TOWER HAMLETS

Meeting of the

STRATEGIC DEVELOPMENT COMMITTEE

Tuesday, 6 March 2012 at 7.30 p.m.

A G E N D A

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

Members:	**Deputies (if any):**
Chair: Councillor 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, Khales 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: Zoe Folley, Democratic Services,
Tel: 020 7364 4877, E-mail: zoe.folley@towerhamlets.gov.uk

LONDON BOROUGH OF TOWER HAMLETS

STRATEGIC DEVELOPMENT COMMITTEE

Tuesday, 6 March 2012

7.30 p.m.

1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

2. DECLARATIONS OF INTEREST

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

	PAGE NUMBER	WARD(S) AFFECTED

3. RECOMMENDATIONS

To RESOLVE that:

1) in the event of changes being made to recommendations by the Committee, the task of formalising the wording of those changes is delegated to the Corporate Director Development and Renewal along the broad lines indicated at the meeting; and

2) in the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Corporate Director Development and Renewal is delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision.

4. PROCEDURE FOR HEARING OBJECTIONS

To NOTE the procedure for hearing objections at meetings of the Strategic Development Committee.	**3 - 4**

The deadline for registering to speak at this meeting is 4pm Friday 2nd March 2012.

5.	**DEFERRED ITEMS**		
	Nil.	**5 - 6**	
6.	**PLANNING APPLICATIONS FOR DECISION**	**7 - 10**	
6 .1	**London Fruit & Wool Exchange (LFWE), Brushfield St, 99-101 Commercial Street, 54 Brushfield St & Whites Row Car Park, London (PA/11/02220) (PA/11/02221)**	**11 - 64**	**Spitalfields & Banglatown**
6 .2	**1 - 18 Dollar Bay Court, 4 Lawn House Close, London (PA/11/01945)**	**65 - 128**	**Blackwall & Cubitt Town**
6 .3	**Site at 18 to 36 Thomas Road, London, E14 7BJ (PA/11/01944)**	**129 - 168**	**Mile End East**
6 .4	**Former Goodmans Fields, 74 Alie Street and Land North of Hooper Street and East of 99 Leman Street, Hooper Street, London E1 (PA/11/03587)**	**169 - 232**	**Whitechapel**
6 .5	**Former Blessed John Roche Secondary School, Upper North Street, London E14 6ER (PA/11/3765)**	**233 - 268**	**Limehouse**
7.	**OTHER PLANNING MATTERS**	**269 - 270**	
7 .1	**Aberfeldy Estate, Abbott Road, London, E14 (PA/11/02716)**	**271 - 376**	**East India & Lansbury**
7 .2	**Aberfeldy Estate, Abbott Road, London, E14 (PA/11/03548)**	**377 - 464**	**East India & Lansbury**

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.

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.

Committee: Strategic Development	Date: 6th March 2012	Classification: Unrestricted	Agenda Item No: 6
Report of: Corporate Director of Development and Renewal **Originating Officer:** Owen Whalley		**Title:** Deferred items **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:	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

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Committee: Strategic Development	Date: 6th March 2012	Classification: Unrestricted	Agenda Item No: 6
Report of: Corporate Director Development and Renewal **Originating Officer:** Owen Whalley		**Title:** Planning Applications for Decision **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), Managing Development DPD – Proposed Submission Version January 2012, 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:	Tick if copy supplied for register:	Name and telephone no. of holder:
Application, plans, adopted UDP, Interim Planning Guidance and London Plan		Eileen McGrath (020) 7364 5321

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 Members should note that the Managing Development DPD has reached the same stage in its development as the 2007 Interim Planning Guidance. With the Managing Development DPD being the more recent document and having regard to the London Plan 2011, it could be considered to be more relevant and to carry more weight than the 2007 Interim Planning Guidance documents.

3.9 The Equality Act 2010 provides that in exercising its functions (which includes the functions exercised by the Council as Local Planning Authority), that the Council as a public authority shall amongst other duties have due regard to the need to-

(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act;

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

3.10 The protected characteristics set out in the Equality Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act acknowledges that compliance with the duties set out may involve treating some persons more favourably than others, but that this does not permit conduct that would otherwise be prohibited under the Act.

3.11 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.

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Committee:	Date:	Classification:	Agenda Item Number:
Strategic Development	6th March 2012	Unrestricted	6.1

Report of: Director of Development and Renewal **Case Officer:** Paul Buckenham	**Title:** Applications for Planning Permission and Conservation Area Consent **Ref No:** PA/11/02220 (Full Planning Application) PA/11/02221 (Conservation Area Consent) **Ward: Spitalfields and Banglatown**

1. APPLICATION DETAILS

Location: London Fruit & Wool Exchange (LFWE), Brushfield St, 99-101 Commercial Street, 54 Brushfield St & Whites Row Car Park, London

Existing Use: Offices, retail, public house, bank, private sports facility and car park.

Proposal: Demolition of Whites Row Multi-Storey Car Park, 99-101 Commercial Street (The Bank), 54 Brushfield Street (The Gun Public House), and partial demolition of the London Fruit & Wool Exchange behind the retained Brushfield Street facade and the erection of a six storey building with a basement, for business, employment and retail use (Use Classes B1/A1/A2/A3 & A4) with landscaping and associated works, together with a new pavilion building for retail accommodation (Use Class A1).

AMENDED PLANS

Amendments to external elevations of proposed building, proposed ground floor layout, increase in amount of proposed retail space.

Drawing's and documents: 0923_P20_SP00 A; 0923_P20_PB1 A; 0923_P20_P00 A; 0923_P20_P01 A; 0923_P20_P02 A; 0923_P20_P03 A; 0923_P20_P04 A; 0923_P20_P05A; 0923_P20_P06A;

0923_P20_E01A; 0923_P20_E02A; 0923_P20_E03A 0923_P20_E04A;

0923_P20_S01 A; 0923_P20_S02A; 0923_P20_S03A; 0923_P20_S04 A;

0923_P20_B01A; 0923_P20_B02A; 0923_P20_B03A; 0923_P20_B04A; 0923_P20_B05; 0923_P20_B06A; 0923_P20_B07A; 0923_P20_B08A; 0923_P20_B09A; 0923_P20_B10;

	0923_P20_D_01; 0923_X10_SP00; 0923_X10_PB1; 0923_X10_P00; 0923_X10_P01; 0923_X10_P02; 0923_X10_P03; 0923_X10_P04; 0923_X10_P05; 0923_X10_E01; 0923_X10_E02; 0923_X10_E03; 0923_X10_E04; 0923_X10_E05; 0923_X10_E06 0923_P12_PB1; 0923_P12_P00; 0923_P12_P01; 0923_P12_P02; 0923_P12_P03; 0923_P12_P04 0923_P12_P05; 0923_P12_E01; 0923_P12_E02; 0923_P12_E03; 0923_P12_E04; 0923_P12_E05; 0923_P12_E06. Design and Access Statement and Appendices; Transport Assessment, Draft Travel Plan and Delivery and Servicing Plan; Energy Statement; Sustainability Statement; Statement of Community Involvement; Draft Management Strategy; Arboricultural Impact Assessment; Environmental Statement (inc Non-Technical Appendix) Response to LBTH Transportation and Highways comments Response to LBTH Sustainability and Energy comments Summary PPS 5 case Design and Access Statement Addendum Replacement ES Volume 1: Non-Technical Replacement ES Volume 3 ES Volume 5 Addendum
Applicant:	Exemplar Properties (Brushfield) LLP
Ownership:	Private
Historic Building:	Grade I and Grade II Listed Buildings adjacent
Conservation Area:	Fournier Street and Brick Lane Artillery Passage

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1. The Local Planning Authority has considered the particular circumstances of this application against the Council's planning policies contained in Adopted Core Strategy (2010), Tower Hamlets Unitary Development Plan (Saved Policies 2007), Interim Planning Guidance (2007), Managing Development DPD (2012), the London Plan (2011), relevant supplementary planning guidance and national planning policy and has found that:

Conservation Area Consent:

2.2 The demolition of the White's Row car park, Gun Public House and Bank (99-101 Commercial Street) and partial demolition of the London Fruit and Wool Exchange would be acceptable only in the context of proposed re-development of the site, as permitted by the linked planning permission (PA/11/02220). The extent of demolition of buildings within the conservation area would be outweighed by the merits of the proposed development in terms of design and attendant public benefits. Demolition would therefore comply with national planning policy in PPS5, saved policy DEV28 of the Unitary Development Plan (1998), policy CON2 of the Council's Interim Policy Guidance (2007), policy SP10 of the Core Strategy (2010) and policy DM27 of the Managing Development DPD (proposed submission version) 2012.

Planning Application:

2.3 The proposed development would provide an employment and retail mixed used scheme, including space for small and medium enterprises, creating a wide range of job opportunities and local economic benefits in an accessible location. The proposals provide significant benefits in terms of more intensive use of the site and contribute to the enhancement of vitality of Spitalfields and the immediate locality. The development would accord with national planning policy PPS4, the London Plan objectives for the Central Activities Zone, policy SPO6 of the Core Strategy, saved policies CAZ1, DEV3, EMP1, EMP6, EMP7 and EMP8 of the Council's Unitary Development Plan (1998), policy EE2 of the Interim Planning Guidance (2007) and draft policy DM15 of the Managing Development DPD (draft submission document) 2012.

2.4 The design of the proposed development, in terms of building height, scale, bulk, detail, use of materials, public permeability, improved sense of place and additional ground floor activity is acceptable and would be of sufficient quality to permit the demolition of buildings within the conservation area. The proposed development would preserve and enhance the character and appearance of Brick Lane and Fournier Street Conservation Area and enhance the setting of adjacent listed buildings, in accordance with the objectives of national planning policy in PPS1 and PPS5 to achieve high quality design, policies 7.1-7.6 of the London Plan, policy SP10 of the Core Strategy 2011, saved policies DEV1, and DEV2 of the Tower Hamlets Unitary Development Plan, policies DEV1, DEV2, DEV3, DEV27 of the Interim Planning Guidance 2007 and draft policy DM24 and DM27 of the Managing Development DPD (draft submission document) 2012.

2.5 The impact of the development on the amenity of neighbours, in terms of impact on light, overshadowing, noise, privacy or any increase in the sense of enclosure is acceptable, given the general compliance with relevant Building Research Establishment's Guidance and the urban context of the site and it surroundings. As such, it accords with saved policies DEV1 and DEV2 of the Council's Unitary Development Plan (1998), policies DEV1 and DEV2 of Council's Interim Planning Guidance (2007), policies SP02 and SP10 of the Council's Core Strategy (2010) and draft policy DM25 of the Managing Development DPD (proposed submission version) 2012 which seek to ensure development does not have an adverse impact on neighbouring amenity.

2.6 Transport matters, including car parking, cycle parking, vehicular access and servicing, pedestrian access and inclusive design are acceptable and in line with London Plan policies 6.1, 6.9, 6.13, saved policies T16, T18 and T19 of the Council's Unitary Development Plan (1998), policies DEV17, DEV18 and DEV19 of the Council's Interim Planning Guidance (October 2007) policy SP08 and SP09 of the Core Strategy Development Plan Document (2010) and policy DM22 of the Managing Development DPD (proposed submission version) 2012 which seek to ensure developments minimise parking and promote sustainable transport options.

2.7 Sustainability matters, including energy and climate change adaptability are acceptable and in line with policies 5.1-5.3 of the London Plan (2011), policies DEV5 to DEV9 of the Council's Interim Planning Guidance (2007) and policies SP04, SP05 and SP11 of the of the Core Strategy Development Plan Document (2010), and draft policy DM29 of the Managing Development DPD which seek to promote sustainable development practices and energy efficiency.

2.8 Planning obligations have been secured towards the provision of access to employment and training initiatives, local enterprise, heritage initiatives, community facilities, leisure and open space, public realm and street scene improvements, off site affordable housing and contributions towards Crossrail, in line with the requirements of Regulation 122 of Community Infrastructure Levy (2010); Government Circular 05/05; the London Plan 2011, policy S03 and SP13 of the Core Strategy (2010), saved policy DEV4 of the Council's Unitary Development Plan (1998), policy IMP1 of the Council's Interim Planning Guidance (2007) and the Planning Obligations Supplementary Planning Guidance 2012.

3. RECOMMENDATION

3.1. That the Strategic Development Committee resolve to **GRANT PLANNING PERMISSION** for application PA/11/02220 subject to:

A. Any direction by The London Mayor;

B. The prior completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) within three months of the date of this resolution, to secure the following planning obligations:

• Contribution to training, employment and enterprise initiatives	£700,000
• Contribution to off site affordable housing delivery	£300,000
• Contribution to local community facilities	£350,000
• Contribution to borough Idea Stores, libraries and archives	£31,282
• Contribution to borough indoor leisure facilities	£101.147
• Contribution to local public open space and public realm	£199,227
• Contribution to local heritage initiatives	£412,152
• Contribution to sustainable transport projects	£48,000
• Standard monitoring charge (2%)	£42,776
• Contribution to Crossrail,	£2,111,198

- Standard clause to allow for 20% reduction in Crossrail contribution if paid by 31 March 2013;

- Additional affordable housing contribution equivalent to the value of 20% of the Crossrail contribution in the event that the standard discount arrangement would apply;

- Strategy for managed relocation of all existing firms;

- Achieve at least 20% of all construction and ancillary jobs to be taken by Tower Hamlets residents;

- Commitment to use reasonable endeavours to achieve throughout the construction period that at least 20% of all supplies and services shall be provided by local suppliers where available and practicable;

- Commitment to provide minimum 75 local apprenticeships leading to recognised technical or vocational qualifications during construction phase;

- To facilitate work experience and management placements across all associated organisations, sectors and functions and across the complete supply chain for a minimum of 144 weeks of placements per year or part years by any breakdown;

- Main occupier of the office floor space enters into a Social Compact to facilitate training, work experience and apprenticeships to maximise access to employment opportunities;

- Commitment to ensure that occupiers of the commercial floor space across the development work with the Council to procure 20% of supplies and services locally subject to procurement/competition rules.

3.2 That the Strategic Development Committee note that the additional contribution for employment training and enterprise over and above the standard contribution and the additional contribution toward off site affordable housing arising from the Crossrail payment discounts are not necessary under the provisions of regulation 122 of the Community Infrastructure Levy Regulations 2010 or guidance in Circular 05/05 to grant planning permission.

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

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

<u>Conditions:</u>

1. Permission valid for 3 years;

2. Development in accordance with approved plans;

3. Details of the following matters to be submitted to the local planning authority for approval prior to commencement of the development and the development to be carried out strictly in accordance with the approved details:
   - All external facing materials with mock ups to be provided, includingmaterials facing the central courtyard and public routes;
   - Detailed design of the proposed pavilion building;
   - Detailed design of the proposed top two floors of the main office building;
   - Details of all proposed fenestration;
   - Details of the treatment of the internal face of the retained LFWE Brushfield Street elevation;
   - Details of the design of the proposed junction between the retained LFWE Brushfield Street elevation and new development either side;
   - External hard and soft landscape treatment within the site boundary including the central courtyard and public routes;
   - Finished floor levels and associated external spot heights for the public route, public spaces and ground floor internal spaces;
   - Street scene improvement works including hard and soft landscaping, way-finding and tree planting to Brushfield Street, Crispin Street, White's Row and Commercial Street;
   - Detailed design of proposed footway crossings and visibility splays for the proposed vehicular access points on Crispin Street;
   - Construction management plan;
   - Delivery and servicing plan;
   - Written scheme of archaeological investigation;
   - Ground contamination survey and remediation strategy;
   - Water impact assessment in conjunction with Thames Water.

4. Details of the following matters to be submitted to the local planning authority prior to commencement of the relevant part of the development and the development to be carried out strictly in accordance with the approved details:
   - Shop front and external signage design code;
   - External lighting and CCTV;
   - External mechanical ventilation and plant;
   - Design of the proposed green roofs and bat boxes;
   - Secure cycle parking, changing and shower facilities for occupiers and visitors;
   - Electric vehicle charging points.

5. Details of the following matters to be submitted to the local planning authority and implemented strictly in accordance with the approved details, prior to first occupation of any part of the development hereby permitted:
   - Internal lighting strategy to prevent obtrusive light spill, as set out in the Environmental Statement and Addendum submitted with the planning application;
   - Public art strategy;
   - Estate management strategy;
   - Noise and vibration assessment for external plant and machinery in accordance with BS4142.

6. Details of tree planting, including species to be provided prior to commencement of the development and the agreed planting scheme to be implemented during the first planting season following first occupation of any part of the development.
7. Limit on hours of construction.
8. Noise levels for plant not to exceed existing background levels.
9. Restriction of class A3 and A4 uses to no more than 50% of overall provision of ground floor class A1-A4 floor space.
10. Restriction of retail, restaurant, café and public house (Class A1, A2, A3 and A4 uses) customer/public opening hours to 0900-2300 hours Mondays to Saturdays and 0900 -2230 hours Sundays and Bank Holidays.
11. Limitation on size of ground floor retail, café and restaurant uses to prevent amalgamation.
12. Development shall not commence until a 278 agreement with the local highway authority and Transport for London has been completed for highway and street scene improvement works surrounding the site.
13. The development shall not be occupied until the site archaeological investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation. A
14. Development shall not be occupied until the central stone pediment to the Brushfield Street elevation has been reinstated in full to the satisfaction of the local planning authority in accordance with the approved plans.
15. Development shall not be occupied until street scene improvement works have been completed in accordance with S278 agreement.
16. Secure the provision of minimum area of photo voltaic cells on the roof of the development.

Informatives:

1. Definition of development for the purposes of discharging relevant conditions;
2. The permission is subject to a S106 agreement;
3. Contact Thames Water;
3. Building Regulation Approval required;
4. Any other informative(s) considered necessary by the Corporate Director Development & Renewal.

3.4 That, if within 6 weeks of the receipt by LBTH of the Mayor of London's Stage II report the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated the power to refuse planning permission.

3.5 That the Strategic Development Committee resolve to **GRANT CONSERVATION AREA CONSENT** for application PA/11/02221 subject to the following conditions and informatives:

Conditions

1. Demolition to commence within 3 years;
2. Demolition in accordance with approved plans
3. Demolition shall not commence until details of the following matters have been submitted to and approved by the local planning authority and demolition to take place strictly in accordance with the approved details:
   - Scheme of archaeological investigation and recording

- Means of site enclosure;
- Demolition method statement and management plan;
- Façade retention method statement.

4. Demolition not to take place during the black redstart nesting season (April to July inclusive), until a black redstart survey has been undertaken immediately prior to commencement of demolition.
5. Grampian condition preventing demolition works until submission of details of a construction contract relating to the associated planning permission PA/11/02220 or an alternative means of ensuring that demolition on the site will only occur immediately prior to the development of the new building.
6. Recording of important architectural or historic features
7. Materials salvage and re-use arrangements.

Informatives:
1. Submission of demolition notice under the Building Regulations

4. DETAILS OF PROPOSED DEVELOPMENT, SITE AND SURROUNDINGS

Details of Proposed Development

4.1 Planning permission and conservation area consent are sought for the demolition of the White's Row multi-storey car park, the LFWE behind the retained Brushfield Street façade, Gun Public House and Bank at 99-101 Commercial Street and the comprehensive redevelopment for a mix of uses including offices, small business space, retail, services, restaurants, cafes and licensed premises.

4.2 The proposal would provide the following floor space (GEA):

Offices (class B1)	35,977 sqm
Small business space (B1)	1,440 sqm
Retail (A1, A2, A3, A4)	3,077 sqm
Parking/servicing	1,323 sqm
Total	**41,817 sqm**

4.3 The proposals would remove the existing east/west service route (non-adopted road) known as Duval Street running between Crispin Street and Commercial Street which separates the LFWE from the multi-storey car park.

4.4 Amended plans and supporting documents were submitted on 23 January 2012 and related to changes to the external appearance of the proposed building and minor changes to the proposed ground floor layout.

4.5 The application includes an Environmental Statement (amended) submitted under the requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011

Proposed Building Form

4.6 The proposed development comprises a part three, part four and part six storey building to provide high quality flexible office space, managed accommodation for small and medium enterprises, ground floor retail space, cafes, restaurants and

public house. A small scale single storey pavilion building for retail or restaurant use is proposed adjacent to the junction of White's Row and Crispin Street.

4.7 The main front façade of the LFWE (77m in length) between the existing bank and public house would be retained in its entirety. The façade would be adapted to form an integral part of the proposed development, linked to the new development at either end of the facade (replacing the existing bank and public house) and the main building behind.

4.8 The façade would be adapted by removing existing ground floor windows and stall risers and by dropping the openings to street level to form a new ground floor public arcade, with the principal elevation of the office building set 2.5m behind the facade.

4.9 The main volume of the new building would have four floors (ground plus three) with the architectural approach comprising a series of broad brick piers with a strong vertical emphasis, large recessed windows and reconstituted stone spandrels running between.

4.10 The top two floors above the main four storey element would be set back 9 metres from the main elevation and expressed architecturally as a distinct element, with vertical perforated metal solar shading and re-constituted stone shading. A sedum roof would be proposed as part of this roof top element. A terrace with perimeter planting is proposed between the set back top floors and the main building elevations.

4.11 The proposed development would step down in height to provide a lower three-storey element to the south, respecting the lower scale buildings in White's Row. This element would also step forward slightly facing onto Commercial Street to read as visually distinct element set against the main volume of the building behind.

4.12 The proposed corner elements that are proposed to replace the public house and bank building break down the architectural appearance to smaller scale elements, to provide a more intimate scale, with greater horizontal emphasis. The corner elements are set forward by approximately 2 metres in relation to the west and east main elevations to express these as distinct from the main building volume behind. The corner elements would be chamfered by 45 degrees (to Brushfield Street, Commercial Street and Crispin Street) to provided added interest and some continuity with existing architectural arrangements and detailing.

4.13 The scheme has been designed to allow flexible occupation of the main office floors by more than one main tenant, with two office receptions situated behind the main LFWE entrance on either side of the new public route, with doors facing the front arcade and public route.

4.14 The overall design approach sets out to respond to the different townscape settings on each side of the site, whilst maintaining a unifying theme. The design approach would create the impression of three distinct elements along Commercial Street and along Brushfield Street, including the retained façade, to break down the perceived mass of the building.

4.15 The proposed development also includes the removal of an existing 1960's roof extension and the re-instatement of original stone centrepiece on the LFWE Brushfield Street elevation. Proposed facing materials would comprise predominantly red brick and re-constituted stone. Typical floor plans, elevations and key verified views are shown in Appendix A.

4.16 The proposed redevelopment includes the formation of two new open spaces. A new public open space on the corner of Crispin Street and White's Row (1,060 sqm) would be created by stepping the building volume back in this location. A new central courtyard, (410 sqm) would be created, accessed via a public route running north/south through the development from the main LFWE entrance to the proposed open space at White's Row. The majority of the central courtyard would be open to the elements. The public routes would be bridged in two places north and south of the central courtyard by the first floor offices above. Bridging has been kept to a minimum (13m depth to the front and 16m depth to the rear) with 34 metres of the total 63 metre public route through the site open to the elements. Where bridging occurs this would be 4.3 m above ground level to ensure that a generous, welcoming space is created.

4.17 The courtyard and public route would be framed by shop, cafe and restaurant units at ground floor to provide animation and to ensure the route feels genuinely public. High quality hard and soft landscaping, public art and lighting is proposed within the open spaces. York Stone paving would be used through the central route and courtyard to provide a continuous surface treatment linking to the adjoining streets.

