13 of the IPG.

Access and Inclusivity

Policies 3.8 and 7.2 of the London Plan, policy SP02 of the Core Strategy, policy DEV1 of the UDP and policies DEV3 and HSG9 of the IPG seek to ensure the development is accessible and that housing is appropriate for changing needs of residents.

The design statement states that the main entrance level and entrance to the ground floor flat will be set at the existing datum level at the northern part of the existing steps to create a seamless and level access to the building. Step free access will also be provided externally to the ground floor communal amenity area.

The ground floor unit and 2 two bedroom units on the first floor have been designed to be accessible to wheelchairs.

The building is served by two 8 person lifts from the independent affordable and private residential reception entrance lobbies. The lift providing access to the private units will be accessible in

emergency to the wheelchair units on the first floor. It is recommended that a condition of consent is included requiring that the retention of this ability is imposed on the application, to ensure it will be available for the life of the development.

All accommodation should be built to Lifetime Homes Standards. It is therefore recommended that a condition of consent requiring that the development is built to Lifetime Homes Standards is imposed.

The proposal has one main entrance which then splits into two separate entrance lobbies, one for private and one for affordable. The single entry point to the building is supported as providing inclusiveness. However, there is a fourth floor roof terrace that provides some of the amenity space for the development. This space is only accessible to the private units. It is considered that this is not inclusive, as this area of communal amenity space is only accessible to those in the private units and the affordable units are excluded from this area. It is considered that the lift core and stair well servicing the affordable tenures should be extended to provide access to the fourth floor roof terrace also.

With such a change and the recommended conditions imposed, it is considered that the development would provide adequate access, adaptable to the changing needs of residents and would be appropriately inclusive, in accordance with policies 3.8 and 7.2 of the London Plan, policy SP02 of the Core Strategy, policy DEV1 of the UDP and policies DEV3 and HSG9 of the IPG.

Security and Safety

Policy 7.3 of the London Plan, policy DEV1 of the UDP and policy DEV4 of the IPG seek to ensure that developments are safe and secure.

No details of how the development will meet the secured by design standards have been provided. In order to ensure that the development maximises the safety of residents, details of how the development meets secured by design standards should be submitted for approval and it is recommended that this is required by condition.

With such a condition imposed on the permission it is considered that the development would adequately provide a safe and secure environment and accord with policy 7.3 of the London Plan, policy DEV1 of the UDP and policy DEV4 of the IPG.

Waste Storage

Policy 5.17 of the London Plan, policy SP05 of the Core Strategy, policy DEV56 of the UDP and policy DEV15 of the IPG require developments to make suitable waste and recycling provision within the development.

Council's Waste Management team have reviewed the waste storage provision and consider that it will be acceptable for the level of estimated waste and recycling that would be generated by the development. The storage area is easily accessible to the servicing area and would not require waste to be transported significant distances from the storage points to collection vehicles.

To ensure that the waste storage areas are retained it is recommended a condition of consent is imposed if permission for the development is granted.

With such a condition imposed ensuring that the waste storage facilities are retained for the lifetime of the development, it is considered that appropriate provisions for waste and recycling facilities are provided within the development in accordance with policy 5.17 of the London Plan, policy SP05 of the Core Strategy, policy DEV56 of the UDP and policy DEV15 of the IPG.

Environmental Sustainability

The London Plan 2011 has a number of policies aimed at tackling the increasingly threatening issue of climate change and the impacts of human habitation on the natural environment. London is particularly vulnerable to matters of climate change due to its location, population, former development patterns and access to resources. Policies within the Core Strategy, UDP and IPG also seek to reduce the impact of development on the environment, promoting sustainable development objectives.

Energy

Policies 5.2, 5.3, 5.4 and 5.7 of the London Plan, policy SP11 of the Core Strategy and policies DEV5 and DEV6 of the IPG require development to incorporate energy efficient design and utilise

low carbon and renewable energy technology in order to minimise the carbon emissions associated with the development.

The applicant has employed an energy strategy approach in accordance with the GLA energy hierarchy. The total provision of the Lean, Clean and Green measures leads to a 25.90% improvement against the notional or target ADL1A compliant building.

Although the applicant has met the 25% carbon dioxide required by policy 5.2 of the London Plan, the applicant has failed to provide any renewable energy technology. Policy SP11 of the Core Strategy requires all new developments to provide 20% reduction of carbon dioxide emissions through onsite renewable energy generation where feasible.

The use of CHP for space and water heating makes many of the renewable energy technologies inappropriate, as the heat requirement is already provided. However, the applicant has stated that they have excluded any provision of electricity producing renewable technology, such as photovoltaics (PV) as the CHP technology produces excess electrical demand for the site. As such the PV would have no benefit to the occupiers and would have a significant cost.

This case would only occur if the electrical energy production from the CHP technology is used by the building rather than feed back into the grid. Confirmation has been sort from the applicant as to how this will happen, given the legislation around electricity sales in the UK.