4.18 A package of public realm improvements for the adjoining streets are also proposed, to accord with the Council's proposed Brushfield Street Improvement Scheme (designed but not implemented) involving revised on street parking arrangements, and more generous pedestrian routes in front of the development. The landscape proposals include an option to remove existing trees and replace these on a new alignment to frame the proposed development and improve the views towards Christ Church.

4.19 Improvements to paving and additional tree planting (where possible) are proposed for Crispin Street, White's Row and Commercial Street. York Stone paving is proposed to tie in with street scene improvements carried out already to the western part of Brushfield Street. Taking into account the public paved route and public spaces, the proposed redevelopment would generate approximately 1,800 sq metres of publicly accessible space.

4.20 Ground levels taper across the site from north to south with White's Row being approximately 1.4 metres below the ground level of Brushfield Street. The difference in levels is accommodated within the public route through two ramps; one from the central courtyard and one from the southern public space to White's Row. A small flight of steps is also proposed from White's Row to the open space.

Parking and servicing arrangements

4.21 Eight car parking spaces including two disabled spaces are proposed at basement level along with 180 employee cycle stands and 16 motorcycle spaces. Access to

the basement would be via a ramp from Crispin Street, 29 metes from the south west corner of the development site boundary.

4.22 All servicing would take place within a combined service yard accessed midway along Crispin Street and would contain three service bays capable of accommodating vehicles up to the size of a large refuse vehicle. Sufficient space is proposed for loading and unloading. A central recycling and waste storage facility is proposed at basement level and would be transported by lift to the service yard for collection.

5.0 Site and Surroundings

5.1 The application site is located on the south side of Brushfield Street, Spitalfields, close to the administrative boundary with City of London. The site occupies a prominent position directly opposite Spitalfields Market and diagonally opposite Christ Church, Spitalfields, bounded to the east by Commercial Street, to the south by White's Row and to the west by Crispin Street.

5.2 The site measures 0.842 hectares and contains four buildings the London Fruit and Wool Exchange (LFWE) building dating from 1929, the Gun Public House and Bank (99-101 Commercial Street) dating from similar period and White's Row multi-storey car park dating from 1969/71. The site and surroundings are shown in Appendix A.

5.3 LFWE provides four floors of managed business space provided by the City of London and is occupied by a mix of 61 small businesses, a private gym with squash courts and a private medical facility. Duval Street (a private road) runs through the site to the rear of LFWE separating this from the White's Row multi-storey car park and is used for at grade parking and servicing for tenants of LFWE. Vehicular access to the car park is from White's Row.

5.4 The surrounding area contains a mix of retail, office, food and drink and residential properties, including accommodation above ground floor commercial properties. Spitalfields Market and new buildings to the west at Bishops Square have large footprints and in the case of the latter, includes a tall modern office building at the western end of Brushfield Street. Areas to the south and east are characterised by generally lower scale buildings, typically 3-4 storeys and a fine grain mix with smaller scale building plots and narrow streets.

5.6 The site falls within Brick Lane and Fournier Street Conservation Area which contains a high concentration of listed and locally listed buildings – 111 in total. The nearest to the site are Christ Church Spitalfields (Grade I listed), 52 Brushfield Street (Grade II), 5 White's Row, Old Spitalfields Market Buildings (Grade II). None of the buildings within the site are listed.

5.7 The site is also close to the boundary of the Artillery Passage Conservation Area to the south west.

5.8 The site is well served by public transport. Liverpool Street station is 0.5 km to the south west and Shoreditch High Street Overground Station is 0.5km to the north. Extensive bus services run along Commercial Street and Bishopsgate.

6. RELEVANT PLANNING HISTORY

6.1 LBTH Ref: PA/04/00916 - Application for demolition of existing buildings and structures, and redevelopment to provide a basement and lower ground floor plus six storey mixed use development comprising Class B1 offices (27,509 m²) and Class A1 and A3 uses (4,130 m²), together with ancillary storage use and parking facilities, and a new vehicle access from Whites Row. Undetermined – returned by local planning authority 13 April 2011.

6.2 LBTH Ref: PA/10/01288 - Temporary change of use of Rooms 41/43 of the London Fruit Exchange from B1 (office) to chiropractic Clinic (Use Class D1) for the duration of the applicant's leasehold use and occupation. Permission granted - 26/08/2010

7. POLICY FRAMEWORK

7.1 The development plan comprises the London Plan 2011, UDP 1998 saved policies (2007) and Tower Hamlets Core Strategy 2010. The Council adopted Interim Planning Guidance (referred to as IPG) for the purposes of development control in 2007.

7.2 The Council has commenced public consultation (call for representations) on the Proposed Submission Version of Managing Development DPD 2012 (referred to as the MD DPD). The MD DPD has reached the same stage in preparation as the IPG. Officers consider the DM DPD to carry more weight, given it is more recent and provides local context to policies contained within the Core Strategy (2010) and the London Plan 2012 and recent national planning policy statements.

7.3 The following policies are considered relevant to the applications:

7.4 **National Planning Policy Guidance/Statements**

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

Draft National Planning Policy Framework

7.5 **Spatial Development Strategy for Greater London**
The London Plan 2011

2.10 – 2.12	Central Activities Zone policies
4.1	Developing London's economy
4.2	Offices
4.3	Mixed use and offices

4.11	Encouraging a connected economy
4.12	Improving opportunities for all
5.1	Climate change mitigation
5.2	Minimising carbon dioxide emissions
5.3	Sustainable design and construction
6.3	Assessing the effects of development on transport capacity
6.5	Funding Crossrail and other strategically important transport Infrastructure
7.2	An inclusive environment
7.4	Local character
7.5	Public realm
7.6	Architecture
7.8	Heritage assets and archaeology
7.9	Heritage-led regeneration

Use of Planning Obligations in the funding of Crossrail

7.6 **Tower Hamlets Core Strategy (adopted 2010)**

SO1 – SO25	Strategic Objectives for Tower Hamlets
SP01	Refocusing on our town centres
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 place making – Priorities and Principles
SP13	Planning Obligations
Annex	Delivering place making - Spitalfields

7.7 **Tower Hamlets Unitary Development Plan 1998 (saved policies)**

Designations within the vicinity of the site are as follows:
Central Area Zone
Special Policy Area (SPA) where a diverse and balanced mix of use is to be maintained
Area of archaeological importance potential
Strategic view consultation area

ST15	Local Economy
ST17	High Quality Work Environments
ST26	Existing Residential Accommodation
ST35	Local Shops
ST43	Public Art
ST51	Public Utilities
DEV1	Design Requirements
DEV2	Environmental Requirements
DEV3	Mixed Use Developments

DEV4	Planning Obligations
DEV8	Local Views
DEV12	Provision of Landscaping in Development
DEV28	Demolition in Conservation Areas
DEV42	Scheduled Ancient Monuments
DEV43	Protection of Archaeological Heritage
DEV44	Preservation of Archaeological Remains
DEV50	Noise
DEV51	Contaminated Soil
DEV53	Conditions on Consents
DEV55	Development and Waste Disposal
DEV56	Waste Recycling
DEV69	Efficient Use of Water
CAZ 1	Central Activities Zone
EMP1	Promoting economic growth and employment opportunities
EMP7	Employing Local People
EMP8	Enhancing Employment Opportunities
EMP10	Encouraging Small Business Growth
T16	Traffic Priorities for New Development
T18	Pedestrians and the Road Network
T19	Priorities for Pedestrian Initiatives
T21	Pedestrians Needs in New Development
S10	Requirements for new shop front proposals

7.8 **Tower Hamlets Interim Planning Guidance 2007**

CF4 Employment (B1), Residential (C3) and Retail (A1, A2, A3, and A4)
CAZ
Conservation Area
Archaeological Priority Area
Strategic View Consultation Area

DEV1	Amenity
DEV2	Character & Design
DEV3	Accessibility & Inclusive Design
DEV4	Safety & Security
DEV5	Sustainable Design
DEV6	Energy Efficiency & Renewable Energy
DEV7	Water Quality and Conservation
DEV8	Sustainable drainage
DEV9	Sustainable construction materials
DEV10	Disturbance from Noise Pollution
DEV11	Air Pollution and Air Quality
DEV12	Management of Demolition and Construction
DEV13	Landscaping and Tree Preservation
DEV14	Public Art
DEV15	Waste and Recyclables Storage
DEV16	Walking and Cycling Routes and Facilities
DEV17	Transport Assessments
DEV18	Travel Plans
DEV19	Parking for Motor Vehicles

DEV20	Capacity of Utility Infrastructure
DEV22	Contaminated Land
DEV24	Accessible Amenities and Services
DEV25	Social Impact Assessment
DEV27	Tall Buildings Assessment
EE2	Redevelopment / Change of Use of Employment Sites
RT5	Evening and Night-time Economy
CON2	Conservation
CON3	Protection
CON4	Archaeology
CON5	Protection
U1	Utilities

7.9 **Managing Development DPD 2012 (proposed submission version)**

DM1	Development within the town centre hierarchy
DM2	Protecting local shops
DM 15	Local job creation and investment
DM16	Office locations
DM20	Supporting a sustainable transport network
DM22	Parking
DM23	Streets and the public realm
DM24	Place sensitive design
DM25	Amenity
DM26	Building heights
DM27	Heritage and the historic environment
DM29	Achieving a zero carbon borough and addressing climate change

7.10 **Tower Hamlets Community Plan**

The following Community Plan objectives relate to the application:

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

7.11 **Other plans and policies**

- Tower Hamlets Planning Obligations SPD
- Brick Lane and Fournier Street Conservation Area – Character Appraisal and Management Guidelines
- Artillery Passage Conservation Area – Character Appraisal and Management Guidelines

8. CONSULTATION RESPONSE

8.1 The following were consulted with regard to the applications. Responses are summarised below. Full representations are available to view on the case file. The views of officers within the Directorate of Development and Renewal are expressed within Section 8 - Material Planning Considerations.

8.2 Where further comments have been received following the consultation on amended plans, these are highlighted below. Additional comments are anticipated from English Heritage and Twentieth Century Society. If these are received prior to the Committee meeting they will be included in an update report.

Tower Hamlets Consultees

Crime Prevention Officer

8.3 No objection in principle, but raises concern over night time security within central courtyard space and through route. Gates should be installed at either end so that the management has the option of closing the area should they need to.

Environmental Health

8.4 No objection in principal. A full noise and vibration assessment for mechanical and electrical (M&E) plant is required; guidance can be sought through BS4142.

8.5 The mechanical and engineering plant must not increase the existing background noise level at the times required to operate and low frequency noise should also be taken into consideration. Advice should be sought through environmental protection on the noise metrics to be used and noise limit criteria that should apply at residential and commercial receptors.

8.6 Any commercial kitchens should comply fully with the DEFRA guidance 2005 on the control of odour and noise from commercial kitchen exhaust systems.

Transportation & Highways

8.7 No objection in principle including to the demolition and removal of the White's Row car park. The trip generation is acceptable and demonstrates that there will be an overall increase in the number of person trips over the existing situation as a result of the development proposals.

8.8 Justification for provision of 8 car parking spaces including 2 disabled spaces is required, given high public transport accessibility of the site.

8.9 Provision of parking for 16 motorcycles is supported. Minimum of three electric vehicle charging points are required to be installed from the outset, with passive provision secured for a further two spaces.

8.10 The provision of 180 cycle parking spaces is welcomed and details are required showing the type of stand to be installed and demonstrating that the minimum dimensions and clearances can be achieved. Further information on provision for shower, changing and locker facilities for employees who cycle to work and therefore further information is required.

8.11 Servicing arrangements supported in principle, given constraints of site and form of development. Concern over the width of the proposed crossover (approximately 10 metres) as this is a long distance over which pedestrians must travel without any form of refuge. Further information is required detailing how the applicant will ensure that vehicles do not impede the movements of vehicles or pedestrians along Crispin

Street while the gates to the service yard are being opened. Visibility splays are required.

8.12 A Delivery and Servicing Plan will need to be secured by planning condition or obligation and form part of future tenancy agreements for the commercial units. Service yard operation should be revised to preclude servicing from occurring during the hours of 0700-1000 and 1600-1900.

8.13 The requirement for Travel Plans should be included as part of a Section 106 Agreement to cover the implementation of Travel Plans in accordance with the framework submitted to and approved by the Council, the appointment of a Travel Plan Co-ordinator role to ensure the implementation and monitoring of the Travel Plans and a contribution of £3,000 to Tower Hamlets Council towards monitoring of Travel Plans.

8.14 The Applicant is asked to confirm that no part of the building over-sails or projects into, over or under the public highway and doors/gates must be redesigned and revised so that they do not open out over the public highway. A contribution towards public realm/highway improvement works is requested and a Construction Management Plan should be secured via condition.

8.15 Private forecourt/areas to be drained within the site and not into the Public Highway and the scheme of highway works to be agreed prior to commencement, secured through S.278 agreement and implemented prior to occupation.

8.16 General comments provided on construction phase highway requirements.

CLC Landscape Section

8.17 No objections.

CLC Strategy

8.18 Note increase in employees as a result of the increased floor space on the site following proposed rdevelopment. In accordsnce with the Planning Obligations SPD, contributions are requested to mitigate the impact of the development. Financial contributions should be secured through planning obligations for Leisure Facilities (£101,147), Public Open Space (£199,227) and public realm (£412,152).

Waste Policy and Development

8.18 Waste management arrangements are satisfactory as described in Delivery and Service Plan under Waste Management Strategy. One third of this capacity must be retained for the storage of separated waste for recycling. Restaurants must have a private refuse and recycling collection contract in place with a licensed waste collector who can provide a Waste Transfer Note for the material carried.

External consultation responses

English Heritage

Initial comments

8.19 English Heritage object to the demolition of the Gun Public House and the bank building and express concern with regard to the extent of demolition of all but the

front elevation of LFWE. Detailed comments have been provided and are summarised below.

8.20 The Gun Public House, Bank and LFWE are important conservation area buildings, make positive contributions to the character and appearance of the conservation area and were included in the Conservation Area because they provide the prime focus for the setting for the front elevation of Christ Church Spitalfields as set out in the Council's Conservation Area Character Appraisal.

8.21 An important part of the significance of LFWE is its relationship to Spitalfields Market which plays an important part in shaping the character of this part of the Conservation Area.

8.22 Proposed demolition of LFWE, Bank and Public House would cause substantial harm to the designated heritage asset (the conservation area) and complete loss of significance to the undesignated assets (the buildings within the conservation area). Policy HE 9.2 of PPS5 would apply.

8.23 EH Raise concern about the scale of the proposed office development and reiterate general concerns about the encroachment of city scale offices into Spitalfields, the City Fringe and the impact on the character of the conservation area.

8.24 Attention is drawn to harm caused by the proposal to key views from within the conservation area, particularly the view along Commercial Street.

8.25 English Heritage object to the loss of Duval Street (formerly Dorset Street) which has historic significance. The proposed north-south route is noted as beneficial to the development, but would not outweigh the objection to the loss of Duval Street.

8.26 Note the beneficial impact on the views from Artillery Lane Conservation Area but this would not outweigh considerable harm caused by the proposals to Brick Lane and Fournier Street Conservation Area.

8.27 There is no objection to the demolition of White's Row car park.

<u>Further comments on amended plans</u>

8.28 Previous letter clearly described the significance of the existing Fruit & Wool Exchange, Barclay's bank building and The Gun Public House and set out overriding concerns which included the proposed loss of the Barclay's bank building and The Gun Public House, to which we objected. The amended scheme does not include the retention of either the bank or public house but rather includes revised elevations for those parts of the site. English Heritage consider that these amendments would not, in any way, compensate for the loss of the existing structures.

8.29 The proposed revisions with regard to the Commercial Street elevations and slight amendments with regard to the building line fronting that street do not address our fundamental concerns with regard to that aspect of the proposal as set out in the earlier letter.

8.30 Points raised in both letters should be addressed within any Committee Report.

8.31 English Heritage object to both the Conservation Area Consent Application and Planning Application and we urge that both applications are refused.

English Heritage Archaeology

8.32 The development site lies in an area of high archaeological potential. It is in a designated Area of Archaeological Interest as defined by the Council, and significant remains from the Roman and medieval periods, including burials, have been found within the immediate vicinity of the site. The development of the Spitalfields area in the 17th and 18th centuries is also of significance in understanding the expansion of the City fringe areas, and how the activities, occupations and buildings from that period continues to have a strong influence in the present character of the area.

8.33 The southern area of the site, that presently occupied by the White's Row car park, does not have basement levels, and that up to 3m of archaeological deposits may be present on this area of the site. The potential for archaeological deposits under the Fruit and Wool Exchange building is lesser for later deposits, but still remains for deep cut features and earlier activity. The proposed development includes basement levels across the entirety of the site, which will clearly have a detrimental affect on any archaeological remains present.

8.34 In accordance with the recommendations given in PPS 5, Policy HE 12.3, and in the borough's saved UDP policies DV42 - 45, a record should be made of the heritage assets prior to development, in order to preserve and enhance understanding of the assets.

8.35 Conditions required such that:
A) No development shall take place until the applicant has secured the implementation of a programme of archaeological investigation in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the local planning authority.
B) No development or demolition shall take place other that in accordance with the Written Scheme of Investigation approved under Part (A).
C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Part (A), and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured..

Greater London Authority

8.36 Stage 1 response confirms that London Plan policies on Central Activities Zone, mix of uses; urban design, inclusive access, sustainable development and transport are relevant to this application. The application is broadly acceptable in strategic planning terms, but on balance does not comply with the London Plan for the following reasons:

Mix of uses –consider the potential for off site housing provision nearby or propose a financial contribution for off site provision.

Urban design – provide information on whether the re-use of the Gun Public House building for residential or employment uses would be feasible. Details of the pavilion

building's street facing materials are sought. An activity strategy should be developed for the arcade and north south route.

Inclusive access – ensure a genuinely intuitive and inclusive wheelchair route is between Brushfield Street and White's Row.

Sustainable development – further commitments with respect to renewable energy, overall carbon dioxide savings, urban greening and sustainable drainage are required.

Transport – further information is required to address natters relating to parking, trip generation, travel planning, walking and Crossrail.

8.37 In addition to the representations contained within the Stage 1 report, the Mayor of London has expressed concern at the loss of the existing Gun Public House and the treatment of the building facades at the corners of Brushfield Street with Crispin Street and Commercial Street. He urges the applicant to retain the public house if possible and provide an appropriate architectural response.

GLA comments on amended plans

8.38 Following the receipt of amended plans, the GLA has provided further officer level comments to update the Stage 1 response. The final position will be confirmed following the Stage 2 referral.

8.39 In summary, whilst GLA officers are disappointed that the revised proposals do not seek to retain The Gun PH, the submitted revisions are broadly welcomed in response to the urban design concerns raised at consultation stage. Officers would now be content to positively recommend the scheme to the London Mayor in design terms.

8.40 GLA officers note that the applicant has committed to the required Crossrail contribution, which will be secured by the Council within the section 106 legal agreement. This is supported.

8.41 GLA officers also note that a contribution has been secured for the provision of affordable housing, with the potential to top this up should the Crossrail contribution be paid before 31 March 2013 and the resulting 20% discount redirected towards affordable housing. The GLA understands that the Council has identified a site close to the proposed development which would benefit from these funds in order to contribute towards the delivery of additional affordable units. This response is supported in accordance with the principles of London Plan CAZ mixed use policy, and officers are content this would address outstanding concerns with respect to London Plan Policy 4.3.

Transport for London

8.42 TfL notes that 6 car parking spaces are proposed at basement level for employees and would prefer car free development in this location. TfL accepts however that the level is within the London Plan maximum. Two spaces are proposed to be fitted with electric vehicle charging points. In order to comply with London Plan policy 6.13, this should be increased to three and passive provision should be made for a further 10%

(two spaces). The proposal to provide two accessible spaces for dedicated use by blue-badge holders is also welcomed.

8.43 180 cycle parking spaces are proposed for the office element of the scheme, which accords with London Plan policy 6.13. Details requested regarding the precise number and location of cycle parking to be provided for visitors to the retail uses, as this should be in line with TfL's minimum standards and should be accessible and secured.

8.44 The number of trips likely to be generated by the proposed development can be accommodated on the bus network. The capacity of the TLRN is unlikely to be constrained by the either the trip generated by the proposed development or the removal of the Whites Row car park. The proposals are therefore in line with London Plan policy 6.1 and 6.12.

8.45 The applicant should enter into a Section 278 agreement with TfL to carry out highway improvement works to Commercial Street

8.46 A framework travel plan has been prepared, which is acceptable considering that the occupiers of the proposed development are currently unknown. Prior to occupation of the development, further information will be required to develop a full travel plan. The full travel plan should be secured through the section 106 agreement, in line with London Plan policy 6.1.

8.47 In order to improve conditions for walking, TfL seeks a contribution towards improving way-finding in the area close to the site in accordance with the principles of the Legible London scheme.

8.48 TfL supports servicing from Crispin Street considering its distance from the TLRN, and the highway constraints of both Brushfield Street and Whites Row. The draft delivery and servicing plan prepared by the applicant should be secured through the planning permission.

8.49 The framework for a construction traffic management plan has also been prepared by the applicant and the proposed content is welcomed as it outlines the likely route of construction vehicles. Further detail should be added regarding how trips will be restricted to off-peak hours. The plan should be secured by condition or through the S106 agreement.

8.50 In view of the strategic regional importance of Crossrail to London's economic regeneration and development and in order to bring the project to fruition in suitably timely and economic manner, a contribution of £2,111,198 will be sought in line with the Use of Planning Obligations in the funding of Crossrail SPG.

London Fire and Emergency Planning Authority

8.51 Pump appliance access to the perimeter appears adequate. Water supplies for the fire service not addressed in supplied documents. Existing pavement hydrants should not be covered or altered. The proposal should conform to the requirements of Part B of the Building Regulations.

Thames Water

8.52 Detailed comments provided on surface water drainage, storm water protection, surface water drainage from parking area. Impact studies of the existing water supply infrastructure have to be submitted to, and approved in writing by, the local planning authority (in consultation with Thames Water) prior to commencement of development. Overall flows to combined sewers should not exceed historic flows and this may often be achievable by agreed surface water retention.

Twentieth Century Society

8.53 Despite the amended proposals which incorporate a greater level of detailing with regards to the replacement corner buildings and a wider palette of appropriate materials, the Society maintains its objections to the loss of the pub and bank buildings. Combined with LFWE the existing buildings as a group provide considerable townscape merit. The ensemble is a successful and appropriately scaled setting for Christ Church , the adjacent listed market building and other listed buildings and in keeping with the character of Brick lLane and Fournier Street conservation area.

8.54 The whole façade and ensemble of buildings should be retained as part of any development.

Other external bodies consulted

8.55 The following were consulted but have not provided comments:

- National Grid
- EDF Energy Networks Ltd
- City of London Corporation
- London Borough of Hackney
- Commission for Architecture & Built Environment
- Council for British Archaeology
- Georgian Group
- The Society for the Protection of Ancient Buildings

- Victorian Society
- Spitalfields Society
- Tower Hill Improvement Trust

<u>Local Representation</u>

8.56 Site notices for both applications displayed on 6 October and 30 January (amended plans). Proposals advertised in the press on 3 and 10 October and 30 January (amended plans). A total of 774 addresses were notified in writing.

8.57 108 letters of objection and two petitions with a total 254 signatures have been received from local residents, businesses, employees, occupiers of the LFWE, users of LFWE facilities, the Spitalfields Community Association and the Spitalfields Trust.

8.58 124 letters of support have been received from local residents, businesses and the Rector of Christ Church, Spitalfields. 1 letter of general comment received, requesting further public consultation.

8.59 The break down in relation to initial consultation responses and subsequent responses following amended plans consultation is set out below. For completeness, all issues raised in objection or in support are summarised in this report. The full representations are available to view on the case file.

	Type	Initial consultation	Amended plans	Total
Objection	Individual representations	49	8	57
	Standard letters	51	0	51
	Petitions	2	0	2 (254 signatures)
Support	Individual representations	9	1	10
	Standard letters	61	53	114
	Petitions	0	0	0

8.60 Objections relate to the following matters:

- Scale of proposed development would be monolithic and out of character;
- Height would be inappropriate and dominate Christ Church;
- Design is bland, of poor quality of architecture and the design of the proposed development would not be appropriate for it's prominent and sensitive setting;
- Extent of proposed demolition and effect of the proposed development on the setting of surrounding heritage buildings;
- Lack of street activity within the ground floor of the elevations;
- Loss of the Gun Public House – a prominent and local landmark;
- Development does not respond positively to the established mix of uses in Spitalfields
- Development should contain residential accommodation;
- Lack of permeability due to the development occupying the whole site;
- Impact of loading area on traffic congestion in Crispin Street;
- Noise and disturbance from customers using proposed ground floor uses (public house, restaurants etc);
- Proposed public space will attract anti-social activity;
- Loss of space for 61 small businesses currently provided for in LFWE;

- Proposed SME space is insufficient;
- Loss of motor cycle parking within the multi-storey car park;
- Loss of parking generally for employees and visitors will impact on economic prosperity and tourism in Brick Lane and Spitalfields
- Loss of existing squash courts without viable replacement facilities (petition with 206 signatures).

8.61 Comments in support relate to:

- Proposed re-provision of public house to replace the existing Gun PH;
- Support for retention of façade on Brushfield Street;
- Opportunity for replacement tree planting to improve vista of Christ Church;'
- Building design is sensitive, a practical solution and responds to local needs;
- Varied approach to street elevations and proposed new north-south through route are supported;
- Development would create jobs for local people;
- Removal of car park supported;
- Scale, mass and relationship to Christ Church is appropriate;
- Opportunity to improve junction of White's Row with Commercial Street;

8.62 The response to third party representations in the assessment of the applications is included in Section 9 below - Material Planning Considerations

9. MATERIAL PLANNING CONSIDERATIONS

9.1 The main planning issues raised by this application are as follows:

- Principle of development and land use
- Demolition within the conservation area
- Design
- Residential amenity
- Access and transport
- Energy efficiency and sustainability
- Planning obligations

Principle of Development and Land Use

9.2 The site is currently occupied by a mix of commercial uses including offices, small business space, private gym (recently closed), private medical facility, bank, public

house and car park. The application proposes comprehensive redevelopment of the site to provide a mix of uses comprising

Principal of office use

9.3 The site falls within the Central Area Zone (CAZ), defined in the London Plan. Policy 2.10 of the London Plan sets out the strategic priorities for the CAZ and seeks to enhance its unique national, international and London wide role. The London Plan seeks to maintain a supply of a wide range of office types, enhance retail provision and maintain the distinctive environment and heritage of the CAZ. The site also falls within the City Fringe Opportunity Area where the London Plan notes that because of the proximity to the City, the area provides scope to support London's critical mass of financial and business services.

9.4 The Council's Core Strategy recognises Tower Hamlets regional role and the economic benefits derived out of the Borough's Central London location. Core Strategy Policy SP06 seeks to maximise and deliver investment and job creation in the Borough. The Core Strategy also states that the Council will apply London Plan policy within the Central Area Zone.

9.5 Policy SP06.2 seeks to focus large floor plate offices within Preferred Office Locations (POL). The site falls outside of the Bishopsgate Corridor POL as defined in the Core Strategy and emerging MD DPD. The site is currently occupied in part by offices within a large footprint building. The site lies in a highly accessible and mixed commercial location and given the London Plan policy on office development within the CAZ and the Core Strategy general support for this approach, development for offices would be acceptable in principle. The scale and typology of office use and the extent to which the office use can be intensified through redevelopment will need to be balanced against the conservation area location and in particular the heritage considerations affecting the site as set out in the remainder of this report.

9.6 The Core Strategy also seeks to support the provision of a range and mix of employment uses and spaces by retaining, promoting and encouraging flexible work space and encouraging the provision of units (approximately 250 sq metres or less) for small and medium enterprises (SME's). The proposed development would include 950 sq metres of managed, flexible work space aimed at SME's within the ground floor via a separate entrance from Commercial Street. The size of the new units and the specification of the internal finish would be controlled, in order to maintain affordable rents for small businesses.

9.7 London Plan policy 4.3 requires that within the CAZ, increases in office floor space should provide for a mix of uses, including housing, unless such a mix would demonstrably conflict with other policies within the Plan. It states that housing and other uses should be required on site or nearby to create mixed use neighbourhoods. The Mayor of London's response to the Stage 1 consultation notes the mix of office and retail uses within the scheme and accepts the applicant's justification for not including housing as part of the development. However the Stage 1 report concludes that the applicant has not investigated potential of site solutions to provide housing and therefore meet the objectives of the mixed use policy.

9.8 The applicant has agreed to provide a financial contribution towards off site affordable housing, which would be targeted towards an affordable housing project in the vicinity of the site to increase the number of affordable homes that could be delivered. This figure could be increased in the event that the early payment discount for the Crossrail contribution applies as set out in the later sections of this report.

9.9 The GLA has provided supplementary comments to confirm that the approach described above is acceptable and would meet the requirements of London Plan policy 4.3.

Effect on existing businesses and job creation

9.10 The proposed redevelopment would result in the displacement of up to 61 businesses or 300 jobs which are currently accommodated by the LFWE.

9.11 Tower Hamlets Core Strategy and IPG policies support the retention and increased provision of floor space for small businesses. The draft Managing Development DPD contains policies for local job creation and investment. Policy DM15 supports the upgrading and redevelopment of employment sites outside of spatial policy area and states that development should not resulting the loss of active and viable employment space unless it can be shown, through a marketing exercise, that the site is unsuitable for continued employment use due to its size, location, accessibility and condition. The draft policy goes on to say:

2. *Development which is likely to adversely impact on or displace an existing business must find a suitable replacement accommodation within the borough unless it can be shown that the needs of the business are better met elsewhere.*

3. *Development of new employment floor space will need to provide a range of flexible units including units of less than 250 square metres and less than 1,000 square meters to meet the needs of small and medium enterprises.*

9.12 The applicant has confirmed that the City of London has been operating the building on the basis of subsidised flexible space as part of a bespoke programme and that all tenants have been made aware for of the plans to develop the site. Consequently, it is understood that rents have been kept low and short terms leases offered. All tenants have a minimum of 6 months' notice in their leases and when they have entered into leases they have been made aware of the forthcoming development plans.

9.13 The applicant has also provided details of a decant strategy for existing tenants in the event that planning permission is granted. The strategy is managed by the City of London Corporation and includes dedicated open days and workshops over the last 6 months to meet and offer existing tenants of the London Fruit & Wool Exchange assistance with their relocation and an onsite resource within the existing LFWE building where vacant property is advertised and where tenants can go and meet the 'City Property Advisory Team' and obtain advice and guidance on relocation options.

9.14 The applicant has stated that the City of London Corporation is very keen to retain as many of the tenants as possible within other buildings that they manage for small

business space and to that end have prepared 1 Alie Street in Aldgate specifically as a relocation option.

9.15 In reaching a view on the acceptability of the displacement of existing SME's the impact should be balanced against the potential job creation arising from the proposed development and the extent to which this will benefit residents and businesses in Tower Hamlets. The Socio-Economic chapter of the Environmental Statement states that the development is likely to generate in the region of 2,685 jobs directly and increase spending in the local area by approximately £3.1 million per year. The multiplier effect could lead to 150-200 additional local jobs to the local economy.

9.16 It is not possible through the planning process to guarantee the actual proportion of new jobs opportunities that would be taken up by Tower Hamlets residents or whether jobs in the proposed development will be existing jobs relocated from elsewhere in London, particularly in cases where the occupier(s) of the proposed development are not known.

9.17 The Planning Obligations SPD highlights the currently low proportion of residents finding work in the borough and indentifies a skills mismatch as one of the contributing factors. The SPD sets out a range of measures that can help local residents compete for job opportunities in new development and gain relevant skills and training at both the construction and end user phase of major development through training programmes, job brokerage, work placements and apprenticeships.

9.18 The applicant is also offering to put in place a number of tangible benefits/employment and training mechanisms to ensure local residents and businesses can maximise the job opportunities and that supply chain opportunities might arise out of the proposals. These will be secured as planning obligations and would include:

- Financial contributions towards local skills and training programmes at construction and end user phase;
- Commitments to secure 20% of construction and end user phase jobs through the Council's job brokerage service (Skillsmatch);
- Minimum 75 apprenticeships to be provided at construction phase;
- A strategy to agree minimum targets for apprenticeships and work experience placements at the end user and occupier phase;
- A strategy to provide opportunities for local businesses to bid or tender for the provision of goods and services in accordance with the Councils local procurement code.

9.19 All of these aspects would result in a substantial contribution to both the promotion and improvement of economic well being in this part of Tower Hamlets and therefore on balance would outweigh the impact of displacement of the existing businesses within the LFWE. With any comprehensive development scheme involving existing employment space, some level of displacement is inevitable but this must be balanced against the longer term potential job creation and economic benefits.

9.20 Taking into account the measures put in place by the owner to manage relocation of existing businesses, the measures proposed by the applicant to help maximise job

opportunities, training and local enterprise growth for local residents and businesses along with the replacement provision of 1,400 sq metres of small business space in the new development, officers consider that on balance the economic and regeneration benefits of the development would outweigh the harm arising from the displacement of existing jobs.

Proposed retail uses

9.21 The proposed development would include a mix of retail, restaurant and café units located on the ground floor and facing onto adjoining streets. The main concentration of retail related uses would be on the Burchfield Street frontage. London Plan policy for the CAZ states that new development should contain a mix of uses including retail and related activities. The Core Strategy supports this approach.

9.22 Whilst the site is not within a designated town centre, it is located within the City Fringe and the provision of retail space in this area is supported by the IPG City Fringe Area Action Plan 2007 which acknowledges the role of retail use supporting commercial office function. The proposed retail units would be 300 sq metres or less to provide a mix commensurate with the immediate location, characterised by mainly small scale, independent shopping interspersed with food and drink uses. Retail and related uses will also contribute to the vibrancy of Spitalfielfds and would be in line with the strategic priorities for the area set out in the Annex to the Core Strategy, to promote mixed use development which adds to the vibrancy, economy and character of the area.

Loss of parking facilities

9.23 A number of objections relate to the loss of the multi-storey car park in terms of readily available parking for traders and visitors and the loss of free parking facilities for motor cycles.

9.24 The Council's Transportation and Highways Section and TfL have raised no objection in principal to the loss of the car park. The Parking Study submitted with the application has identified that whilst the car park is well used by motorcycles, it is under utilised by cars. This is likely to be influenced by the provision of free parking for motor cycles and the location of the car park within the boundary of the Central London Congestion Charging Zone (boundary runs along Commercial Street) which means that car drivers would be liable to pay the Congestion Charge in order to access the car park.

9.25 The Parking Study Survey undertaken in support of the planning application identifies other off-street car parks in the area which cater for motorcycle parking. However, this parking is offered at a cost, whereas motorcycle parking at White's Row is currently free of charge.

9.26 LBTH Transportation and Highways have provided additional comments noting that:

- People with a valid Tower Hamlets residential parking permit can park in any of the corresponding permit bays in the surrounding area;
- Motorcyclists without residential or business parking permits, there are a number of on-street pay and display parking bays in the surrounding area;

- There are also a limited number of designated on-street motorcycle bays which are free to use by both permit holders and non-permit holders in Bell Lane (6), Wentworth Street (8) and Spital Square (3);
- There are alternative off street options available in the surrounding area - three car parks within 0.6 miles of the existing Whites Row car park - Spreadeagle Yard (100 spaces), Great Eastern Street (125 spaces) and Goulston Street (110 spaces);
- The displaced motorcycle parking can be accommodated through other off-street car parks in the area (although this will be chargeable as opposed to the current free of charge situation at Whites Row) and through the on-street provisions in the surrounding area.

9.27 In conclusion, officers consider that the proposed loss of the existing car park would be acceptable in both land use and highway terms and that there is no compelling evidence that the loss would have a demonstrable harmful impact on economic vitality in Spitalfields.

Public House

9.28 The application proposes to demolish the existing public house and to provide a replacement licensed premises in the same location, on the corner of Brushfield Street and Crispin Street as part of the mix of ground floor uses. Re-provision of the public house would be in line with Policy RT6 of the IPG 2007 which seeks to prevent the loss of public houses. The Council has also received correspondence from the licensee of the Gun PH supporting the proposed development.

Loss of private leisure facilities

9.29 A number of local objections relate to the loss of existing gym and squash courts provided as ancillary to the main use of LFWE by a private operator. The facility at LFWE has recently closed following the establishment of a new outlet by the same operator in the Nido Tower at Frying Pan Alley (south west of the site). The facility at LFWE appears to have been ancillary to the main use of the building for employment purposes and did not benefit from a separate planning permission. There are no proposals to re-provide the leisure facility within the proposed development.

9.30 The Council has secured a contribution towards indoor leisure facilities in line with the Planning Obligations SPD. On balance, officers do consider that the loss of the squash courts would cause sufficient harm in terms of leisure and sports provision to require direct re-provision or outweigh the other economic benefits of the development.

9.31 To conclude this section of the report, the scheme would provide an employment-led mixed used development that would provide a variety of type and size, including large floor plate office space, SME space, retail accommodation and associated active uses. The proposals will also facilitate locally-based employment and training opportunities. The scheme therefore accords with policies x 2.10, 2.11, 4.1, 4.2, 4.3 and 4.12x of the London Plan (2011), saved policies DEV3, EMP1, EMP7, EMP8 of the UDP (1998), policies SP01 and SP06 of the Core Strategy (2010) and CFR10 of the City Fringe AAP (2006).

Demolition in the Conservation Area

9.32 Conservation area consent is sought to demolish the LFWE (behind the retained front elevation), the bank, the Gun Public House and White's Row car park. Demolition is proposed to enable the redevelopment of the site for office led mixed use purposes as set out in the accompanying planning application.

9.33 PPS5 requires Local Authorities to take account of a heritage asset's designation and expert advice from bodies such as English Heritage and its overall value as a heritage asset. PPS5 also requires authorities to take into account the desirability of sustaining and enhancing the significance of heritage assets and the positive contribution of that asset. There is a presumption in favour of the conservation of designated heritage assets and PSS5 advises that more significant the designated heritage asset, the greater the presumption in favour of its conservation should be.

9.34 Local planning authorities are also advised to treat favourably applications that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset.

9.35 The preservation and enhancement of conservation areas, in the context of proposed development, requires recognition of the quality of existing assets, both buildings and places combined with a strong understanding of what is significant and therefore valuable and worthy of preservation or enhancement. It is this that in turn informs successful responsive development that is sensitive to the significance of its place.

9.36 The adopted Conservation Area Character Appraisal and management Guidelines for Brick Lane and Fournier Street Conservation Area refer specifically to the LFWE:

The City of London's Fruit and Wool exchange and Old Spitalfields Market are buildings of interest in themselves and make a positive contribution to the character of the Conservation Area. They were placed into the Fournier Street and Brick Lane Conservation Areas instead of other adjoining Conservation Areas because they form the prime focus for the setting of the front elevation of Christchurch Spitalfields. The multi-storey car park next to the Fruit and Wool Exchange is a gap site suitable for development; nevertheless the current building is at an appropriate scale and in itself forms an important transition between this Conservation Area and the Wentworth Street Conservation Area.

Its [LFWE] merit lies in its sympathetic relationship to Christchurch Spitalfields through its scale, materials and detailing, thus providing a suitable setting for the church and other surrounding listed buildings

9.37 A balanced approach is fundamental to decision making on a site as sensitive, complex and large as that occupied by the London Fruit and Wool Exchange.

9.38 Policy HE7 of PPS5 guides applications relating to heritage assets and advises that when considering impacts on heritage assets and their settings, the "particular nature of the significance of the heritage asset" (paragraph HE7.2) must be established in order to understand the nature and level of impact that may occur.

9.39 The applicant has carried out an assessment of the significance of LFWE, the bank building, The Gun Public House and the car park (undesignated heritage assets) and an assessment of the effect of their loss and subsequent replacement on the Brick Lane and Fournier Street Conservation Area, Artillery Passage Conservation Area, Christ Church Spitalfields, 5 White's Row and 52 Brushfield Street.

9.40 The applicant's assessment concludes:

- undesignated Heritage Assets are of limited significance;
- the principles of any significance could, in any event, be taken forward as part of a replacement building – e.g. materials, proportions, height etc;
- the undesignated heritage assets make a limited contribution to the significance of the designated heritage assets;
- the impact of the loss of the undesignated Heritage Assets on the significance of the designated heritage assets is less than 'substantial harm';
- Policy HE9.4 of PPS5 should apply, but for completeness the proposals have also been tested against policy HE9.2.

9.41 Officers note that English Heritage have objected to the proposed demolition and redevelopment and have urged planning permission and conservation area consent be refused. In terms of the starting point for assessing the proposals, English Heritage set out in detail why they consider that the undesignated assets are of significance in themselves and their demolition would cause substantial harm to the conservation area. Accordingly English Heritage advise that the more stringent tests of policy HE 9.2 of PPS5 should apply in this case.

9.42 Officers consider that the advice of English Heritage as the government's national heritage advisor should carry substantial weight in determining the applications and that it is correct and robust to consider the proposals against both policies HE9.2 and HE9.4.

Policy HE9.2 states:

Where the application will lead to substantial harm to or total loss of significance local planning authorities should refuse consent unless it can be demonstrated that:
(i) the substantial harm to or loss of significance is necessary in order to deliver substantial public benefits that outweigh that harm or loss.

Policy HE 9.4 states:
Where a proposal has a harmful impact on the significance of a designated heritage asset which is less than substantial harm, in all cases local planning authorities should:
(i) weigh the public benefit of the proposal (for example, that it helps to secure the optimum viable use of the heritage asset in the interests of its long-term conservation) against the harm; and
(ii) recognise that the greater the harm to the significance of the heritage asset the greater the justification will be needed for any loss.

9.43 In considering the extent to which the proposals would meet the PPS5 policies, the Council has had regard to the potential to re-use the existing buildings, the quality of the proposed replacement buildings, wider public benefits arising from the

development including the contribution of the proposed development to economic wellbeing and social well being.

Potential to re-use existing buildings

9.44 English Heritage and other third parties have objected to the extent of demolition of the unlisted buildings within the Conservation Area. The Mayor of London has drawn attention to the demolition of the public house in his Stage 1 report.

9.45 In heritage terms, there is no objection to the demolition of the car park, which is considered to be an opportunity site in the Conservation Area Character Appraisal. The principal LFWE facade would be retained and incorporated in a positive way within the new development. The return elevations of LFWE itself onto Crispin Street and Commercial Street are considered less architecturally or historically important. However, the Gun Public House and the Bank are prominent buildings within their own right and would be demolished in entirety. In coming to a view on the extent of demolition, it is important to understand why the corner buildings cannot be retained as part of the proposed development.

9.46 The applicant has set out detail in the Design and Access Statement the commercial, technical and significant commercial reasons why retention of the corner buildings cannot be retained either in part or in full within the proposed development. In summary these are:

-
- Both corner buildings were developed at different dates they have different floor levels from LFWE;
- The difference in floor levels is more pronounced in the public house than in the bank;
- Retaining the corner buildings would interrupt the continuity of the floor plates at upper level;
- Adjusting the internal floor levels to align better would result in internal steps or ramps
- If the facades were retained, the interruption to floor levels would be less severe, but misalignment with existing windows would compromise daylight and sunlight to the office space.
- The size and flexibility of the office floors in the new development are the most powerful commercial attribute of the scheme;
- Retention of the corner buildings would suppress the identity of the new development.

Quality of proposed replacement buildings

9.47 The Historic Environment Planning Practice Guide (March 2010) issued to accompany PPS5 encourages Local Planning Authorities "to seek well conceived and inspirational design that is founded on a full understanding of local context".

9.48 The applicant’s Design and Access Statement demonstrates how the design of the proposed development has evolved, following a full understanding and analysis of the local context and pre-application consultation with stakeholders. Amended plans were submitted to respond to further comments made during the statutory consultation stage. The Environmental Statement includes a thorough Townscape

and Visual Amenity Assessment (TVAA) including verified CGHI visual assessments on a number of key views. The TVAA has been updated to take into account amendments to the architectural treatment of the building.

9.49 The Council's Design and Conservation Officer has considered the TVAA, application plans and supporting material and has concluded that "the new development is 'well conceived' and relates well to the historic and more modern buildings within its setting. Most importantly, the setting key views to Christ Church Spitalfields along Brushfield Street are maintained by the retention of the LFWE façade, with the upper stories to the new building being significantly set back."

9.50 The Council's Design and Conservation Officer has also drawn attention to improvements to the townscape along Commercial Street, Crispin Street and White's Row, improvements to permeability through the provision of a new pedestrian route, the removal of White's Row car park, the provision of new open spaces and proposed off site improvements to public realm within the conservation area. The detailed consideration of the design merits of the new development is covered in paragraphs 9.57 – 9.75 below.

Economic and social well being – a balanced approach

9.51 The existing accommodation provides approximately 300 jobs. The proposed development will provide high quality office accommodation within the City Fringe and generate between 2,500 and 3,000 jobs.

9.52 As part of the scheme an element of purpose built Small and Medium Enterprise (SME) accommodation is also proposed which would provide flexible business space and will ensure that a diverse range of businesses can be accommodated throughout the site. The scheme will also provide new shops and restaurants reinforcing and engaging services offered in the area as well as providing additional employment opportunities.

9.53 The applicant also cites a number of indirect benefits flowing from the development including increased local spending, estimated to be approximately £3.1 million per year, 150-200 additional local jobs arising from local economic growth, demolition and jobs arising from construction work, improved sense of place as a result of the scheme and new public realm, improved pedestrian permeability, new areas of public open space and increased street activity arising from ground floor retail uses.

Conclusion

9.54 The proposal would involve substantial demolition within the conservation area and the proposals must be considered against the policies in PPS5. For the reasons set out above officers conclude that the harm caused by the loss of the existing building would on balance, be outweighed by the proposed replacement and its attendant benefits.

9.55 The policies set out in HE9 of PPS5 require local planning authorities to recognise that the greater the harm to the significance of the heritage asset the greater justification will be needed for any loss.

9.56 Officers are satisfied that the level of harm to the significance of the conservation area is justified by the replacement building satisfying stringent townscape concerns through high quality design, improvements to public realm and bringing sufficient public benefit through the new building itself, the opportunities it will offer in terms of economic and social well being.

Urban Design

9.57 National planning policy in PPS 1 notes the inherent link between good design and good planning:

"Planning authorities should plan positively for the achievement of high quality and inclusive design for all development...Good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted."

9.58 The London Plan, Tower Hamlets Core Strategy, saved UDP policies and IPG all reflect the guidance in PPS1, with polices promoting high quality design in new development. The draft MD DPD states:

"Development will be required to be designed to the highest quality standards, incorporating principles of good design, including ensuring design is sensitive to and enhances the local character and setting of the development, taking into account the surrounding scale, height, mass, bulk and form of development, building plot sizes, plot coverage and street patterns, building lines and setbacks, roof lines, streetscape, rhythm and other streetscape elements, design details and elements and natural environment."