This should be secured in a S106 legal agreement, to ensure the full benefits of the carbon dioxide reduction strategy are achieved. If secured by S106 it is considered that the development would be acceptable in accordance with policies 5.2, 5.3, 5.4 and 5.7 of the London Plan, policy SP11 of the Core Strategy and policies DEV5 and DEV6 of the IPG, in terms of energy efficiency.

Biodiversity

Policy 7.19 of the London Plan, policy SP04 of the Core Strategy and Policy DEV5 of the IPG require development to protect and enhance biodiversity.

The applicant has not provided any information on the environmental quality of the site. However, a site visit to the site confirms that the site will have little ecological value. The applicant does however acknowledge that black redstarts have been sighted within the local area.

It is considered that the application proposals will improve the biodiversity value of the site, through the provision of soft landscaping and sedum roofs. The applicant has indicated that a condition requiring a black redstart survey to be undertaken prior to the commencement of development and other measures to be incorporated into the scheme in order to ensure that the measures are implemented could be imposed on any approval. It is recommended that such a condition is imposed to ensure appropriate mitigation. This could lead to the sedum roof proposed on the top level of the development to be changed to a brown roof, appropriate for Black Redstart habitat.

With such a condition imposed, it is considered that the development would be acceptable in terms of policy 7.19 of the London Plan, policy SP04 of the Core Strategy and Policy DEV5 of the IPG.

Water Use

Policy 5.15 of the London Plan, policy DEV69 of the UDP and policy DEV7 of the IPG, seek to ensure appropriate minimisation of water use within developments.

The applicant has submitted a Sustainability Statement providing details of the design intent for the development. The document states that the development will have a rainwater harvesting tank in the basement allowing for sustainable drainage and attenuation as well as reuse of water for irrigation of external areas.

No further detail is provided of how this will operate or even is the provision shown on the plans. It is therefore considered that a condition of consent should be imposed to require detail of how this will operate to be submitted and approved and retention and use of the approved water recycling system. It is also considered that low flow devices should be installed and retained in all residential units and a condition should be imposed to ensure this.

With such conditions imposed, it is considered that the development would appropriately mitigate water usage in accordance with policy 5.15 of the London Plan, policy DEV69 of the UDP and policy

DEV7 of the IPG.

Drainage and Flood Protection

Policies 5.12, 5.13 and 5.14 of the London Plan, policy SP04 of the Core Strategy, policy DEV46 of the UDP and policies DEV7, DEV8 and DEV21 of the IPG, seek to ensure development has suitable flood protection, flood protection of other sites is not reduced and that sustainable drainage is used to ensure that stormwater run-off rates are reduced and water quality is maintained.

The applicant has undertaken a comparison between ground levels at the site and the relevant River Thames tidal flood water level and confirmed that this indicates that the site is located within Flood Zone 1, which means that there is a low risk of flooding. The probability of flooding at the site is very low as the site is defended against tidal flooding to a very high standard. The results of the SFRA show that the residual risk at the site following a breach in the flood defences would be negligible.

Furthermore, because the site does not result in the alteration to any flood protection defences or result in a reduction in the level of flood water storage capability, the development is not considered to raise the risk of flooding of other developments.

The proposed development is reducing the number of parking spaces from 15 to 7. This will in effect reduce the contamination of the runoff surface. In order to maintain the quality of water discharged from the site it is recommended that oil/petrol filters are fitted into drainage from vehicle parking areas. This should be secured by condition of consent.

A rainwater harvesting tank is being provided in the basement, allowing for sustainable drainage and attenuation, as well as water re-use. The development is not creating an increase of hard landscaping, but instead is proposing sedum roofs, which will attenuate rainwater, and deliver a larger amount of soft landscaping, to that of the existing site conditions, resulting in greater overall site permeability. It is considered that these measures will significantly reduce the total run-off and the run-off rate.

Subject to the recommended conditions the scheme is considered to satisfy policies 5.12, 5.13 and 5.14 of the London Plan, policy SP04 of the Core Strategy, policy DEV46 of the UDP and policies DEV7, DEV8 and DEV21 of the IPG and ensure development has suitable flood protection, ensure flood protection of other sites is not reduced and ensure that sustainable drainage is used to ensure that stormwater run-off rates are reduced and water quality is maintained.

Air Quality

Policy 7.14 of the London Plan, policy SP03 of the Core Strategy and policy DEV11 of the IPG seek to ensure that air quality is protected. Air pollution has an impact on human health, biodiversity, crops and forests, materials, buildings and cultural heritage. Air Quality testing has identified that the whole of the London Borough of Tower Hamlets has poor air quality. As such, London Borough of Tower Hamlets is an air quality control zone.

Given that combustion engine vehicles are a significant contributor to poor air pollution, through emissions from combustion engines, the reduction in vehicle parking spaces is considered to contribute towards measures for improving air quality. Minimisation of parking spaces will result in a reduction in the use of private motor vehicles, thereby reducing emission rates.

However, although no details have been provided, the development has potential to create additional levels of air pollution emissions through the use of a CHP system. As such, in order to minimise the emission levels from the CHP system, it is recommended a condition is imposed to require the installation of abatement technology to minimise the air pollution emissions.