9.59 In considering the design merits of the proposed development, officers have also had regard to the requirement to preserve or enhance the character and appearance of Brick Lane and Fournier Street Conservation Area, the guidance in the relevant character appraisal and the effect of the proposed development on the setting of adjacent listed buildings and in particular the key view along Brushfield Street towards Christ Church Spitalfields.

<u>Scale, height and mass</u>

9.60 The height of the proposed building has been determined by the height of the parapet on the retained Brushfield Street elevation. The height of new build elevations on all four sides of the development would not exceed this, thereby providing a unifying approach to height whilst ensuring that the new elements would not overwhelm the scale of the retained facade. The building height would step down towards White's Row, to provide a more appropriate relationship to the lower scale, character of this street.

9.61 The top two floors would be set back by 9 metres from the principal elevations and expressed with a different architectural approach. The resulting building would be only one storey or approximately 3 metres taller than the height of the existing LFWE (top of 1960s extension). The verified CGI views included in the TVAA show that the top two floors would not be visible in the key view along Brushfield Street. The main

changes to this key view arise from the alteration to the ground floor of LFWE and the reinstatement of the stone centre piece, both of which are considered to be beneficial, along with the replacement of the corner buildings with new development of similar scale to the retained elevation.

9.62 The overall scale and mass of the proposed development would be greater in totality than the existing buildings on the site. This is would be most apparent in the long views north and south along Commercial Street where the bank building, side elevation of the LFWE and car park are seen as three separate elements with gap between LFWE and the car park. Throughout the design development process officers have emphasised the importance of ensuring that the perceived scale of the new development is not detrimental to the views along Commercial Street or harmful to the setting of Christ Church of the listed Spitalfields Market buildings.

9.63 The amended design response breaks the east elevation of the building into three distinct elements - the corner replacement for the Bank, the main building elevation and the lower element towards White's Row. The changing rhythm of brick piers and variation between solid and void element combined with changes in the alignment of the elevations significantly breaks down the perceived mass of the development along Commercial Street and echoes the existing scenario. The entrance to the SME accommodation is set back and revealed through a change to the architectural elements around it. The entrance would lie in approximately the same position as the existing service road entrance and would serve as a marker for the alignment of former Dorset Street.

9.64 In conclusion, officers are of the view that whilst the proposed development would be of a greater mass and scale than the existing buildings to be demolished, the carefully considered and intelligent design response would break down the perceived mass and scale in a manner appropriate to the sensitive nature of the site and its surroundings.

Relationship with listed buildings

9.65 The differing architectural expression at all four corners, to respond to the specific circumstances, further breaks down the perceived mass of the building and provides an appropriate response to the setting of adjoining listed buildings and non-listed buildings within the conservation area. The TVAA verified images show an appropriate high quality design response in terms of overall scale, rhythm and use of material detailing to the setting of Christ Church, 52 Brushfield Street, 66-68 Bell Lane and 5 White's Row. In the case of Buildings on Bell Lane and White's Row, the new development would significantly enhance the setting of the listed building by replacing the multi storey car park which has a harmful effect on its setting. The proposed corner element at Brushfield Street and Crispin Street would provide a similar degree of transition that the existing public house provides through careful attention to materials and proportions in order to mitigate between the grand scale of the LFWE main facade and the much smaller scale, 18th Century building.

9.65 The set back top two floors are revealed most prominently on the north east corner of the development in the views from the north where they are seen in context with the east elevation of Spitalfields Market. Officers have some concern about the effect of this element on the setting of the Grade II listed market buildings in terms of the

perceived scale in relation to the proportions of the main corner element giving the impression that the development is “top heavy”. However as the top two floors are no dominant in any of the other key views, officer are satisfied that this could be resolved through a more considered response to the tone of external, facing materials and minor changes to reveal the divide between the two floors. An appropriate condition is recommended to deal with this issue.

Relationship to the conservation areas

9.66 In considering whether the development would preserve or enhance the character and appearance of the Brick Lane and Fournier Street Conservation Area, officers have evaluated the effect on the streets immediately surrounding the site and the impact on key public views from within the conservation area. The description of the significance of the existing LFWE building within the Character Appraisal is also important in considering the impact of the proposed development.

9.67 The proposed development would improve the appearance and streetscape along Commercial Street, Whites Row and Crispin Street through the demolition and replacement of the multi-storey car park which does not have a beneficial impact on the conservation area and is described in the Character Appraisal as an opportunity site. The development would bring an improved appearance to these streets, with a contextual and responsive design and by intruding an active ground floor. This development would relate well in terms of materials and size/scale of the development to the historic environment, particularly when considered in the context of nearby listed buildings and other undesignated heritage assets.

9.68 The proposal would successfully retain and adapt the main Brushfield Street elevation of LFWE, proving a new public interface with the street at ground floor, reinstating the stone centre piece and removing the unsightly 1960s roof extension. The proposed corner elements have been re-designed in the amended plans and now provide a much improved relationship to the retained facade and the adjacent buildings.

9.69 The development would result in the eradication of Duval Street which provides an at grade private servicing/parking space to the rear of LFWE. Objections to the removal of this private road have been raised by English Heritage, referring to its historic significance and by several third party objectors. Whilst Duval Street is on the approximate alignment of Dorset Street, a historic thoroughfare and at times a notorious street, its character was significantly changed by the assembly of two large development plots either side to construct the LFWE in 1929 and later the car park. Duval Street is not adopted and is not generally used as a public route.

9.70 The development would improve the permeability of the site with a new north-south route and a new open space to the south-west corner of the site. The new route through the development would provide a more logical thoroughfare, linking Brushfield Street and Spitalfields Market with Whites Row and on to Artillery Lane and Liverpool Street Station via a sequence of new public spaces. Duval Street has very limited benefit in terms of permeability and is not an attractive thoroughfare being framed either side by the rear elevation of LFWE and the ground floor of the car park. In conclusion the significance of the line of the former street is not

considered such that its loss, viewed in the context of the whole development, is harmful to the Brick Lane and Fournier Street Conservation Area.

9.71 The relationship of the proposed development to Artillery Passage Conservation Area lies principally in the effect on key views towards the south west corner of the site. The present condition means that the two main public views from Artillery Lane and Bell Lane are dominated by the stark painted frame of the multi-storey car park against the predominant fine grain, brick faced Georgian and Victorian buildings. In the view from Bell Lane the corner of the car park appears in the foreground setting of the Spitalfields Market and is a poor neighbour to its surroundings.

9.72 The proposed development would have a beneficial effect on both the visual amenity and on the townscape character in this view. It would replace an anaesthetically poor building with a well-designed and appropriately-scaled one, built of materials that would sit comfortably in the historic context.

9.73 This view along Artillery Lane is important as it contains the listed 18th Century shop building on the right and embodies the character of tight historic urban grain that formerly predominated in this part of London. The proposed development would have a major beneficial effect on visual amenity in this view by replacing the car park with a well-designed building of appropriate scale and a major beneficial effect on townscape character by introducing open space and a visibly accessible pedestrian route through the site.

9.74 In summary, there is overall an absence of harm to the character and appearance of the both Brick Lane and Fournier Street and Artillery Passage Conservation Areas or harm to the setting of Listed Buildings, when a balanced approach to the development in taken in consideration of its totality. Significant aspects of the proposal represent enhancements to existing conditions. This is particularly so in the case of the Whites Row Car Park demolition and its replacement with building sensitive and contextual to Whites Row itself, retention of the attractive façade of the LFWE building, improvement to the views north and south along Commercial Street, the active ground floor uses brought to a large part of the perimeter of the site and the new public space. The development would maintain the significance of the key view along Brushfield Street to Christ Church and the modest increase in overall height would ensure that the Church remains the dominant building in this part of the conservation area.

9.75 To conclude, the development embodies recognised principles of good design. It would not detract from the visual amenity of the area by means of its carefully evolved scale, detailing and proposed use of appropriate materials. The development would both preserve and enhance the character and appearance of the conservation area and enhance the setting of listed buildings. The development would comply with policies in PPS1, London Plan, Core Strategy, IPG, UDP and emerging MD DPD that require new development to be of the highest design quality.

Residential Amenity

9.76 The UDP saved policies (DEV2) seek to protect the amenity of residential occupiers and ensure that adjoining buildings are not adversely affected through loss of privacy or detrimental impact on their daylight or sunlight conditions.

9.77 The site lies in a highly urban location, surrounded by a mix of commercial activity, including night time uses such as public houses, bars and restaurants. There is residential accommodation close to the site; the nearest properties being at 50, 52, 53-59, 67-77 Brushfield Street, 2-8, 5, 11-12 White's Row and 45, 46 and 50 Crispin Street.

9.78 The main impacts on residential amenity that need to be considered are noise and disturbance and the relationship of the proposed development in terms of daylight/sunlight, loss of privacy and light pollutions.

Noise and disturbance

9.79 The proposals include a substantial element of ground floor retail activity, restaurants, cafes and a replacement public house. Whilst the main concentration of such uses is on Brushfield Street frontage, the development does include a proposed restaurant on the southwest corner adjacent to the new public space, which would introduce additional activity into these streets.

9.80 Whilst the additional activity would be supported in terms of reinforcing the vibrancy of Spitalfields, the likely effects in terms of late evening noise and disturbance from customers has been realised in third party correspondence and needs to be carefully considered. Environmental Health colleagues have not commented on the impact of the increased perimeter retail activity, officers consider that it would be appropriate to control the opening hours for ground floor retail, café and restaurant outlets in order to protect residential amenity. An appropriate condition is recommended.

9.81 Any external plant and machinery, such as mechanical ventilation and or air conditioning plant may also give rise to noise and vibration impacts and this is considered in detail in the associated Environmental Statement. Tower Hamlets Environmental Health have raised no objection in principal to the development but have recommended a condition to control maximum noise emissions from external plant.

Daylight / sunlight

9.82 The proposed building has been assessed in terms of its potential for impact on the amenity of the site and the surrounding area. Chapter 14 of the ES assesses the daylight and sunlight on nearby properties.

9.83 The site lies in a dense urban location and is already developed with a five storey commercial building (LFWE and four storey car park) which have an effect on their neighbours due to scale and proximity, particularly on White's Row which is a narrow street.

9.84 The proposed development would have overall a larger volume than the existing LFWE and car park and would replace the open space within Duval Street with built development. However the development would be contained within the same foot print as the existing buildings, would only be one storey taller than the existing LFWE, would step down in height to the south to relate to the lower rise buildings in White's Row and would be modelled to create an open space on the south west corner, where the car park currently stands.

9.85 The Environmental Statement considered the proposed development's potential impacts and likely effect to daylight, sunlight and overshadowing at residential properties surrounding the site. Relevant policies and guidance at National, Regional and local level have been considered and have informed the criteria and methodology used in the assessment. In particular, the assessment methodology has followed the Building Research Establishment Guidelines, which provides advice on site layout planning to achieve good sunlighting and daylighting within buildings and in the open spaces between them. The BRE Guidelines states that numerical guidelines should be interpreted flexibly and take into account the context of the site and its surroundings.

9.86 The assessment of existing surrounding receptors considered the baseline conditions which confirmed that many surrounding properties receive relatively low levels of daylight and sunlight due to the dense urban location and the impact of the existing buildings. The daylight and sunlight assessment therefore takes into account both absolute effects and the relative change that would be experienced.

9.87 As regards daylight, all but four of the surrounding properties assessed would meet the BRE Guidelines recommendations in respect of the level of change, i.e. not exceeding 20% reduction. For the four properties which contain windows not meeting the BRE Guidelines, it is generally the case that the reductions in VSC only go fractionally beyond the recommended 20% level of change.

9.88 With regard to sunlight, it is also the case that the majority of the surrounding residential windows will meet the BRE Guidelines' recommendations. Many of the residential windows which do not meet the Guidelines' generally do so due to slight reductions in winter levels of sunlight, whilst retaining good levels of sunlight in excess of the Guidelines in terms of their total throughout the year.

9.89 There are also a few other instances where some windows experience reductions of summer sunlight which go slightly beyond the Guidelines recommendations, but many of these relate to rooms which are likely to be used as bedrooms, not considered as sensitive in regard to sunlight.

9.90 The permanent overshadowing analysis of the proposed public space in the south-west corner of the site shows that the area will be very well lit and meet the BRE Guidelines "Ideal" recommendations.

9.91 The Environmental Statement has been subject to an independent review by the Council's retained consultants. Minor comments and request for clarifications were requested to ensure the methodology has been applied consistently throughout the assessment. An addendum has been provided to update this part of the assessment.

9.92 On balance, the proposed development has been designed to take into account its particular context location or constraints in terms of height and massing to ensure negligible effects to surrounding properties, taking into account the constraints of the site and the dense urban context. The proposed development would meet the objectives of IPG Policy DEV1 and saved UDP policy DEV 2 in terms of safeguarding the amenity of adjoining occupiers and policy DM25 of the Managing Development DPD.

Overlooking and outlook

9.93 The UDP, IPG and supporting text to policy DM25 indicate that privacy can be safeguarded by maintaining a separation of 18 metres between facing windows, although this standard is normally applied to residential development.

9.94 In the majority of cases the proposed development would not result in facing windows closer than 18 metres to the nearest residential property. In the northern part of Crispin Street and the eastern part of White's Row, face to face separation would reduced to 11 metres and 9 metres respectively. However, this would be no worse than the existing scenario, as the elevations follow the line of the former Gun Public House and rear elevation of White's Row car park.

9.95 Given the building would be primarily in office use, the space would be less intensively used than residential accommodation and would not give rise to direct overlooking. It would be inappropriate in urban design terms to set all elevations back from the existing building line to increase street width. Furthermore as stated above, the increase in overall massing would not give rise to loss of outlook or increase sense of enclosure.

Light spill

9.96 Officers requested that the applicant to carry out a detailed light spill assessment as an addendum to the Environmental Statement to assess the potential effects of light spill fro the upper floor windows of the development on adjacent residential occupiers. The assessment tested two potential scenarios both pre-curfew (pre 11pm) and post-curfew (post 11pm) as set out in the Institute of Lighting Engineers' *Guidance Notes for the Reduction of Obtrusive Light* (2005).

9.97 For both scenarios, light spill levels were found to be acceptable pre-curfew. Post-curfew light spill levels, which are rated against much lower light limitations, were also found to be acceptable in the scenario that all office windows have blinds drawn. However light spill assessment shows that a number of residential windows would fail without any blinds drawn, using a worst case scenario of full occupancy and all lights left on after dark.

9.97 The highest levels of light trespass in this latter scenario are likely to be experienced along White's Row and Crispin Street where residential properties are closest.

9.98 It is considered fairly unlikely that many employees would be working post-curfew hours and therefore relatively few lights within the office should be lit post 11pm. The applicant has agreed to require the use of roller blinds post 11pm through a Window Management Protocol which will form part of the Management Strategy and Tenants Contracts (i.e. all building occupants are to be made aware of this requirement as part of their induction programme).

9.99 The use of light fittings controlled by PIR (activity) sensors, which would switch lights on and off according occupancy, would ensure lights are not left on when parts of the building are unoccupied, contributing to energy efficiency. The internal light fittings installed along the perimeter of the building and located within 3 metres from the windows would be dimmed down significantly from the normal office lighting level. No external lighting is proposed other than potential low level ground based up-lighters in

surrounding pavements which would be controlled through the detailed public realm improvement scheme.

9.100 These mitigation measures have been agreed with the applicant's lighting designer and architects. A detailed lighting scheme laying out these requirements as part of the detailed design stage submission will be conditioned as part of this permission.

Transport and Access

9.101 PPG 13 (2011 as amended) sets out the Government's policy in relation to transport. The Guidance promotes more sustainable transport choices, accessibility for jobs, shopping, leisure facilities and services by public transport, walking and cycling; and reduce the need to travel especially by car.

9.101 London Plan policy 6.1 seeks to ensure the integration of transport and developments by encouraging patterns and forms of development that reduce the need to travel especially by car, improving public transport accessibility and capacity and relating parking provision to public transport accessibility.

9.102 IPG Policy DEV18 states that a travel plan will be required for all major developments. Saved policy DEV19 of the IPG states that development is required to comply with the parking levels set out in the planning standards. Policy DEV17 of the IPG states that all development is required to include adequate space for servicing and appropriate circulation routes and all developments should be supported by a transport assessment to identify the impacts on the transport network and assess its capability to support the development and where relevant, provide details and measures to mitigate adverse impacts of development or secure additional capacity.

9.103 The site has a Public Transport Accessibility Level (PTAL) of 6B, which means that the site is highly accessible by public transport. The proposed development includes the provision of new spaces for pedestrians as well as cycling facilities. A transport assessment is submitted as part of the application documentation and includes a draft Travel Plan Framework for the redeveloped site. The TA has considered the potential impact on the existing transport networks as a result of the proposed development.

9.104 LBTH Highways and Transport for London conclude that the development would not result in an increase in trips on the surrounding highways and that the impact of the development can be accommodated within the capacity of the existing bus network.

9.105 A total of eight visitor parking spaces are proposed, including two disabled spaces. Whilst the highly accessible location would present opportunities for a car free proposal, LBTH Highways and TfL accept that parking provision would be below the maximum indicated by relevant policy standards for this scale of development.

9.106 Satisfactory provision has been made for employee cycle and motorcycle parking within the basement of the development to encourage more sustainable modes of transport. Further information has been requested to ensure that the layout of the cycle stands is acceptable and that appropriate changing and shower provision is made. Details of cycle parking provision for visitors within the site boundary will also be further conditioned.

9.107 The application includes a framework travel plan which will be used as the basis for the submission of individual travel plans prepared by future tenants of the component parts of the development.

Inclusive access

9.108 The proposed route would include two ramps to deal with a 1.4 metre fall in levels across the site from north to souh. The Council's Access Officer considers that the length of the route is are such that the minor change in levels could be accommodated without the need for distinct ramps by "smoothing" the route creating an equivalent shallow 1:50 gradient across the site that would be barely perceptible by users. This would also enable a more satisfactory at grade solution between the southern edge of the external public space and White's Row. A condition requiring finished floor levels for the public routes and open spaces is recommended.

9.109 An addendum to the design and access statement has been provided to demonstrate that the all areas of the new public route would be accessible for wheelchair users. Combined with amendments described above, officers consider this would address the comments included in the Mayor of London Stage 1 report.

Servicing and waste

9.110 Servicing would take place via a combined service yard for the whole development located off Crispin Street and would allow all servicing to take place within the confines of the site. TfL support the location due to the reduced effect on Commercial Street compared with the existing situation.

9.111 Following the submission of additional information, LBTH Highways have raised no objection to the proposed servicing and waste arrangements subject to controls to prevent servicing taking place during peak hours (0700-1000 and 1600-1900 hrs Mondays – Fridays). Further controls over serving are also recommended by officers to prevent servicing activities during quieter night time periods due to the proximity of residential properties on Crispin Street and are included in a condition.

9.112 The proposed footway crossing for the service yard would be 10 metres which is considered excessive for pedestrians to cross without a suitable refuge. The applicant has stated that there may be opportunities to reduce the width of the footway crossing at detailed design stage. An appropriate condition is recommended.

Crossrail

9.113 In view of the strategic regional importance of Crossrail, London Plan policy 6.5 states that contributions will be sought from development likely to add or create congestion on central London's rail network. This will be through planning obligations calculated in accordance with the approach set out in the Mayor of London's Supplementary Planning Guidance PG) Use of Planning Obligations in the funding of Crossrail. The development would give rise to a contribution of £2,111,198. Further detail is set out in "Planning Obligations" below.

Sustainable Construction and Energy Efficiency

Sustainable construction

9.114 In relation to overall sustainability, Draft Policy DM 29 requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. At present the current interpretation of this policy is to require all non-residential developments to achieve a BREEAM Excellent rating. The proposals aim to achieve a minimum score of 74.23% against BREEAM Office 2008. The achievement of this score and a BREEAM Excellent rating is supported by officers and the Council's Sustainable Development Team.

Energy efficiency

9.115 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).

9.116 Policy SO3 of the Core Strategy (2010) seeks to incorporate the principle of sustainable development, including limiting carbon emissions from development, delivering decentralised energy and renewable energy technologies and minimising the use of natural resources. The London Borough of Tower Hamlets Core Strategy Policy SP11 requires all new developments to provide a 20% reduction of carbon dioxide emissions through on-site renewable energy generation where feasible.

9.117 The Draft Managing Development 'Development Plan Document' Policy DM29 includes the target to achieve a minimum 35% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy. The current proposals fall significantly short of the draft policy.

9.118 The proposed Energy Strategy sets out the anticipated energy and carbon savings at each element of the Energy Hierarchy:

- Use less energy (Be Lean) – 1.9% savings
- Supply energy efficiently (Be Clean) – 0%
- Use renewable energy (Be Green) – 9.4%

9.119 The proposed design CO2 emissions compared to baseline conditions would equates to an 11.1% reduction.

9.120 The current proposals also fall significantly short of the adopted development plan policies for reducing CO2 emissions through renewable energy (9.45% against a target of 20%) and for reducing overall CO2 emissions (11.1% against a minimum requirement of 25%).

9.121 The London Borough of Tower Hamlets Planning Obligations SPD Environmental Sustainability requirements sets out that 'where officers consider all opportunities to meet the relevant London Plan carbon dioxide reduction targets on-site have been exhausted, contributions to a carbon offset fund will be sought to meet the shortfall.' This is in line with London Plan Policy 5.2 which states 'the carbon dioxide reduction targets should be met on-site. Where it is clearly demonstrated that the specific targets cannot be fully achieved on-site, any shortfall may be provided off-site or through cash in lieu contribution to the relevant borough to be ring fenced to secure delivery of carbon dioxide savings elsewhere'.

9.122 The development and detailed operational principles of the proposed carbon reduction fund is at an early stage. The applicant has offered a number of financial contributions and other obligations in line with relevant polices to mitigate the impact of the development and the total package has been tested against the scheme viability. Officers note that the energy strategy has explored a range of options and that the potential to meet the relevant emission reduction targets is constrained within office-led developments. The development would provide benefits to other aspects of sustainability including sustainable construction and biodiversity improvements. Consequently, officers have not sought a financial contribution in this case.

Biodiversity

9.123 The site currently consists entirely of buildings and hard surfaces, and is consequently of negligible biodiversity value. However there would be a negative impact if black redstarts were nesting on the existing buildings at the time of demolition. To ensure this does not happen, a condition should be imposed that, if demolition is to take place during the black redstart nesting season (April to July inclusive), a black redstart survey should be undertaken immediately prior to commencement of demolition to ensure that black redstarts are not nesting on the buildings. If black redstarts are found to be nesting, demolition must not start until the young have left the nest.

9.124 Green roofs and other soft landscaping are proposed. Bird and bat boxes are also proposed. These will ensure an overall benefit to biodiversity. A condition should require details of green roofs and other biodiversity enhancements to be agreed by the Council before commencement of work, and implemented as agreed before the buildings are occupied.

Planning Obligations

9.125 As set out in Circular 05/2005, planning obligations should only be sought where they meet the 5 key tests. The obligations should be relevant to planning, necessary to make the proposed development acceptable in planning terms, directly related to the proposed development, fairly and reasonably related in scale and kind to the proposed development and reasonable in all other respects.

9.126 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 necessary to make the development acceptable in planning terms, directly related to the development and are fairly and reasonably related in scale and kind to the development.

9.127 Policies 6A.5 of the London Plan (2008), 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.

9.128 The Planning Obligations Supplementary Planning Document sets out Tower Hamlets priorities for planning obligations and the types of development for which obligations may be sought. Where obligations take the form of financial contributions, the SPD sets out relevant formula that will be applied to calculate the contribution or whether the contribution will be negotiated on a case by case basis.

9.129 The Planning Obligations SPD allows a degree of flexibility in negotiating obligations to take account of development viability, any special circumstances of the case and benefits that may be provided in kind (e.g. open space and public realm improvements).

Employment skills training and enterprise

9.130 The proposed development would create new jobs in the office, retail and related services sectors. Employment training and enterprise is one of Tower Hamlets key priorities. The standard SPD contribution would be £630,081.03 made up of £107,573.48 for the construction phase and £522,507.55 for the end user phase. The applicant has offered £700,000 to wards employment, skills, training and enterprise which exceeds the standard SPD contribution, in recognition of the Council's priorities, the displacement of existing jobs from the site pending redevelopment. Members are asked to note that in accordance with the provisions of Regulation 122 and Circular 05/05 this additional financial contribution is not necessary to make the development acceptable in planning terms and does not constitute reasons to grant planning permission.

9.131 In addition to the financial contribution the officers have negotiated with the applicant a number of related benefits set out within an employment, training and enterprise strategy which will be secured through as planning obligations and asa separate legal agreement between the applicant and the occupier of the development.

Affordable Housing

9.132 The Mayor of London's Stage 1 report highlights the Central Activity Zone policy for mixed used development and requests a contribution towards off site affordable housing in lieu of provision within the site. The applicant has offered a two stage contribution towards affordable housing. A sum of £300,000 would be secured upon commencement of the development. The applicant has offered a further contribution by transferring the equivalent of the 20% Crossrail contribution discount to the Council to support affordable housing delivery – assuming early commencement of development (see below). This would be equivalent to £422,239 making a total of £722,239 for off-site affordable housing.

9.133 Members are asked to note that in accordance with the provisions of Regulation 122 and Circular 05/05 this additional financial contribution is not necessary to make the development acceptable in planning terms and does not constitute reasons to grant planning permission.

Community facilities

9.134 The Planning Obligations SPD seeks contributions towards Idea Stores, libraries and archives and indoor leisure facilities based on the increased demand placed on such facilities from major residential and commercial development. Based on the standard contribution for this proposal, a contribution of £31,282 would be required for Idea Stores, libraries and archives and a contribution of £101,147 for indoor leisure facilities. The applicant is offering the full contribution rate.

9.135 The SPD also seeks contributions towards multi-use community facilities on major developments. This may be in the form of on-site provision of space, managed by the developer or a financial contribution towards upgrading of an existing facility in the vicinity. The contribution will be negotiated on a case by case basis as the SPD does not set out a standard charge.

9.133 In this case the applicant has declined to provide community facilities directly within the development but notes the importance of providing community facilities in the vicinity. A contribution of £350,00towards community facilities has been negotiated which could be directed towards facilities in the locality.

Public Realm, Open Space and Heritage

9.134 The SPD seeks contributions towards public realm which is based cumulatively on contributions to public open space and contributions to street scene/built environment improvements including heritage improvements). The standard contribution would be £199,227 towards public open space and £412,152 to street scene/built environment respectively.

9.135 The applicant is proposing to carry out comprehensive public realm improvements within the highways surrounding the site including implementation of the Council's Brushfield Street improvement scheme. The total value of the works in estimated at £1,340,000 based on 2011 prices. The final scope and specification will be controlled through conditions and implemented through a Section 278 agreement.

9.136 Officers consider that the heritage rich nature of the site's local context in Spitalfields should be taken into account and reflected in the heads of terms of the legal agreement in accordance with the SPD. . The standard contributions have therefore been adjusted accordingly to take account of the specific nature of the development and its local context. Contributions of £199,227 towards public open space and £412,152 towards heritage initiatives are offered by the applicant.

Sustainable Transport

9.137 The SPD says that the Council will seek contributions to mitigate the impact of growing residential and working population on the transport infrastructure serving the Borough. The Council will seek contributions towards transport infrastructure and the Smarter Travel Initiative which encourages walking and cycling. The standard charge based on the proposed development would be £48,000. The applicant has agreed to the full contribution for sustainable transport.

Crossrail

9.138 In view of the strategic regional importance of Crossrail to London's economic regeneration the Mayor of London will seek contributions from development likely to add to or create congestion on central London's rail network that Crossrail is intended to mitigate. This will be through planning obligations, in accordance with relevant legislation and policy guidance (London Plan Policy 6.5).

9.139 The approach for collecting contributions towards Crossrail is set out in the London Mayor's Supplementary Planning Guidance (SPG) 'Use of Planning Obligations in the funding of Crossrail' (July 2010). The SPG states that contributions should be sought in respect of retail, hotel and office development in central London which involves a net increase in floor space of more than 500sqm (GEA).

9.140 The proposed development falls within the Central London contributions area, the proposed indicative level of charge is £137 per sqm for new office floor space, £88 per sqm for new retail floor space and £60 per sqm for new hotel floor space.

9.141 A requirement for a Crossrail contribution from this development will therefore relate to the net additional impact from the new development, taking into account the theoretical charge that would be paid by the existing uses. Transport for London has confirmed that the development would give rise to a Crossrail contribution of £2,111,198.

9.142 The Use of Planning Obligations in the funding of Crossrail allows for a 20% reduction in the total contribution if this is paid prior to 31 March 2013. In this case the reduction would be equivalent to £422,239. The applicant has offered to enter into an agreement to allow the Council to benefit from any early payment to support additional affordable housing delivery (see above).

Development viability

9.143 The applicant is wiling to offer a total of £4,292,776 in financial contributions which includes £2,181,576 towards Tower Hamlets priorities and £2,111,198 towards Crossrail.

9.144 The applicant has prepared a development viability appraisal which has been assessed independently by the Council's appointed consultants. The independent review concludes that the development viability of the scheme has been enhanced by the advanced nature of the negotiations with potential future occupiers of the main office floor space, thereby reducing overall financial risk. However if this was not the case, it is likely that the development viability would have a significant impact on the ability to meet the standard contributions in the Planning Obligations SPD. The review also concludes that the overall offer for planning obligations is reasonable and the maximum that the scheme can afford.

9.145 The summary heads of terms including non-financial contributions is listed below.

- Training, employment and enterprise £700,000
- Affordable housing delivery £300,000
  (increase to £722,239 with Crossrail discount)
- Local community facilities £350,000
- Idea Stores, libraries and archives £31,282
- Leisure facilities £101,147
- Public open space and public realm £199,227
- Heritage initiatives £412,152
- Sustainable transport £48,000
- Standard monitoring charge (2%) ££42,836

- Total Tower Hamlets priorities £2,184,644

- Crossrail £2,111,198
  (reduce to £1,688,958 if paid before 31 March 2013)

- Public realm and highway improvements (Section 278 works)

- Strategy for managed relocation of all existing firms;

- Achieve at least 20% of all construction and ancillary jobs to be taken by Tower Hamlets residents;

- Use best endeavours to achieve throughout the construction period that at least 20% of all supplies and services shall be provided by local suppliers where available and practicable;

- Provide minimum 75 local apprenticeships leading to recognised technical or vocational qualifications during construction phase;

- To facilitate work experience and management placements across all associated organisations, sectors and functions and across the complete supply chain for a minimum of 144 weeks of placements per year or part years by any breakdown;

- Main occupier of the office floor space enters into a Social Compact to facilitate training, work experience and apprenticeships to maximise access to employment opportunities;

- Commitment to ensure that occupiers of the commercial floor space across the development work with the Council to procure 20% of supplies and services locally subject to procurement/competition rules.

10 CONCLUSION

10.1 The proposed redevelopment would include demolition and part demolition of London Fruit and Wool Exchange, Gun Public House, Bank and car park located in Brick Lane and Fournier Street Conservation Area. The presumption is national and local policy is in favour of retention of heritage assets. The site is close to a number of listed buildings and notably forms part of the setting of Christ Church Spitalfields (Grade I). The extent of third party representations on the proposed scheme and the views of English Heritage have been taken into account afforded appropriate weight.

10.2 The intensification of use through increased floor area would be appropriate in this central, highly accessible location. The proposed mix of uses is in accordance with the development plan.

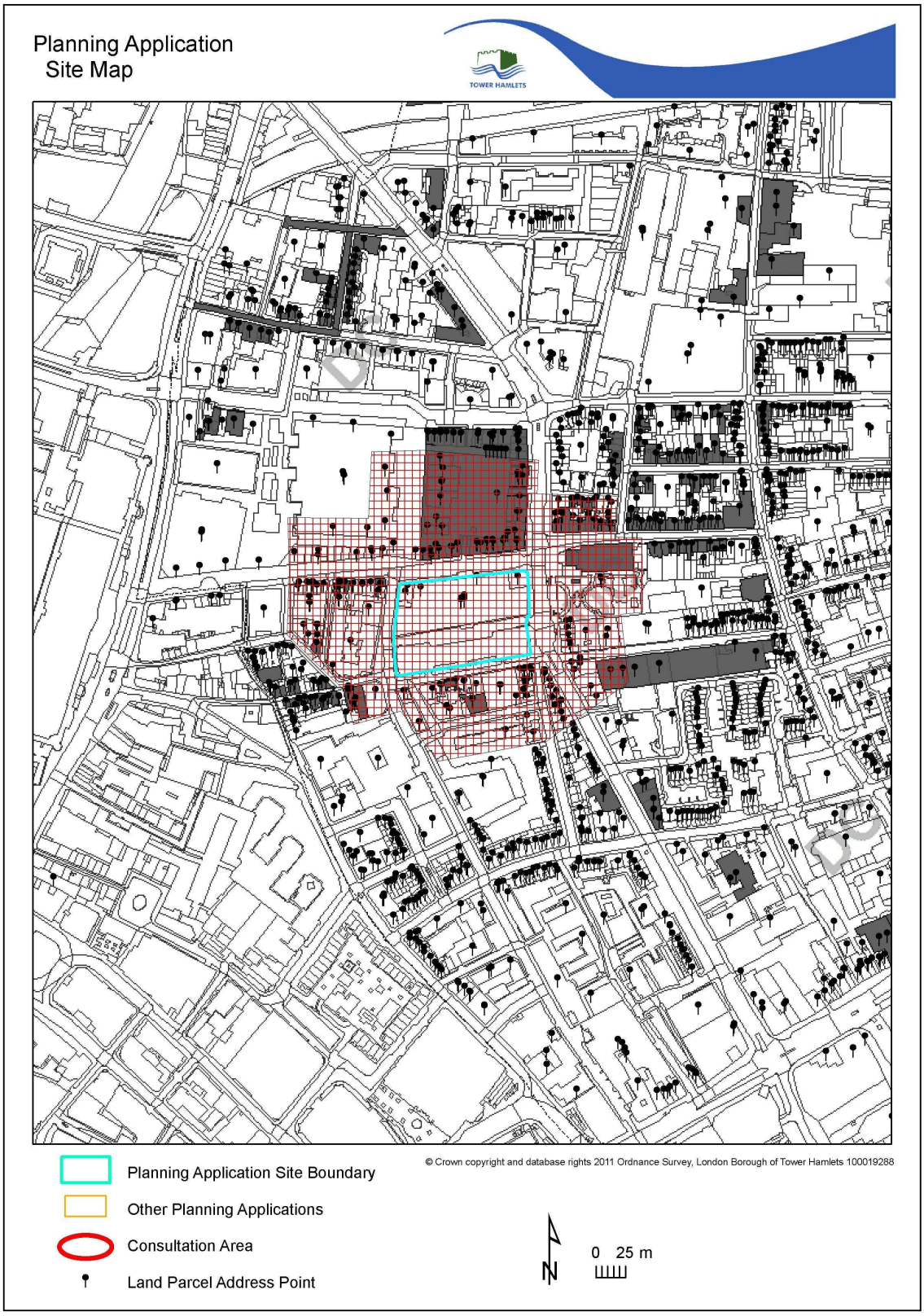
10.3 The proposals have been sensitively designed and include the appropriate and imaginative re-use of the main façade of LFWE to Brushfield Street. The proposed redevelopment is considered to be appropriate in terms of scale, height, appearance, materials detailed design. The proposals would also remove the existing multi-storey car park, replacing this with buildings of a more sympathetic architectural appearance. The development would provide new areas of public space, deliver improvements to the surrounding public realm, provide active ground floor frontages and increase permeability. The development would generate additional job opportunities, training opportunities and benefits to the local economy.

10.4 Planning obligations would provide financial contributions towards employment and training, leisure and community facilities, transport, Crossrail and affordable housing.

10.5 Officers consider that on balance, the harm caused by the loss of the existing buildings would be outweighed by the proposed replacement (based on the amended scheme) and its attendant public benefits, sufficient to meet the policy in PPS5.

10.6 In conclusion officers recommend that your committee grant conservation area consent and planning permission subject to the relevant obligations and conditions as set out in Section 3 of this report..

Appendix A


Planning Application
Site Map
TOWER HAMLETS
© Crown copyright and database rights 2011 Ordnance Survey, London Borough of Tower Hamlets 100019288
Planning Application Site Boundary
Other Planning Applications
Consultation Area
Land Parcel Address Point
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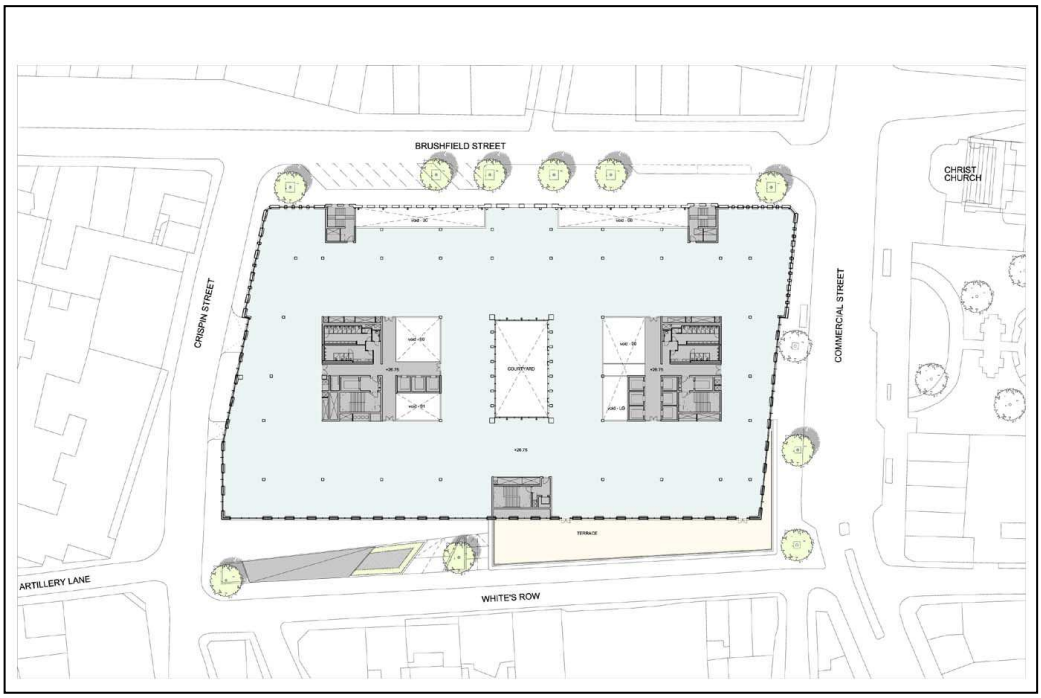
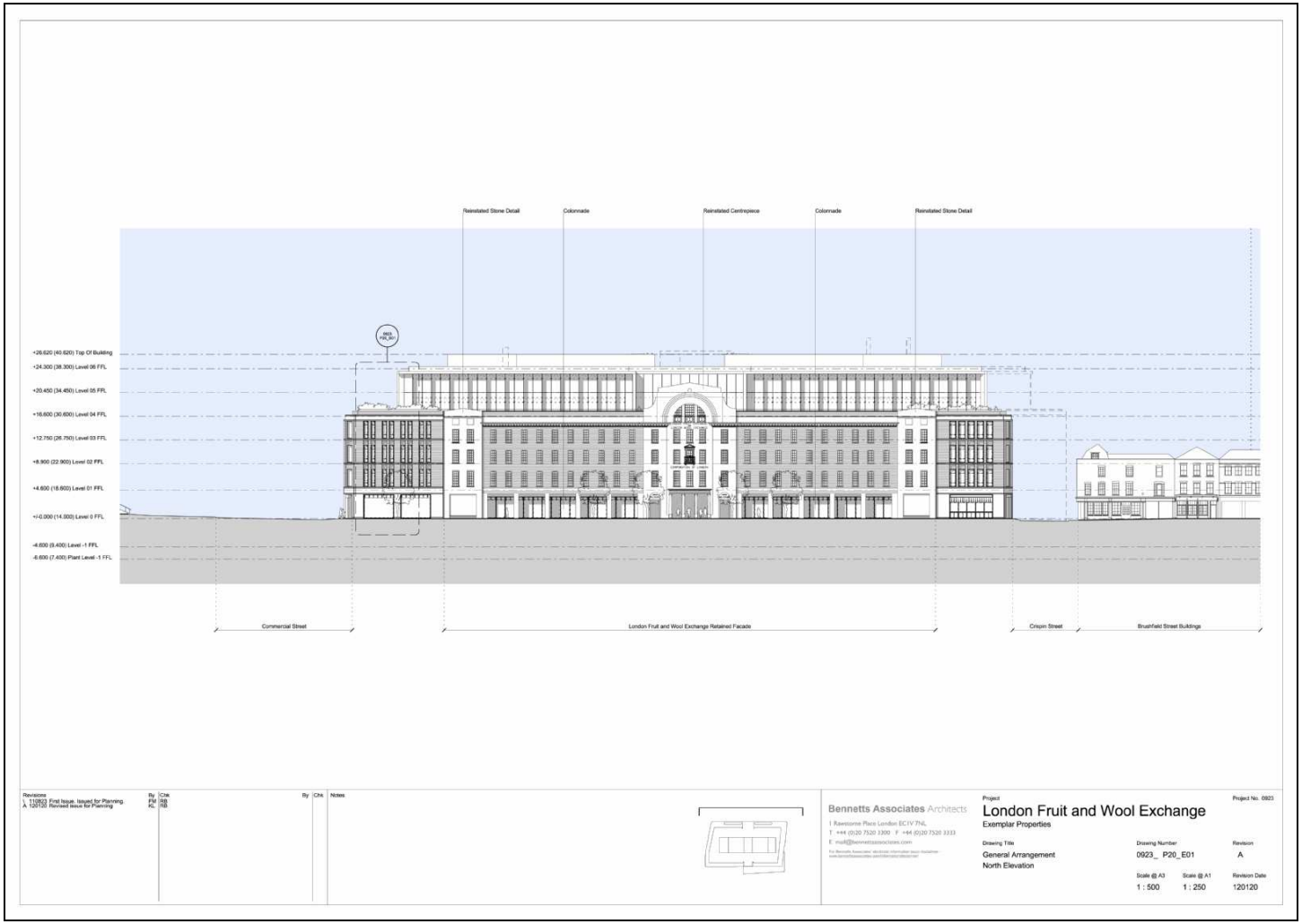
APPENDIX B
PLANS AND IMAGES OF THE PROPOSED DEVELOPMENT

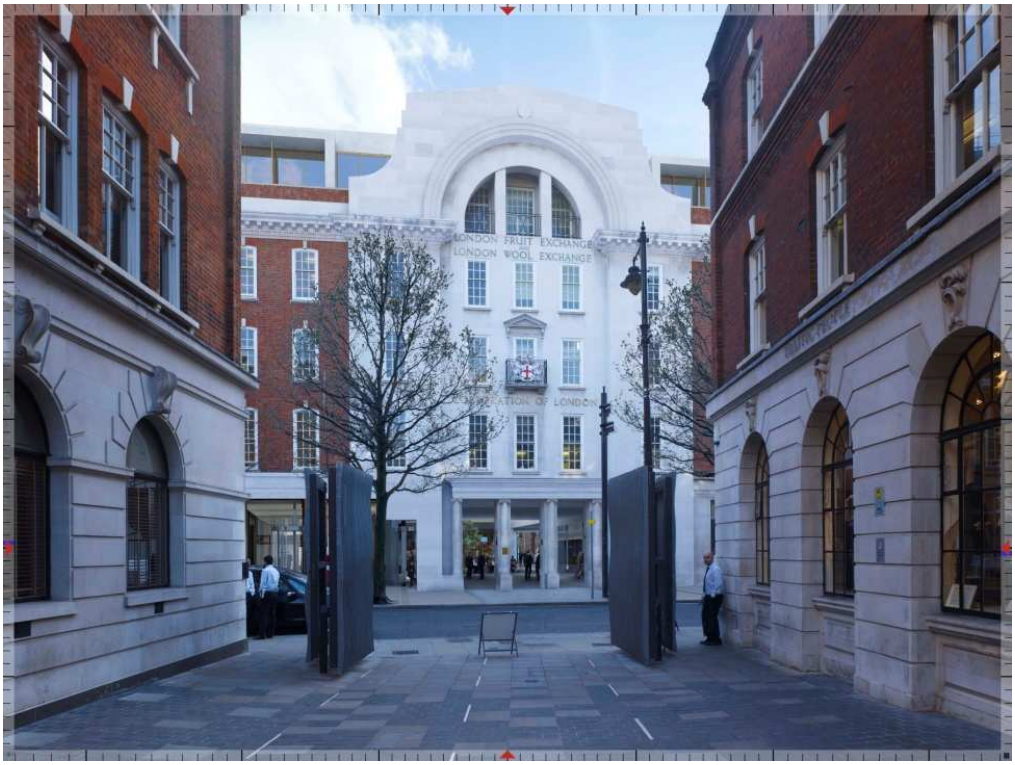
Proposed Ground floor layout (from TVAA)



Typical upper floor layout (from TVAA)



Proposed Brushfield Street elevation



View of front elevation including reinstated pediement from entance to Spitalfields Market (from TVAA)

View towards Christ Church Spitalfields (from TVAA)

View along Commercial Street from the north (from TVAA)

Proposed replacement corner building Brushfield Street/Crispin Street (the Gun PH)

Committee: Strategic Development	Date: 6th March 2012	Classification: Unrestricted	Agenda Item No: 6.2
Report of: Corporate Director of Development and Renewal **Case Officer:** Elaine Bailey	**Title:** Application for planning permission **Ref:** 11/01945 **Ward:** Coldharbour		

1. APPLICATION DETAILS

Location: 1 - 18 Dollar Bay Court, 4 Lawn House Close, London.

Existing use: Site is currently occupied by a 4 storey residential building comprising 18 x two bed units (in the applicant's ownership).

Proposal: Redevelopment of the site for a residential led mixed use, comprising a 31 storey building to provide 121 residential units, 105sqm A1/A3 at ground floor, 122sqm ancillary gym at basement level, underground parking, plant and ancillary accommodation and hard and soft landscaping providing both public and private open space amenity.

(This application is linked to a separate planning application ref: PA/11/01944 for the erection of 64 residential units at 18-36 Thomas Road. Both of these applications are linked for reasons relating to the provision of off-site affordable housing).

Both these applications are accompanied by an Environmental Impact Assessment under the provisions of the Town & Country Planning (Environmental Impact Statement) Regulations 1999.