With the recommended condition imposed, it is considered the development would be acceptable in terms of 7.14 of the London Plan, policy SP03 of the Core Strategy and policy DEV11 of the IPG, with respect to air quality.

Construction Waste and Recycling

Policy 5.18 of the London Plan 2011 requires developments to follow the principles of the waste hierarchy and that reuse and recycling of waste reduces the unnecessary landfilling of waste. This is supported by policy SP05 of the Core Strategy.

The applicant has not provided detail of how the principles of the waste hierarchy will be followed in

during the construction period. It is therefore recommended a condition of consent should require a Site Waste Management Plan to be submitted detailing the particulars in relation to the development to ensure that the development is implemented in accordance with the principles of the waste hierarchy and that reuse and recycling of waste reduces the unnecessary landfilling of waste. If development is undertaken in accordance with an appropriate Site Waste Management Plan the development would be considered to be in accordance with policy 5.18 of the London Plan and policy SP05 of the Core Strategy.

Land Contamination

Policy 5.21 of the London Plan, policy DEV51 of the UDP and policy DEV22 of the IPG, seek to ensure that land that is potentially contaminated is appropriately tested and any contamination issues addressed to ensure that the land is appropriately addressed prior to development. This includes ensuring that pathways for contaminants to enter ground water and surface water are not created as well as ensuring that the soil onsite does not cause a safety risk to those that come into contact with it.

The site, while previously developed, is currently primarily hard surfaced. Given that there is a historic use of the site for industrial purposes associated with the wharf, the site is considered potentially contaminated. No detail of testing of the site for land contamination has been submitted with the application and it is considered that a condition should be imposed to ensure that the potential contamination of the land is tested. If found to be contaminated the condition should require appropriate mitigation.

With such a condition imposed, the development would be considered acceptable in terms of policy 5.21 of the London Plan, policy DEV51 of the UDP and policy DEV22 of the IPG.

Planning Obligations

Policy DEV 4 of the UDP and policy IMP1 of the IPG provide ability for the Council to seek planning obligations to secure onsite or offsite provisions or financial contributions in order to mitigate the impacts of a development.

Financial Contributions

LTGDC have a tariff approach to the financial contributions required to provide infrastructure and mitigation for the impacts of the development. LBTH accept this approach and does not consider that there are any additional financial contributions required.

Non-Financial Contributions

LBTH would seek to ensure that the affordable housing provision is secured through the use of the S106 legal agreement as a planning obligation. As discussed previously, it is also considered that a target rent level is secured in accordance with LBTH's POD research in order to ensure that the affordable housing rent level is affordable to the borough's residents.

Other non-financial contributions should be set as follows:

- Restriction for all new units on obtaining a Council Parking Permit to park on the highway
- Employment Initiatives to use reasonable endeavours to employ local people during the construction and end user phases of the development.
- Electricity Energy Strategy for the development.

CONCLUSION

LBTH has reviewed the application and taken into account all relevant policies and considerations in assessing the proposed scheme for the erection of a 12 storey residential building (measuring 42.6m AOD in height), including basement storage/plant area, to provide 26 residential dwellings and associated works, comprising access, landscaping, car parking and other works.

The Council has no objections in principle to the proposals to erect a residential development of 12 storeys on the site, subject to appropriately addressing the following matters of concern that officers identify:

- Inclusivity and the lack of access for affordable unit occupiers to the roof terrace amenity area

- Confirmation of adequate daylight and sunlight received within the proposed units
- Confirmation of agreement with Virginia Quay owners for residents of the proposed development to use the play area within the Virginia Quay Development.

The following matters also fail to meet policy and where possible should be addressed

- The mix of housing fails to provide sufficient family housing within the private tenure
- The unit sizes of some of the 1 bedroom 2 person units fail to meet minimum requirements and therefore provide poor internal amenity.

The Council also seeks the following conditions to be imposed on any approval of planning permission:

- 3 year time limit
- Development to be built in accordance with approved plans
- Plant noise levels to be 10dB below background levels at residential properties
- Submission and approval of Construction Management Plan
- Cycle storage to be installed prior to occupation and retained for the lifetime of development
- Submission and approval of landscaping details and management plan
- Development built and retained in accordance with lifetime homes standards
- Submission and approval of Secured by Design details
- Waste storage to be installed prior to occupation and retained for the lifetime of development
- Submission and approval of Black Redstart survey and incorporation of appropriate habitat measures
- Submission and approval of rainwater harvesting tank and system, requiring installation prior to occupation and retention for the lifetime of the development
- Low flow water devices to be installed and retained for the lifetime of development
- Oil/petrol filters to be installed in drainage off vehicle parking areas
- Submission and approval of CHP air pollution abatement technology, requiring insulation prior to operation and retention for the lifetime of the development
- Submission and approval of site waste management plan
- Submission and approval of details of land contamination, including if relevant details for remediation and verification
- The disabled parking space shall be marked out as approved drawings and retained for the exclusive use of blue badge holders

Recommendation Agreed by:	
Date Agreed:	