Drawing Nos: 7229-A-G100-XP-AL-001 - Location Plan - Existing
7229-A-G100-P-AL-001 A - Location plan - Proposed
7229-A-G100-XP-AL-002 - Site Plan - Existing
7229-A-G100-P-AL-002 A - Site plan - Proposed
7229-A-G100-P-RF-001 A - Site plan - Proposed Roof Plan

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

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

7229-A-G100-XE-S-001 - Existing South Elevation
7229-A-G100-E-S-001 A - Proposed South Elevation
7229-A-G100-XE-W-001 - Existing West Elevation
7229-A-G100-E-W-001 A - Proposed West Elevation
7229-A-G100-XE-N-001 - Existing North Elevation
7229-A-G100-E-N-001 A - Proposed North Elevation
7229-A-G100-XE-E-001 - Existing East Elevation
7229-A-G100-E-E-001 A - Proposed East Elevation
7229-A-G100-XS-S-001 - Existing South Section
7229-A-G100-S-S-001 A - Proposed South section
7229-A-G100-XS-E-001 - Existing East Section
7229-A-G100-S-E-001 A - Proposed East section
7229-A-G200-P-B2-001 A - GA Plan - Basement Level 2
7229-A-G200-P-B1-001 A - GA Plan - Basement Level 1
7229-A-G200-P-T1-001 A - GA Plan - Grd & Mezz Level
7229-A-G200-P-T2-001 A - GA Plan - Level 1-3
7229-A-G200-P-T3-001 A - GA Plan - Level 4-21
7229-A-G200-P-T4-001 A - GA Plan - Level 22-27
7229-A-G200-P-T5-001 A - GA Plan - Level 28-29
7229-A-G200-P-T6-001 A - GA Plan - Level 30-31 and Roof
7229-A-G200-P-AL-001 A - GA Plan - Unit Matrix
7229-A-G200-E-S-001 A - GA elevation - South Elevation
7229-A-G200-E-W-001 A - GA elevation - West Elevation
7229-A-G200-E-N-001 A - GA elevation - North Elevation
7229-A-G200-E-E-001 A - GA elevation - East Elevation
7229-A-G200-S-AA-001 A - GA section, section AA
7229-A-G200-S-BB-001 A - GA section, section BB
7229-A-G200-S-CC-001 A - GA section, CC and DD 1:200
7229-A-G200-P-TY-001 - Typical Intermediate Units
7229-A-G200-P-TY-002 - Typical Wheelchair Access Units
7229-A-G251-D-T1-001 A - Facade Type 1
7229-A-G251-D-T2-001 A - Facade Type 2
7229-A-G251-D-T3-001 A - Facade Type 3
7229-A-G251-D-T4-001 A - Facade Type 4
7229-A-G251-D-T5-001 A - Facade Type 5

Documents: Planning Application Form,
Land Ownership Certificate B and Agricultural Holdings Certificate;
Schedule of Drawings;
Design and Access Statement and Computer Generated Images (CGI's);
Planning Statement;
Statement of Community Involvement;

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Assessment of economic viability and affordable housing provision;
PPS5 Historic Environment Report; and
Code for Sustainable Homes – Pre-Assessment.

Environmental Statement comprising:

- Volume 1: Main Volume Part I and Part II;
- Volume 2: Townscape and Visual Impact Assessment;
- Volume 3: Transport Assessment and Appendices;
- Volume 4: Technical Appendices Part I and Part II;
- Volume 5: Energy Statements; and
- Non-technical Summary.

- Volume 4 of the Environmental Statement comprises:

- Air Quality Assessment;
- Archaeological desk-based assessment;
- Aviation Assessment;
- Daylight and Sunlight Assessment;
- Ecological Assessment;
- Flood Risk Assessment;
- Site Investigation and Environmental Risk Assessment (Ground Contamination);
- Draft Site Waste Management Plan;
- Wind Microclimate Assessment

LOCAL GOVERNMENT ACT 2000 (Section 97)
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Applicant:	LondonNewcastle Agents for UKI (Dollar Bay) Limited.
Owners:	Site in applicant's ownership (Cert A signed).
Historic buildings:	None within application site.
Conservation areas:	Adjoins the Coldharbour Lane Conservation Area

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1. Officers have considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan 1998, (Saved policies); associated Supplementary Planning Guidance, the London Borough of Tower Hamlets adopted Core Strategy (2010), Managing Development DPD (Proposed Submission Version 2012); as well as the London Plan (2011) and the relevant Government Planning Policy Guidance including draft National Planning Policy Framework, and has found that:

2.2 Through the provision of a new residential led mixed use development, the scheme will maximise the use of previously developed land, and will significantly contribute towards creating a sustainable residential environment in accordance Policy 3.3 and 3.4 of the London Plan (2011); LAP 7 & 8 of the Core Strategy, Policies SP02 of Core Strategy (2010); and Policy DM3 of Managing Development DPD (Proposed Submission Version 2012) and in accordance with the objectives of the Borough's Site Allocation for Marsh Wall East as outlined in the adopted Managing Development DPD (Proposed Submission Version 2012); and objectives for the Central Sub Area of the Isle of Dogs Action Area Plan (IPG 2007).

2.3 The proposal will not have any significant adverse impacts on the setting of the adjoining Heritage Asset and the proposal is considered to both protect and enhance the setting of the Coldharbour Conservation Area in accordance with policy 7.8 of the London Plan (2011); Policy SP10 of the Core Strategy (2010), and Policy DM26 (part 2e) and DM27 of the Managing Development DPD (Proposed Submission Version 2012) along side the advice set out in Planning Policy Statement 5: Planning for the Historic Environment which seek to protects London's heritage assets, including their setting.

The development would form a positive addition to London's skyline, without causing detriment to local or strategic views, in accordance policies 7.8 of the London Plan (2011), and policy SP10 of the Core Strategy Development Plan Document (2010) which seek to ensure tall buildings are appropriately located and of a high standard of design whilst also seeking to protect and enhance designated and local views.

2.4 On balance, transport matters, including parking, access and servicing, are considered acceptable and in line with policies T16 and T19 of the Council's Unitary Development Plan (1998), policy SP08 and SP09 of the Core Strategy (2010) and DM20 and DM22 of the Managing Development DPD (Proposed Submission Version 2012), which seek to ensure developments minimise parking and promote sustainable transport options.

2.5 The urban design, layout, building height, scale and bulk and detailed design of the tower are considered acceptable and in accordance with Chapter 7 of the London Plan (2011); saved policies DEV1, DEV2 and DEV3 of the Council's UDP (1998), Policies SP10 and SP12 of the Core Strategy (2010) and Policy DM23 and DM24 of the Managing Development DPD (Proposed Submission Version 2012) which seek to ensure buildings and places are of a high quality of design and suitably located.

2.6 Considering the demonstrated viability constraints, the proposed affordable housing offer at 46% across the two sites is considered acceptable as this is the maximum reasonable level that can be achieved and is considered to deliver greater benefits than if these two sites were development independently. Therefore, on balance, the benefits which include (i) a better form and layout, (ii) better amenity and open space conditions, (iii) greater provision of social rent and family accommodation and (iv) a higher S106 package, are considered sufficient reasons to outweigh the failure of the proposal to provide affordable housing on site. As such, the application is considered to comply with Policies 3.10-3.12 of the London Plan (2011), Policy SP02 of the Core Strategy (2010) and Policy DM3 of the Managing Development DPD (Proposed Submission Version 2012) which together seek to maximise the delivery of affordable whilst having regards to site constraints and viability.

2.7 The development will provide acceptable internal space standards and layout. As such, the scheme is in line with the London Housing Design Guide (2010), Policies 3.5 of the London Plan (2011), saved Policy HSG13 of the UDP (1998) and Policy SP02 of the Core Strategy (2010), Policy DM4 of the Managing Development DPD (Proposed Submission Version 2012) and the Council's Residential Standards SPG (1998).

2.8 The quantity and quality of housing amenity space, communal space, child play space and open space is considered acceptable and in line with saved policy HSG16 of the Council's Unitary Development Plan (1998), policy SP02 of the Core Strategy Development Plan Document (2010), and of DM4 of the Managing Development DPD (Proposed Submission Version 2012) which seek to improve amenity and liveability for residents.

2.9 Considering the urban context, it is not considered that the proposal will not give rise to any significant adverse impacts in terms of loss of privacy, overlooking, over shadowing, loss of sunlight and daylight, and noise upon the surrounding residents. Also, the scheme proposes appropriate mitigation measures to ensure a satisfactory level of residential amenity can be achieved 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 SP10 of the of the Core Strategy (2010) and DM25 of the Managing Development DPD (Proposed Submission Version 2012), which seek to protect residential amenity.

2.10 Sustainability matters, including energy are considered to be acceptable and in accordance with policies 5.2 and 5.7 of the London Plan (2011), policy SP11 of the Core Strategy (2010) and policy DM29 of the Managing Development DPD (Proposed Submission Version 2012) which seek to promote energy efficient and sustainable development practices.

2.11 The proposed development will provide appropriate contributions towards the provision of affordable housing, education facilities, employment and enterprise, community and leisure, built environment, public realm 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), policies SP02 and SP13 of the Core Strategy Development Plan Document (2010), which seek to secure contributions toward supporting infrastructure and services required to facilitate proposed development.

3. RECOMMENDATION

3.1 That Committee resolve to **GRANT** the application for the reasons set out above, subject to:

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

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

(Financial)

a) A contribution of £28,092 towards Enterprise & Employment.

b) A contribution of £74,637 towards leisure and community facilities.

c) A contribution of £23,058 towards libraries facilities.

d) A contribution of £81,667 to mitigate against the demand of the additional population on educational facilities.

e) A contribution of £140,396 towards Health facilities.

f) A contribution of £98,368 towards Public Open Space.

g) A contribution of £2,729 towards Sustainable Transport.

h) A contribution of £60,000 towards TfL Bus Enhancements.

i) A contribution of £15,000 towards Wayfinding.

j) S106 Monitoring fee (3%)

(Non Financial)

k) To provide a minimum of 46% of the residential accommodation across the Dollar Bay site and Thomas Road site (ref. PA/11/01944 & PA/1101945) as affordable housing measured by habitable rooms comprising 43 social rent units and 26 intermediate units, as specified in the submitted schedule of housing.

l) 20% skills match and local labour.

m) The completion of a car-free agreement

n) Public art/artistic interpretation in the public realm (on site provision)

o) Private garden access

p) Walking /Right of Way

q) Travel Plan in accordance with Framework

r) Travel Plan Coordinator

s) Working with Commercial Boat Operators Association (CBOA) and British Waterways to explore the use of the West India Basin for the transportation of construction materials.

t) Working with British Waterways to upgrade walkway adjoining the site

u) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal.

3.4 That the Corporate Director Development & Renewal is delegated authority to recommend the following conditions and informatives in relation to the following matters:

<u>'Compliance' Conditions</u> –

- Timing – within 3yrs
- In accordance with approved plans
- Lifetime Homes Standards
- Parking
- 10% Wheelchair units
- Code for Sustain Homes Level 4
- In accordance with approved FRA
- Hours of construction
- Cranage height & max building height restriction (City Airport)
- Compliance with energy strategy

<u>'Prior to Construction' Conditions</u>:

- Contamination – investigation and remediation
- Landscape and public realm detail (including boundary treatment, ground surface materials, planting scheme, furniture, water feature, lighting)
- Construction Environment Management Plan
- Waste Management Strategy (detailing storage & collection of waste and recycling).
- Air Quality Management Plan
- Thames water (minimum pressure head and flow rates)
- Thames water (piling method statement)
- Biodiversity mitigation measures
- Details of tree protection and planting scheme
- Shop front and signage detail
- Sample of all external materials

- Cycle storage and parking details
- Noise insulation and ventilation measures
- Detail of plant extract equipment (A3)
- CCTV details
- Delivery and Servicing Plan
-

<u>'Prior to Occupation' Conditions</u>:

- Hours of Operation for non residential uses.

<u>Informatives:</u>

- S106 required
- S278 required
- Consultation with Building Control
- Thames Water advice

4 Proposal & Background

Proposal

4.1 The application seeks to demolish the existing 4 storey residential building at 1-18 Dollar Bay Court and erect a 31 storey residential tower.

4.2 The tower will comprise 121 residential units, of which 111 will be private and 10 will be for intermediate occupancy. The building will provide 15 x studios, 48 x 1 beds, 40 x 2 beds, 17 x 3 beds and 1 x 4 bed units.

4.3 The application proposes to locate all of the social rent and a percentage of the intermediate housing off-site at 18-36 Thomas Road (the of development of which is subject to separate planning application). In summary, the two sites when considered together would provide a minimum of 46% of affordable housing (measured by habitable rooms) and comprise 43 social rent units and 26 intermediate units in total.

4.4 A small element of retail/restaurant/café use (A1/A3) is proposed at ground floor level (105sqm) fronting on to South Dock.

4.5 A private communal garden is proposed to the rear of the site, along the eastern boundary of the site.

4.6 An ancillary resident's gym measuring 122sqm is also proposed at basement level.

4.7 Underground car parking is proposed in two basement levels. Vehicular access to the basement is via Lawn Close through a low rise building located to the east of the site which will accommodate car lifts. A drop off and service area is also proposed adjacent to the car lifts.

Amendments

4.8 Further amendments were made in January 2012 in response to some concerns regarding the public realm, raised by LBTH and GLA. The public route is now proposed to extend right around the building; the proposed café has been moved to the south of the building to activate the external space at this point and finally, the 24/7 concierge has been relocated to the north of the building with reception desk improving surveillance and safety.

Background

4.9 In 2008, the applicant London Newcastle engaged with the Borough and the GLA in relation to a 47 storey tower comprising 207 units (and an 11 story block at Thomas Road). Borough officers raised significant concerns with the scale of the tower and the principle of the off site affordable housing offer and requested further information. In Spring 2011, the scheme was revised to provide a 30 storey building containing 144 units (and an 8 storey block at Thomas Rd).

4.10 Officers responded to the applicant at various stages between 2010 and 2011 and confirmed in a final response letter dated July 2011 that officers

remained unconvinced to the justification of a 30 storey building on the edge of the Canary Wharf cluster and raised concerns regarding the potential impact on the character and appearance of the adjoining Coldharbour Conservation Area and requested further work and justification for the proposal. In addition, officers also raised concerns regarding the proposal's affordable housing offer, which was to be entirely provided in an off-site location. Concerns relating to the possible exacerbation of existing social and economic problems in the Borough and the need to create mixed and balanced communities were raised with the applicant.

4.11 At the pre-app stage, little evidence was provided to justify the height of the tower, in terms of local and strategic views and impact on the setting of the adjoining conservation area. Furthermore, insufficient information was submitted to justify the off-site element of the proposal in light of alternative sites and viability constraints. As such, officers were reluctant to support the scheme at that point in time.

4.12 The application was subsequently submitted with further justification and supporting information accompanied the application in the form of a full Townscape and Visual Impact Assessment (TVIA) and a Social Economic Report. Furthermore, discussions with an independent viability assessor informed the Council that if the applications were to be considered as two stand alones schemes, they would not be viable.

4.13 The current application has therefore been assessed in light of the additional information submitted and in light of the Borough's Managing Development DPD (Proposed Submission Version 2012).

Site & Surrounding Area

4.8 The site is located on the northeast area of the Isle of Dogs, approximately 750m to the south east of Canary Wharf. A public pathway bounds the site to the north alongside some commercial/office buildings related to the dock. A terrace of residential properties known as Glen terrace abuts the site to the east. To the west the site lies West India and Millwall Docks (South Dock). It is separated from the dock to the north by the single storey Sea Scout Building. Jack Dash House (offices within LBTH ownership) sites immediately to the south and it 5 storeys in height, beyond which lies Marsh Wall a predominantly residential area.

4.9 The residential flats of the Antilles Bay development (6 storeys), a multi-storey car park and the Innovation Centre are situated approximately 20m, 50m, and 110m to the southwest respectively.

4.10 The site comprises a four storey residential building which occupies the eastern part of the site, with associated parking. The building comprises eighteen two-bedroom flats.

4.11 In its wider context the site lies to the south-east of the Canary Wharf cluster of tall buildings. It is located approximately 600m from the towers along Heron Quays on the north side of South Dock. Marsh Wall and Manchester Road are the major roads in the area and are located to the south and east of the site respectively.

4.12 The Dollar Bay site is not located within a conservation area but lies

adjacent to the Coldharbour Conservation Area which now includes the properties along Glen Terrace.

4.13 The site has a Public Transport Accessibility Level (PTAL) rating of 3. Canary Wharf Underground Station is located approximately 1km north-west of the site. Providing links to central London, via Jubilee Line. South Quay DLR station is located approximately 500m away from the site. There are four London buses within a 500-600m of the site (D3, D6, D7 and D8).

5 MATERIAL PLANNING HISTORY

There are no known planning history records on the site. The pre-app proposal is discussed in Section 4 above under Background Information.

6 POLICY FRAMEWORK

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

Spatial Development Strategy for Greater London (London Plan)

Policies:	2.1	London
	2.9	Inner London
	2.10	Central Area Zone
	2.13	Opportunity Areas
	2.14	Areas for Regeneration
	2.15	Town Centres
	3.1	Ensuring Equal Life Chances for All
	3.2	Improving Health and Addressing Health Inequalities
	3.3	Increasing Housing Supply
	3.4	Optimising Housing Potential
	3.5	Quality and Design of Housing Developments
	3.6	Children and Young People's Play and Informal Recreation Facilities
	3.7	Large Residential Developments
	3.8	Housing Choice
	3.9	Mixed and Balanced Communities
	3.10	Definition of Affordable Housing
	3.11	Affordable Housing Targets
	3.12	Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes
	3.13	Affordable Housing Thresholds
	3.14	Existing Housing
	4.12	Improving Opportunities for All
	5.1	Climate Change Mitigation
	5.2	Minimising Carbon Dioxide Emissions
	5.3	Sustainable Design and Construction
	5.5	Decentralised Energy Networks
	5.6	Decentralised Energy in Development Proposals
	5.7	Renewable Energy
	5.9	Overheating and Cooling
	5.10	Urban Greening

5.11	Green Roofs and Development Site Environs
5.12	Flood Risk Management
5.13	Sustainable Drainage
5.14	Water Quality and Wastewater Infrastructure
5.15	Water Use and Supplies
5.21	Contamination
6.1	Strategic Approach to Integrating Transport and Development.
6.3	Assessing the Effects of Development on Transport Capacity
6.7	Better Streets and Surface Transport
6.9	Cycling
6.10	Walking
6.12	Road Network Capacity
6.13	Parking
7.1	Building London's Neighbourhoods and Communities
7.2	An Inclusive Environment
7.3	Designing Out Crime
7.4	Local Character
7.5	Public Realm
7.6	Architecture
7.7	Location and Design of Tall and Large Buildings
7.8	Heritage Assets
7.11	London View Management Framework
7.13	Safety, Security, Emergency
7.14	Improving Air Quality
7.15	Reducing Noise and Enhancing Soundscapes
7.19	Biodiversity and Access to Nature
7.24	Blue Ribbon Network
7.31	London's Canal's & other Rivers & Waterspaces
8.2	Planning Obligations
8.3	CIL

Supplementary Planning Guidance/Documents

London Housing Design Guide 2010

Unitary Development Plan 1998 (as saved September 2007)

Proposals:

Flood Protection Area (Zone 2 & 3)
Historical Industrial Land Use
Adjoins Coldharbour Conservation Area
Adjoins SNCI

Policies:

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
DEV15	Tree Retention
DEV17	Siting and Design of Street Furniture
DEV28	Development adjacent to Conservation Area
DEV48	Riverside New Development

DEV50	Noise
DEV51	Contaminated Soil
DEV53	HSE & Hazardous Substances
DEV54	Consultation with HSE
DEV55	Development and Waste Disposal
DEV56	Waste Recycling
DEV57	Nature Conservation and Ecology
DEV63	Green Chains
DEV69	Efficient Use of Water
CAZ1	Location of London Core Activities
HSG4	Loss of Housing
HSG6	Accommodation over Shops
HSG7	Dwelling Mix and Type
HSG13	Internal Space Standards
HSG15	Residential Amenity
HSG16	Housing Amenity Space
T3	Extension of Bus Services
T7	Road Hierarchy
T10	Priorities for Strategic Management
T16	Traffic Priorities for New Development
T18	Pedestrians and the Road Network
T21	Pedestrians Needs in New Development
S10	Shopfronts
OS9	Children's Playspace
U2	Development in Areas at Risk from Flooding
U3	Flood Protection Measures

Interim Planning Guidance for the purposes of Development Control

Proposals:		Isle of Dogs AAP
		Flood Protection Area (Zone 2 & 3)
		Historical Industrial Land Use
		Adjoins Blue Ribbon Network
		Adjoins Millwall and West India Dock SINC
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
	DEV14	Public Art
	DEV15	Waste and Recyclables
	DEV16	Walking and Cycling Routes and Facilities
	DEV17	Transport Assessments

DEV18	Travel Plans
DEV19	Parking for Motor Vehicles
DEV20	Capacity of Utility Infrastructure
DEV21	Flood Risk Management
DEV22	Contaminated Land
DEV24	Accessible Amenities and Services
DEV25	Social Impact Assessment
DEV27	Tall Buildings Assessment
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
OSN2	OSN2 Open Space
OSN3	Blue Ribbon Network
CON2	Conservation Areas
CON5	Protection and Management of Important Views

Local Development Framework: Isle of Dogs Action Area Plan Submission Doc (IPG 2007)

Site Allocation:		Central Sub Area (no specific development site allocation)
Policies:	IOD1- 10	Isle of Dogs Spatial Strategy & Cross Cutting Themes
	IOD19	Residential Uses in the Central Sub Area
	IOD20	Retail and Leisure Uses in the Central Sub Area
	IOD21	Design and Built Form in the Central Sub Area

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

Managing Development - Development Plan Document (DPD)
Draft Proposed Submission Version Jan 2012
Proposal

Policies:	DM3	Delivering Homes
	DM4	Housing Standards and amenity space
	DM9	Improving Air Quality

DM10	Delivering Open space
DM11	Living Buildings and Biodiversity
DM12	Water Spaces
DM13	Sustainable Drainage
DM14	Managing Waste
DM20	Supporting a Sustainable Transport Network
DM21	Sustainable Transport of Freight
DM22	Parking
DM23	Streets and Public Realm
DM24	Place Sensitive Design
DM25	Amenity
DM26	Building Heights
DM27	Heritage and Historic Environment
DM28	Tall buildings
DM29	Zero-Carbon & Climate Change
DM30	Contaminated Land

Site Allocation**:** Marsh Wall East

Government Planning Policy Guidance/Statements

PPS1	Delivering Sustainable Development
PPS3	Housing
PPS4	Planning for Sustainable Economic Growth
PPS5	Planning for the Historic Environment
PPS9	Biodiversity and Geological Conservation
PPS12	Local Spatial Planning
PPG14	Transport
PPS22	Renewable Energy
PPS23	Planning and Pollution Control
PPG24	Noise
PPS25	Flood Risk

Supplementary Planning Guidance/Documents
Planning Obligations SPD 2012

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

7 CONSULTATION RESPONSE

7.1 The following were consulted regarding the application and their comments are summarised below. These should be read in conjunction with the full representations available in the case file. Officer's comments on these representations are in italic below.

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

LBTH Transportation & Highways

7.3 Comments from Transport & Parking can be summarised as follows:

Parking:

- A total of 36 on-site car parking spaces (including 4 disabled spaces) and 10 motorcycle spaces, equates to a ratio of 0.31 spaces per unit. No justification for the remaining on-site parking spaces.
- Development proposals should have come forward as car-free.

Cycle Parking:

- 183 resident cycle parking spaces welcomed.
- An additional 12 visitor spaces are to be provided at ground floor level.
- Details of the cycle parking arrangements needed.

Trip Generation:

- The trip generation assumptions appear to be acceptable overall.

Servicing Arrangements:

- Highways welcome the Applicant's intention to accommodate all servicing activities from an on-site position.

Refuse Arrangements:

- Comments to be obtained from the Waste Management Team.
- Refuse collection activities will also have to be managed as part of the Delivery and Servicing Management Plan

Travel Plan:

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

- Implementation of Travel Plans
- Appointment of a Travel Plan Co-ordinator
- A contribution towards monitoring

Other Comments:

- If the Case Officer is minded to grant Planning Permission, then Highways will seek a contribution towards public realm/highway improvement works.

- The Construction Traffic section of the submitted Transport Assessment does not cover everything required of a Construction Management Plan and therefore a full Construction Management Plan will need to be secured via condition.

- S278 condition required - scheme of highway improvements

[Officer Comment: These issues are discussed in Section 9 of this report].

LBTH Crime Prevention Officer (CPO)

7.4 CPO has met with the applicant's architects and had detailed discussions. Some of the following points are noted:

- Main focus has been on the security/safety of the gardens adjacent to the

building, and whether they are secure enough for residents only use, or open enough for pubic use.
- Gardens should be fully secured for residents only use, with all the boundary heights, planting and overlooking that can be mustered.

LBTH Primary Care Trust/Tower Hamlets NHS

7.5 A financial contribution of £140,396 (capital contribution) is requested in line with a HUDU model calculations.

LBTH Environmental Health - Contaminated Land

7.6 Records on the site and surrounding area have been subjected to former industrial uses which have the potential to contaminate the area. As ground works and soft landscaping are proposed and therefore a potential pathway for contaminants may exist and will need further characterisation to determine associated risks. Condition recommended seeking contamination report and remediation.

LBTH Energy and Sustainability Team

7.09 The Council's Sustainable Development Team's comments can be summarised as follows:

In terms of Energy:

- Anticipated energy and carbon savings at each element of the Energy Hierarchy:

  Use less energy (Be Lean) – 3% savings
  Supply energy efficiently (Be Clean) – 16%
  Use renewable energy (Be Green) – 5%

- The principles of the energy strategy and the anticipated CO2 emission reductions are supported. However, further details are considered necessary to demonstrate the savings detailed in the report are deliverable.

- The submitted information does not clearly set out the total carbon emissions of the proposed development (residential and commercial elements). Further information requested.

- The Energy Statement notes that a CHP will be installed, but does not provide the load profile details and evidence to demonstrate the system had been designed to maximise CO2 savings. The plant room should be clearly shown on the submitted drawings and include details of how the design has been future proofed to connect to district heating schemes in the future.

- 140m2 of PV modules are proposed. The applicant should detail the total roof area available and the maximum usable area for PVs, including details of access and maintenance requirements. This information should be clearly labelled on the roof plan.

In terms of Sustainability:

- The applicant has submitted a Code for Sustainable Homes Pre-assessment which demonstrates that the scheme is designed to

achieve a Level 4 rating (74.82%). This is supported and should be secured through condition.

Further information sought :

- The total carbon emissions of the proposed development (residential and commercial elements) and the overall CO2 emission reductions for each element.
- Details of the specific make up of the 'unregulated' energy demand and how the design has sought to minimise this load.
- CHP analysis and thermal profiling to demonstrate appropriate sizing of system
- Basement plans showing plant location and details of future District System connectivity
- Total roof area available and the useable roof area for PV's taking into account access and maintenance requirements.

[Officer comment: additional information has now been submitted to Borough's Energy Officer and officers have confirmed that they are content with proposed energy strategy].

LBTH Waste Policy and Development

7.8 Design and Access statement detailing arrangements to transport bins to ground level is acceptable. Ensure that holding area is within 10 metres drag distance to collection vehicle and that pathways are not obstructed. The area should have a dropped kerb and be free of parked vehicles

LBTH Education

7.9 No comments received however in line with the adopted SPD on Planning Obligations, officers expect net increase in units arising from this proposal to generate a child yield and as such an appropriate education contribution will be requested towards new primary and secondary school places. This is outlined in section 9 of this report.

LBTH Leisure, Parks & Open Spaces

7.10 LBTH Communities, Localities and Culture note that the increased permanent population generated by the development will increase demand on the borough's open spaces, leisure facilities and on the Idea stores, libraries and archive facilities. Increase in population will also have an impact on sustainable travel within the borough.

The 121 new homes proposed will result in 182 new residents within the development and approx 6 new employees.

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

- Open Space Contribution £98,368
- Library/Idea Store Facilities Contribution £23,058
- Leisure Contribution £74,637

- Smarter Travel £2,729

[Officer Comment: see Section 9 of this report for S106 of Heads of Terms discussion].

LBTH Trees Officer

7.11 No comments received.

LBTH Landscape

7.12 No comments received.

LBTH Enterprise & Employment

7.13 Proposed employment/enterprise contributions at **construction phase:**

- To ensure local businesses benefit from this development we expect that 20% goods/services procured during the construction phase should be achieved by businesses in Tower Hamlets. We will support the developer to achieve their target through ensuring they work closely with the council to access businesses on the approved list (Construction Line), and the East London Business Place.

- The developer should exercise best endeavours to ensure that 20% of the construction phase workforce will be local residents of Tower Hamlets. We will support the developer in achieving this target through providing suitable candidates through the Skillsmatch Construction Services. Where the provision of local labour is not possible or appropriate, the Council will seek to secure a financial contribution to support and/or provide for training and skills needs of local residents in accessing new job opportunities in the construction phase of new developments.

- The financial contribution that would be required is: £28,092

LBTH Housing

7. 14 In light of the proposed off-site affordable housing arrangements, the comments below are made with respect to both sites (Dollar Bay and Thomas Road):

- 93% of the Dollar Bay development is private sale housing, the remaining 7% is affordable housing (shared ownership).
- The applicant proposes to deliver the remainder of the affordable housing requirement "off-site" on Thomas Road,
- Overall, as a percentage of the total development across both sites, the quantum of affordable housing would equate to 46%.
- Where off-site affordable housing is proposed the minimum requirement is for there to be a 50% provision.
- This application falls short of the minimum requirement, however a viability toolkit assessment has been supplied to support this offer.
- The affordable housing split is 70:30 between Social rent and Intermediate.
- As there would be no grant available, the applicant has also stated that all of the affordable rented units will be for social rent at target rents and NOT the new affordable rents that are being proposed by the government and HCA. It would therefore mean that these homes could be truly affordable for residents

on the Council's housing waiting list.

- The social rented units on Thomas Road are split into 21% one bed units against our target of 20%, 14% two bed units against our target of 35%, 51% three beds against our target of 30%, a 9% four beds against a target of 10% and a 5% provision of five beds against a target of 5%.
- The level of 2 beds falls below the target guidelines, however it would result in a 65% provision of family sized 3, 4 and five beds, the Council has a great need for this type of accommodation, even more so as the units would be let at Social Rent.
- The large family units are designed with separate kitchens, we would welcome this as our lettings department inform us that residents requiring family sized housing have a preference for separate kitchens.
- Across the 2 sites, the intermediate units are split into 69% one beds against our target of 37.5%, 15% two beds against a target of 37.5%, and a 15% provision of three beds. On Thomas Road alone the spilt in intermediate is 63% one beds, 13% two beds and 25% three beds.
- It is felt that there is an overprovision of intermediate 1 bed units. This overprovision has a negative impact with an under provision of 2 and 3 bed units.
- The applicant states, in the design access statement, that the wheelchair accessible units will be compliant with the "Habinteg Wheelchair Housing Design Guide". We would welcome this.
- The applicant identifies 18 wheelchair accessible units across the 2 sites, this equates to a policy compliant 10% on each site. We would like to see indicative unit type drawings for these units.
- The social rented units at Thomas Road are served by 2 lifts, this would mean that the wheelchair accessible units served by these cores could be classed as fully accessible.
- Two dedicated disabled parking spaces are proposed for Thomas Road and a further four are proposed for Dollar Bay.
- Concern that there is an overprovision of intermediate one bed units. However, this results in a 65% provision of much needed family sized homes for rent, these rented units will all be let at social target rents, in the current climate where the HCA and the Government are pushing for much higher "affordable rents", schemes such as these that deliver social targets rents are much needed. Therefore, subject to the results of the viability assessment, we would be supportive of this application.

Biodiversity and Ecology

7.15 The comments from the Borough's Biodiversity Officer can be summarised as follows:

- The application site is not a Site of Important Nature Conservation, but does contain features of local biodiversity value.
- These include a small area of developing woodland in an area where there is very little wildlife habitat, and at least one locally rare plant - ivy broomrape.
- Black redstarts have been recorded singing from the site and have bred in the general area in the past, and bats use the site for commuting, particularly the treeline on the north edge.
- The ES also mentions pepper saxifrage growing in a hedgerow on the site, without any further comment. This is a scarce plant in London, normally associated with old hay meadows in outer London, and is not known elsewhere in the borough. It is an unlikely species to have been planted here, so if the identification is correct, it is perhaps more significant than the ivy

broomrape. However, suspect that the record is an error.

- Apart from failing to mention the significance of pepper saxifrage, the Ecology chapter of the ES seems fair and accurate in its evaluation of the site and assessment of impacts.
- There will be adverse impacts on biodiversity, which will require mitigation.
- The mitigation measures proposed in the Ecology chapter of the ES should be secured by condition.
- In particular, lighting should not spill onto the treelines on the edges of the site;
- The trees to be retained along the boundaries of the site should be adequately protected during construction;
- Ivy should be included in the landscaping and the measures to re-establish the ivy broomrape from seed collected on site should be implemented.
- Demolition and vegetation clearance should be undertaken during September to February inclusive or, if not possible, surveys for nesting birds (including black redstart if buildings are being demolished during April-July inclusive) should be undertaken immediately before demolition/clearance.
- The landscaping offers further opportunities to enhance biodiversity.
- The inclusion of a water feature is noted which has the potential to be particularly valuable for biodiversity, though the illustrative photograph shows a totally hard-edged water feature with no planting.
- The proposed green walls and boundary planting also have the potential to benefit biodiversity, particularly if native species and/or nectar-rich and berry-producing species are used.
- A condition should require full details of landscaping, including the species to be planted, and how this will benefit biodiversity.
- Details of bird nest boxes should also be provided and approved through condition.

[Officer Comment: the suggested conditions identified above should be imposed and the clarification regarding pepper saxifrage is addressed in Section 9 of this report.

LBTH Environmental Health - Air Quality

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

EXTERNAL CONSULTEES

External Daylight & Sunlight Consultant (GVA)

7.17 An independent daylight and sunlight assessment was carried out on behalf of the Council by GVA. The report concludes that the availability of daylight and sunlight to the proposed new dwellings will be acceptable. Furthermore, it is not considered that there will be any significant harm to the existing neighbouring dwellings as a result of the Dollar Bay development.

Greater London Authority (GLA)

7.18 In summary GLA concluded in their Stage 1 response (17 Oct 2011) that whilst the application is generally acceptable in strategic planning terms, it does not comply with the London Plan. Comments can be summarised (however, see full response for further detail):

Principle of Development:

- Site's location within Isle of Dogs Opportunity Area identifies it as being suitable for residential mixed use development, therefore no principle planning concerns.

Affordable Housing:

- Considering both sites, a 38% affordable housing provision by units (and 45% by habitable rooms) complies with local planning policy and is supported in strategic terms.

Off-Site Provision & Viability:

- Mayors Housing SPD seeks affordable housing to be provided on site in the first instance; however SPG also recognises exceptional circumstances.
- GLA accept applicants viability argument that two stand along schemes with more mixed tenures would not be viable and would provide zero affordable housing.
- Confirmation on preferred RSL sought.

Unit Mix:

- High proportion of studio units (12%) and significant proportion of 1 and 2 bed units (40 % and 38%) however, inclusion of 14% 3 and 4 bed units welcomed.

Tenure Split:

- Tenure split for Dollar Bay site is 92%:8% (private to intermediate) however when considered in the context of both sites, the split is 62%:37% which is more in line with Policy 3.12

Density:

- Proposed density of 1,122hrph exceeds recommended threshold of 300-650hrph for a site in PTAL of 3. Other aspects such as high quality design, generous amenity standards, social infrastructure etc are acknowledged which assist in the justification of a higher density however, GLA note discontent with high number of studio units.

Child Play:

- GLA calculations demonstrate a child yield of 24 at Dollar Bay. 120sqm of Playspace is to be provided along side public plaza. Applicant's off site contribution offer towards older child play space supported.

Urban Design – Scale, Height, Massing:

- Tower considered elegant and an appropriate book ending to the docks. Acts as a landmark.

Urban Design – Layout:

- Further consideration needed regarding ground floor layout, relationship with pedestrian public realm and waterfront.
- Location of communal gardens raises concern (no overlooking), weak relationship with tower, lacks any sense of ownership.

Urban Design – Visual Appearance:

- Not as striking as previous proposal, however, crystalline concept is well articulated and creates a distinctive view.

Residential Layout:

- All units in compliance with London Plan space standards supported.
- Small footprint enables most of the units to be dual aspect which is supported.
- Small footprint also enables a layout of no more than 5 units per floor which is supported.
- However, the 15 studios raise concern.

Conservation Area and Impact on Water Spaces:

- Whilst the tower is not in keeping with the character of the Coldharbour Conservation Area, to provides a contrast between the modern buildings of Canary Wharf and the industrial heritage of the conservation area. This is welcomed.
- Discussion with British Waterways recommended regarding any intended pontoon facility on the deck.

Views:

- Falls within the backdrop of the Maritime Greenwich World Heritage Site and Greenwich Park Cons Area therefore consideration has been given to the views of this WHS in light of the London Views Management Framework. GLA conclude that the proposal would result in a minor to moderate change in view.
- Further information requested in relation to the impact on the outstanding Universal Value of the WHS.

Access & Inclusion:

- Commitment to Lifetime Homes supported
- Commitment to 10% wheelchair accessible units supported
- Proposed layout and access to public realm and landscaping supported
- Detailed lighting strategy required.
- Further information requested regarding allocation of parking bays

Transport:

- Parking at 0.3spaces per unit considered acceptable.
- 10% dedication to blue badge holders supported.
- Scheme not likely to have a negative impact on the operation of either TLRN or SRN.
- Financial contribution of £60k for bus enhancements sought.
- Financial contribution of £132k towards cycle hire scheme also sought.
- £15k towards Wayfinding also sought
- S106 should also ensure Travel Plan monitoring, Delivery & Service Plan, and Construction Logistics Plan.

Sustainability:

- Broadly acceptable and in line with London Plan Policies.

[Officer Comment: The applicant provides the GLA with a response dated 1 December 2011 responding to the issues, clarification and additional information noted above. These are discussed in relevant sections of this report].

British Waterways

7.19 Comments from BW can be summarised as follows:

- No objections to the design or the design or principle of this development;

- BW consider it essential that the development open up the site to improve the general amenity of the area and reduce any potential for anti-social behaviour.
- The proposed ground floor retail (café) unit would also be beneficial in animating this area and providing some passive surveillance.
- Previously discussed the incorporation of BW's dockside land to the west, in front of the Scout building, as additional outdoor seating for the café, which would help this area to be utilised and overlooked, though this does not appear to have been included, and may need to form part of S106 agreement.
- We acknowledge also the presence of a concierge on site who would help to monitor the immediate area.
- The proposed canopy extends across British Waterways' land and will need to be subject of an agreement with their Estates department to ensure maintenance etc.
- BW expect the walkway and land referred to above to be resurfaced in the same material as around the development, to provide continuity and improve the public realm. This should form part of the S106 agreement.
- The development proposal should consider the potential impact on the adjacent dock wall and should not have any adverse impact on its structural integrity.

Surface Water Discharges and Use of South Dock

- We understand that the applicant may consider discharging water into the Limehouse Cut. This can be acceptable subject to survey and agreement.
- Having discussed the site with our Utilities Team, the development would not be able to utilise the dock water for heating and cooling.
- There may be opportunities to utilise the dock during the construction cycle – with barges removing demolition waste and delivering materials. A management strategy to protect pedestrians during loading and unloading would be required, but this would be manageable.
- During and after completion of the development there is also an option for mooring boats alongside that could provide site offices, marketing suites, and events. We would be pleased to see activity, making use of the waterspace. This would likely only require simple ducting and services to be installed during the construction works.
- Conditions recommended in relation to: (i) survey of the condition of the dock wall, and a method statement and schedule of the repairs; (ii) feasibility study shall be carried out to assess the potential for moving freight by water during the construction cycle (waste and bulk materials) and following occupation of the development (waste and recyclates), (iii) full details of the proposed landscaping scheme; (iv) Risk Assessment and Method Statement outlining all works to be carried out adjacent to the water.
- Informatives recommended in relation to: (i) current British Waterways' Code of Practice for Works affecting British Waterways 2010; (ii) any discharge of surface water into the waterways; (iii) appropriate commercial agreement with British Waterways.

[Officer Comment: following amendments to the ground floor layout and relationship of the base of the tower with the proposed public realm, British Waterways were consulted again. BW support the proposed amendments to the public realm however emphasised that the dockside and walkway should benefit from passive surveillance and that the walkway should be included in the landscaping plan.. BW disappointed to see relocation of the proposed café away from the original orientation over BW

land. Officer advises that works to the pathway (which fall outside the red line plan) should be captured in the S106].

CABE

7.20 Comments can be summarised as follows:

- Support height of tower.
- Positive contribution to Canary Wharf.
- Details of materials should be conditioned.
- Public open space supported, however concerns raised regarding relationship of the tower so close to the waterside.
- Garden between Glen Terrace and the proposed tower is considered to be successful
- Concern regarding the 'arrival square' – ancillary buildings do not match the tower.
- Whilst CABE supports proposed tenure mix, they advise that Dollar Bay consider the accommodation of more affordable housing.

[Officer Comment: Design issues discussed in Section 9 of this report].

Environment Agency

7.21 Application lies within Flood Zone 3 and has a high probability of flooding. The EA objected to the proposal in the absence of any evidence to demonstrate that the floor risk sequential test has been applied.

[Officer comment: officers submitted a response to the EA on the 13 February and the EA confirmed in a letter dated 15 February that the submitted evidence and conclusion that both the Sequential Test and Exception Test have been satisfied enabled them to remove their objection to the proposal].

The EA recommend a condition requiring the development to be carried out in accordance with the approved FRA dated July 2011 and the following mitigation measures:

- Ground floor finished floor levels are set no lower than 5.3 m above Ordnance Datum (AOD);
- Inclusion of a formal evacuation route from basement areas to higher levels;
- Basement threshold levels above 5.3m AOD.

English Heritage

7.22 EH advised that the application should be determined in accordance with national and local guidance, and on the basis of specialist conservation advice.

London Fire and Emergency Planning Authority

7.23 If the existing water supplies are maintained, the provision of water supplies for use by the Fire Service should be adequate. Moreover, plan A-G200-P-T1-001 (Ground Floor Plan), would indicate that Brigade access should not be problematic.

Thames Water Authority

7.24

- No objection to waste however informatives advised recommending non return waste valves and surface water drainage arrangements; and ground water discharge permits.
- No objection with regard to Water, however informative advised in relation to minimum pressure heads and flow rates.
- Condition also advised regarding piling method statement.

Cross Rail

7.25 No objections to the proposal.

London City Airport

7.26 No safeguarding objection subject to the following conditions:

- Maximum building height of 114.505m AOD
- Maximum crane operating height of 155m AOD.

NATS

7.27 No safeguarding objections to this proposal.

8 LOCAL REPRESENTATION

8.1 A total of 198 properties within the area shown on the map appended to this report have been notified about the application and invited to comment. The application has also been publicised in East End Life and several site notices were erected around the site on 12th Sep 2011. Following amendments to the ground floor layout in January 2012, further consultation took place (20th January).

A total of 11 representations were received (8 x objections, 2 x support and 1 general representation) following publicity of the application and these can be summarised as follows:

No. of individual responses:	**Object:**	**Support:**	**General Observation:**
	8	**2**	**1**

8.2 2 letters of support received (from an adjoining landowner and local resident) confirming their support for the design quality of the proposal, noting London Newcastle's reputation and their general support to see the area around Dollar Bay evolve.

8.3 8 letters of objection were received from a local residents raising issues relating to:

- Too much development in the area in general and not enough public services.
- Excessive height.
- Loss of privacy.
- Unacceptable sense of enclosure.
- Overlooking.
- Adverse impact on Coldharbour Conservation Area

- Existing boundary treatment between Manchester Rd properties and the proposal must be protected, eg. old row of Willow trees
- Need to protect Black Redstart and Daubenton's bat in the vicinity.
- Proposed height would result in loss of light to Glen Terrace.
- Should be scaled down in similar way to wood wharf.
- Out of kilter with surrounding area.
- Restricted access.
- Dissatisfaction with extent of consultation period.
- Impact on the dock, eg sailing and fishing.
- Potential traffic congestion.
- Restricted access to the site.
- Objection to any 'tescos';
- Site should be used for elderly accommodation, youth facilities etc

[Officer Comment: the above issues are dealt with either through condition or in Section 9 of this report].

8.4 Comments were also received from the Commercial Boat Operators Association (CBOA) commenting that they support British Waterways suggestion that the basin be used for the transportation of construction materials. CBOA note that they can assist with the transportation of goods on the waterway and suggest that the LPA condition the application or tie this into an agreement.

[Officer comment: Applicant was requested to consider an arrangement with CBOA and BW and it is suggested that this is explored and captured in the S106.

9 MATERIAL PLANNING CONSIDERATIONS

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

- Principle of Development/Land Use Issues
- Density
- Conservation Area Impact
- Transport & Accessibility
- Design
- Housing
- Affordable Housing
- Residential Standards
- Amenity
- Air Quality
- Noise & Vibration
- Energy & Sustainability
- Flood Risk
- Biodiversity & Ecology
- Health
- EIA Issues
- Planning Obligations & S106
- Overall Conclusions

Principle of Development / Land Use Issues

<u>Residential</u>

9.2 At national level, planning policy promotes the efficient use of land with high density, mixed-use development and encourages the use of previously developed, vacant and underutilised sites to achieve national housing targets.

9.3 At a strategic level, the site is identified in the London Plan (2011) as falling within the Central Activities Zone and the Isle of Dogs Opportunity Area (Policy 2.13) which seek to optimise residential and non residential output and is identified as being capable of delivering 10,000 new homes.

9.4 At a local level, the Dollar Bay site falls within the Marsh Wall East site allocation within the Managing Development DPD (Proposed Submission Version 2012). The vision for Marsh Wall East is to deliver comprehensive mixed use development as such the principle for a residential led development of that proposed at 1-18 Dollar Bay Court accords with the site allocation objectives for this area.

9.5 The site also falls within LAP 7 & 8 of the Council's adopted Core Strategy (2010), where the wider Canary Wharf area. Along side the overall objective for Canary Wharf to retain and enhance its global role as a competitive financial district, one of the priorities is for the area to enable mixed use and residential development around the fridge of Canary Wharf.

9.6 It is also worth noting that the site falls within the Central Sub Area in the Isle of Dogs Action Area Plan (IPG 2007) and Policy IOD19 in particular promotes residential uses throughout the sub area.

9.7 The application proposes 121 new residential homes with residential being the predominant land use and in light of the above, the principle of residential use on this site is considered acceptable in land use terms.

Non-Residential Uses:

9.8 In line with the Mayor of London's objectives for the Isle of Dogs Opportunity Area; along side the vision and priorities of LAP 7 & 8 of the Council's adopted Core Strategy (2010), and the priorities of the Managing Development DPD (Proposed Submission Version 2012) which identifies the site as falling within the Marsh Wall East Site Allocation, the principle of supporting and ancillary uses such as retail and leisure uses are encouraged. In particular, one of the priorities of the wider Canary Wharf area (LAP 7&8) is to encourage buildings to animate water edges at ground floor level.

9.9 The application proposes a 122sqm private gym at basement level (for residents) and a 105sqm café use at ground floor level open to the public. The café will face in a westerly direction overlooking the dock and Canary Wharf.

9.10 With the above in mind, the proposed development is considered to accord with the above policies which together seek to encourage mixed use development and as such officers have no objections to the proposal in principle land use terms.

Density

9.11 Policies 3.4 of the London Plan (2011) and SP02 of the Core Strategy (2010) seek to ensure new housing developments optimise the use of land by corresponding the distribution and density levels of housing to public transport

accessibility levels and the wider accessibility of that location.

9.12 The site has a public transport accessibility level (PTAL) of 3. For central locations with a PTAL of 3, both London Plan and LBTH Core Strategy advises a density of between 300-650hrph.

9.13 The proposal results in a density of 1,122hrph. Whilst this density threshold exceeds the recommended guidance at a strategic and local level, the site is considered capable of achieving a very high density. This is partly as a result of the design quality of the tower, generous internal layouts, and minimum number of units per core. The small footprint also enables the provision of a reasonable level of public realm, space, amenity and play space. It must also be noted that the predominance of smaller units in the scheme has also raised the density of this site. This is as a result of the applicant's strategy to include a large proportion of family accommodation on the Thomas Rd site.

9.14 Furthermore, it should be noted that density only serves as an indication of the likely impact of a development and as discussed in later sections of this report, the development does not present any symptoms of overdevelopment or have any significantly adverse impacts on the quality of the residential development. As such a density which exceeds the recommended guidance is considered acceptable in this location. This is further supported by the site's designation within the Central Activities Zone, the Isle of Dogs Opportunity Area, the Marsh Wall East Site Allocation and the Isle of Dogs Action Area Plan, all of which encourage high density development in central locations.

9.15 The proposal is therefore considered to maximise the intensity of use on this site and is justified at a national, regional and local planning policy level.

Transport and Accessibility

9.16 PPG 13 and the London Plan 2008 and Policy 6.1 of the London Plan 2011 seek to promote sustainable modes of transport, accessibility, and reduce the need to travel by car. Policy 6.3 also requires transport demand generated by new development to be within capacity.

9.17 Saved UDP policies T16, T18, T19 and T21, Core Strategy Policy SP08 & SP09 and Policy DM20 of the Managing Development DPD (Proposed Submission Version 2012) together seek to deliver accessible, efficient and sustainable transport network, ensuring new development has no adverse impact on the safety and road network capacity, requires the assessment of traffic generation impacts and also seeks to prioritise and encourage improvements to the pedestrian environment.

9.18 The existing site at Dollar Bay, is currently occupied by 18 residential units with associated parking facilities. The Public Transport Accessibility Level (PTAL) of Phase 3 and is located close to Canary Wharf London Underground Station, and South Quay DLR. The planned Crossrail station at Canary Wharf is also scheduled to be delivered planned for 2018 which will further assist the accessibility of the site.

9.19 In terms of trip generation and impact on the adjoining road network, the application is supported by a Transport Assessment. This demonstrates that the scheme is not likely to have a negative impact on the adjoining network. TfL have confirmed that they have no concerns regarding traffic or access impacts on the

TLFN or SRN. The Borough's Highways Officer has confirmed that the trip generation assumptions appear acceptable.

9.20 It is recommended that specific controls over construction vehicle need to be secured by the submission of a Construction Method Statement (to be conditioned).

Servicing and Deliveries

9.21 The site will be serviced on site and the Borough's Highways Officer supports this. Officer recommend however that servicing and deliveries be managed and co-ordinated through a Servicing and Delivery Plan (SDP) to be prepared and submitted prior to occupation.

Waste/Refuse

9.22 The Design and Access Statement sets out the waste and refuse arrangements to transport bins to ground level. This is considered acceptable.

Car Parking

9.23 Policies 6.13 of the London Plan 2011, Saved Policy T16 of the UDP, Policy SP09 of the Core Strategy and Policy DM22 of the Managing Development DPD (Proposed Submission Version 2012) seek to encourage sustainable non-car modes of transport and to limit car use by restricting car parking provision.

9.24 There are 12 existing parking spaces on the site and the application proposes a total of 36 on-site spaces (including 4 disabled parking spaces). Parking will be provided at two basement levels and will be accessible through two car lifts located at the southeast corner of the site. (One lift will be for vehicles entering the car parking and one for those exiting). The proposed 36 spaces equates to 0.3 spaces per unit which is above the Council's parking standards for sites with a PTAL of 3 (ratio of 0.2 recommended) and more specifically for sites which fall within the Isle of Dogs, a zero tolerance is now required (Parking Standards, Appendix 2 of the Managing Development DPD 2012).

9.25 TfL have confirmed that they have no objections to the proposed level of parking, considering the sites location and proximity to pubic transport and its compliance with London Plan parking standards; however the Borough's Highways Officer has raised concern with the level of parking and has recommended that this site should not provide any on site parking.

9.26 Considering there are 12 existing spaces, the proposed increase is 24 spaces for the 103 additional units that will be created on this site (121 minus 18) which provide a ratio closer to 0.2. On balance, it is the view of officers that the level of parking is not particularly excessive in this location.

Travel Plan

9.27 A residential Travel Plan has been submitted in support of the application to promote alternative means of travel other than private car. It is recommended that this will be secured through the S106.

Provision for Cyclists

9.28 Cycle parking is to exceed LBTH and London Plan standards with one space per unit and one visitor space per 10 units. 183 resident spaces are proposed and 12 visitor spaces. The Boroughs Highways officer has requested the details of the bicycle storage and stands to be submitted however this has not been provided. It is recommended that this detail is conditioned.

Accessibility & Inclusive Environments

9.29 Policy 7.2 of the London Plan (2011); and Saved UDP Policy DEV1 and Policy SP10 of the Core Strategy seek to ensure that developments are accessible, usable and permeable for all users and that developments can be used easily by as many people as possible without undue effort, separation or special treatment.

9.30 A growing awareness of the importance of creating environments that are accessible for all people has led the Council to emphasise the importance of 'inclusive design'. It is considered that the proposed development has been designed with the principles of inclusive design in mind.

9.31 The site's location within a good PTAL area, alongside the provision of step free access routes across the site where possible indicates that the site will be accessible, usable and permeable for all. The proposed public realm strategy for the site, including the private and communal gardens appear accessible to all. There appears to be no major variations in gradient or access. The application should be conditioned to ensure all pedestrian access points are level or gently ramped. A number of principles have also been adopted by the applicant to ensure inclusive access and this will be discussed in later sections of this report. (e.g. commitment to Lifetime Homes standards; commitment towards provision of 10% wheelchair accessible homes; non segregated entrance points; compliance with Part M Building Regs to ensure level/ramped access).

Urban Design

Layout, Mass, Scale & Bulk

9.32 Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.4 specifically seeks high quality urban design having regard to the pattern and grain of the existing spaces and streets. Policy 7.6 seeks highest architectural quality, enhanced public realm, materials that compliment the local character, quality adaptable space, optimising the potential of the site.

9.33 Saved UDP policies DEV1, DEV2 and DEV3 seek to ensure that all new developments are sensitive to the character of their surroundings in terms of design, bulk, scale and use of materials. Core Strategy Policy SP10 and Policy DM23 and DM24 of the Managing Development DPD (Proposed Submission Version 2012) seek to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds.

9.34 The proposal comprises a 31 storey tower with a base footprint of approximately 30m x 30m fronting West India Quay with a communal garden located to the rear. A pedestrian route links the dockside walk to the development site and on to Glen Terrace. Whilst the tower will be predominantly residential in nature, there will be a café and concierge reception area proposed at ground floor level

in order to provide a more active frontage at this level and ensure that the development responds positively to the water edge and dock location.

9.35 Concerns were raised by officers in both the Council and the GLA regarding the ground floor layout and public realm of the proposal initially. Amendments were made in January 2012 to swap the café and reception area around so that the café was to be located in the south west corner of the tower with a continuous frontage to the south and the east of the ground floor. The proposed reception was then amended to ensure continuous ground floor activity along the northern elevation. This is considered to greatly improve the ground floor layout, and improve surveillance and safety.

9.36 The tower's location has the potential to provide a marker on the dock edge, defining the eastern edge of the existing and emerging Canary Wharf and Isle of Dogs buildings cluster. The proposal is considered to provide a successful solution to a site with such a constrained footprint. A small slender building minimises the scale, bulk and mass of this building. This results in a building with a strong building edge at ground floor level which is critical to the success of this site. Its location on the dock edge and the circulation space around the base is considered to comfortably accommodate this type and form of development. The orientation of the tower provides a narrow form with principle elevations looking east and west. This minimises the number of north facing units and ensure the provision of dual aspects units which assists in the provision of quality outlooks and maximises daylight and sunlight levels for future occupiers.

9.37 The proposed ancillary structures (car lift enclosures) are also considered to be at a scale appropriate for the site. The proposed green roofs help minimise the visual impact of these structures.

9.38 In terms of visual appearance and detailed design, a crystalline design concept is proposed, which includes a double skinned façade which gives the tower a distinctive view. The plans indicate that a high standard of architecture will be achieved on this site. However, securing high quality materials is imperative to the success of this building and a condition is proposed securing the submission of full details including samples of materials.

9.39 In line with strategic and local policies objectives, the overall design strategy for Dollar Bay is considered to respect the existing constraints and opportunities on the site. The proposal is considered to provide a high standard of urban design. The general bulk, scale and mass and detailed design of the proposal is considered to maximise the dock side location and proximity to canary wharf and balancing this against the low rise character of adjoining residential properties.

9.40 As such, the scheme accords with Chapter 7 of the London Plan (2011); saved policies DEV1, DEV2 and DEV3 of the Council's UDP (1998), Policies SP10 and SP12 of the Core Strategy (2010) and Policy DM23 and DM24 of the Managing Development DPD (Proposed Submission Version 2012) which seek to ensure buildings and places are of a high quality of design and suitably located.

<u>Height /Tall Building Aspect</u>

9.41 With regards to appropriateness of the development for tall buildings, this has been considered in the context of strategic and local planning policies, where a tall building is described as one which is significantly taller than their surroundings and /or having a significant impact on the skyline. Policy 7.7 of the

London Plan (2011) deals with tall and large buildings, setting out criteria including appropriate locations such as areas of intensification or town centres, that such buildings do not affect the surrounding area in terms of its scale, mass or bulk; relates to the urban grain of the surrounding area; improves the legibility of the area; incorporates the highest standards of architecture and materials; have ground floor uses that provide a positive experience to the surrounding streets; and makes a significant contribution to local regeneration.

9.42 SP10 of the Core Strategy (2010) and Policy DM26 of the Managing Development DPD (Proposed Submission Version 2012) also provides guidance on the appropriate location for tall buildings requiring them to relate to design and context, environment, socio-economic factors, access and transport and aviation requirements. Policy SP10 also seeks to restrict the location of tall buildings to Canary Wharf and Aldgate.

9.43 The Marsh Wall East Site Allocation as set out in the Managing Development DPD (Proposed Submission Version 2012) sets out some design principles for new development in the site. These include respecting the existing form and character of the area particularly stepping development down from Canary Wharf to low rise buildings of Cubbitt Town.

9.44 Whilst the site is not strictly located within an area designated for a tall building, the site does fall within the edge of Canary Wharf and the site will sit opposite side of the dock to the approved Wood Wharf scheme. Officers have confirmed the principle of a tall building in this location previously; however concerns were raised regarding the extent of the building and its height up to 31 storeys and whether this site should provide an appropriate transition between the taller buildings in the main Canary Wharf cluster and the lower rise residential character to the edge and the south.

9.45 The application was accompanied by a Townscape and Visual Impact Assessment which looked at a range of views. This assessment reinforced how the dock side location of this development site requires a strong architectural statement to enable this dock edge to be addressed successfully. As such, the assessment suggests that a tall building of this scale is considered to sit comfortably on this site, particularly when viewed looking east from the western edge of the dock and would make a positive contribution to the streetscape and locality.

9.46 The Council's Design Officer has noted that the scale of the dock will not be diminished by the proximity of the proposed tall building. The dock is over 1km in length and the new building will form an important termination to long views down the dock and provides a clear punctuation or marker at the eastern entrance. Overall this can be seen to have beneficial impacts on townscape and place making adjacent to such a large body of water.

9.47 Officers are of the view that the design of the proposed tall building, its architectural quality, and its proportionate scale and location will provide a positive contribution to the sky line. Furthermore, and as will be discussed in later sections of this report, the building will not have any adverse impacts on issues such as biodiversity, microclimate, and heritage assets. The impact on the setting of the Coldharbour Conservation Area is discussed in greater detail in subsequent paragraphs.

<u>Views</u>

9.48 In terms of views, Policy 7.11 of the London Plan sets out the approach to view management and assessment on designated views with an aim to project aspects of views which contribute to designated views including World Heritage Sites and their Outstanding Universal Value. The site falls within the viewing corridor of the Maritime Greenwich World Heritage Site, and consideration has been given to the potential impacts of the development on this site. However the submitted Townscape and Visual Impact Assessment confirms that the proposal will only result in a minor to moderate change to this view, while the effect is considered to be beneficial.

9.49 In terms of local views, the application is accompanied by a number of verified views and a full townscape analysis which following consideration indicates that the proposal will relate positively to the surrounding site context. Some concerns were raised by officers at the pre-application stage with regards to the impact of the development on views into and out of the adjoining conservation area, however, following receipt of the formal application and the accompanying TVIA, the development is considered to form a positive addition to London's skyline, without causing detriment to local or long distance views.

Public Realm, Landscaping and Open Space

9.50 Policies 5.10 and 7.5 of the London Plan (2011), Saved Policies DEV12 and HSG16 of the UDP (1998), Policies SP02, SP04 and SP12 of the Core Strategy (2010) and DM10 and DM23 of the Managing Development DPD (Proposed Submission Version 2012) seek high quality urban and landscape design; promote the good design of public spaces and the provision of green spaces and tree planting.

9.51 The plans and design and access statement confirm that the application will provide over 700sqm of open space, in the form of public realm. Whilst this is not sufficient to mitigate against the proposed development, the applicant also proposed a financial contribution towards public open space, streetscene and built environment. Of the 700sqm of public realm proposed, a high quality finished is indicated. It is considered appropriate to condition the submission of further detail in order to secure this. The January 2012 amendments which the applicant made to the ground floor layout, also included changes to the public realm, whereby a greater distance was given around the footprint of the building to provide a more spacious and attractive public realm and to enable the area in front of the east elevation to provide a more inviting through route for pedestrians. These changes are considered to greatly improve the open space and public realm quality of this proposal.

9.52 The Design and Access Statement also indicates a high quality finish with sandstone and york stone paving, flamed granite, decking, a water feature, timer bench seating and planter. It is proposed that this detail is conditioned through the submission of a final landscape plan.

9.53 In terms of landscaping details and trees, it is recommended that a detailed landscaping scheme be submitted and a tree protection and planting scheme.

Conservation Area Impacts

9.54 PPS5 provides detailed guidance on the conservation of the historic environment and historic assets. Policy HE7 in particular sets out a number of principles

guiding the determination of applications relating to heritage assets and in the consideration of the impact of a proposal, requires local planning authorities to take account of the significance of the heritage asset and the value that it holds. PPS 5 also sets out a presumption in favour of the conservation of designated heritage assets and the more significant the designated heritage asset, the greater the presumption in favour of its conservation should be.

9.55 Policy 7.8 of the London Plan (2011) along side and Policy SP10 of the Council's Core Strategy (2010) and Policy DM27 of the Managing Development DPD (Proposed Submission Version 2012) seek to protect and enhance heritage assets and ensure development affecting heritage assets and their settings will conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.

9.56 Policy DM26 (Part 2e) of the Managing Development DPD (Proposed Submission Version 2012) also seeks to ensure that tall buildings do not adversely impact on heritage assets, including their setting and backdrops.

9.57 The application is not located within a conservation area, however it adjoins the Coldharbour Conservation Area, immediately to the east, where a row of residential terraced properties known as Glen Terrace are situated. The Conservation Area was designated in December 1975 and amended to include Glen Terrace in October 2008. The terrace comprises mainly two and three storey properties, comprising of London stock brick, with their gardens forming the edge of the Conservation Area.

9.58 The Coldharbour Conservation Area Audit notes how Glen Terrace dates from the 1880s was named after the Glen Shipping Line which occupied the site for a short time prior to its development. The terrace is considered to offer a positive contribution to the Conservation Area and as such consideration has been given to the impact of the development on the setting of this terrace and the wider Coldharbour Conservation Area.

9.59 Concerns were raised at the pre-app stages regarding this particularly in relation to the scale of the development so close to the existing low rise terraced properties. Further information was provided in the submitted application in the form of a Heritage Assessment and a Townscape and Visual Impact Assessment which includes CGI's (computer generated images) of the proposed development in the context with Glen Terrace.

9.60 In respect of the setting of the Coldharbour Conservation Area, the Council's published Conservation Area Appraisal states that the setting of the Conservation Area *'…. has been altered by the high-rise development surrounding it, making this surviving pocket all the more valuable and remarkable…*' and that '… *the Canary Wharf development forms a dramatic backdrop to the small stretch of buildings along the historic riverfront'*.

9.61 Officers have considered the applicants TVIA and discussed with the Council's Design Officer and come to the view that the proposal will not have a significant impact on the setting the Coldharbour Conservation Area and more specifically Glen Terrace and around the Blue Bridge.

9.62 When the proposal is viewed from Manchester Road and Glen Terrace, the impact is clearly greater, creating a much greater change of scale. However, here the current intervisibility between the terrace and recent high-rise

development already in the area is now considered to be part of the existing setting of the Conservation Area. Whilst this proposal will bring development at a large scale in greater proximity to the terrace, this is not seen in itself as being harmful to the setting of the Conservation Area at this point. The quality of the public realm around the Dollar Bay proposal, the revised ground floor layout and the introduction of an intermediate green space between the boundary of Glen Terrace and the application site is considered to contribute to making an effective transition between this Victorian housing and the new development, particularly at pedestrian level.

9.63 The submitted TVIA shows that the proposed building would form a high quality, vertically emphasised addition in views where it is seen with Glen Terrace. The juxtaposition of the two is considered to provide dramatic visual evidence of the significance of Glen Terrace as a historic fragment surrounded by striking modern development, and thereby seen to protect and enhance the setting of the conservation area.

9.64 It is also worth noting that English Heritage raise no objections to the proposal.

9.65 The proposal will not have any significant adverse impacts on the setting of the adjoining Heritage Asset and the proposal is considered to both protect and enhance the setting of the Coldharbour Conservation Area in accordance with policy 7.8 of the London Plan (2011); Policy SP10 of the Core Strategy (2010), and Policy DM26 (part 2e) and DM27 of the Managing Development DPD (Proposed Submission Version 2012) along side the advice set out in Planning Policy Statement 5: Planning for the Historic Environment which seek to protects London's heritage assets, including their setting.

Housing

9.66 Policy 3.3 of the London Plan (2011) seeks to increase London's supply of housing, requiring Boroughs to exceed housing targets, and for new developments offer a range of housing choices, in terms of the mix of housing sizes and types and provide better quality accommodation for Londoners.

9.67 Policy SP02 of the LBTH Core Strategy (2010) seeks to deliver 43,275 new homes (equating to 2,885 per year) from 2010 to 2025 in line with the housing targets set out in the London Plan. The aim is to focus the majority of new housing in the eastern part of the borough, in a number of identified places and the '*Canary Wharf*' area is identified as one of such places.

9.68 Policy DM4 of the Managing Development DPD (Proposed Submission Version 2012) also seeks to ensure that development doesn't result in the net loss of residential floorspace, units or family units.

9.69 The application proposes 121 new residential units on the Dollar Bay site, following the demolition of 18 existing units. This is considered to contribute towards Tower Hamlets annual target of 2,885 per year.

<u>Affordable Housing</u>

9.70 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.

9.71 Policies 3.10 - 3.12 of the London Plan (2011) define Affordable Housing and seek the maximum reasonable amount of affordable housing taking into account site specific circumstances and the need to have regard to financial viability assessments, public subsidy and potential for phased re-appraisals.

9.72 Policy SP02 of LBTH's Core Strategy (2010) seeks 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.

9.73 Paragraph 4.4 (subtext to Policy SP02) recognises that in some instances, exceptional circumstances may arise where the affordable housing requirements need to be varied. In such circumstances, detailed and robust financial statements must be provided. Even then, it is acknowledged that there is no presumption that such circumstances will be accepted, if other benefits do not outweigh the failure of the site to contribute towards affordable housing provision.

9.74 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. These are defined as follows:

9.75 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.

9.76 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.

9.77 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.

9.78 Policy DM4 of the Managing Development DPD (Proposed Submission Version 2012) further supports the Core Strategy by requiring that developments seek to maximise the delivery of affordable housing *on-site.* Part 3a of Policy DM4 in particular goes on to state that any off site provision will only be considered in circumstances where it can be demonstrated that:

(i) it is not practical to provide it on site;

(ii) to ensure mixed and balanced communities;
(iii) it can provide a minimum of 50% affordable housing;
(iv) it can provide a better outcome including higher level of social rented family homes; and
(v) future residents living on both sites use and benefit from the same level and quality of services.

The Affordable Housing Proposal

9.79 As highlighted in previous sections of this report, the proposed application for 1-18 Dollar Bay is linked to the proposed redevelopment of 18-36 Thomas Rd for reasons relating to affordable housing. For the purposes of affordable housing, both sites are considered together. However for clarification purposes, the individual mix for both sites will be outlined separately.

9.80 This Dollar Bay site seeks to deliver 10 affordable units (all intermediate), together with 111 private market units. This equates to an on-site affordable housing provision of 8%. However, the Thomas Road site proposes to provide 59 affordable units (43 social rent and 16 intermediate) together with 5 private market units. As a stand alone scheme, the Thomas Road, site would provide 92% on-site affordable housing. When considered together the affordable housing provision across both sites equates to 46%

Off Site Affordable Housing & Viability

9.81 The principle of the off-site offer must be considered in the context of the applicant's viability argument and against the Council's policy position regarding exceptional circumstances.

9.82 Firstly, the application is supported by a Viability Assessment which seeks to justify the applicant's affordable housing offer and justify why the alternative site at Thomas Road will deliver a better affordable housing arrangement over the Dollar Bay site.

9.83 The toolkit assesses the residual land value of the proposed development and using the outputs of the financial model, considers the economic viability of the proposed level of affordable housing provision and the level of Section 106 contributions that can viably be provided. The assessment also assumes that no grant funding is available.

9.84 The assessment demonstrates that if the two schemes were to be developed out separately, the affordable housing provision would be zero. On this basis there would be no reasonable prospect achieving two policy compliant schemes on either site in the foreseeable future. As outlined above, the Council's Core Strategy notes that exceptional circumstances may arise where the affordable housing requirements need to be varied as such, this is considered once such circumstance. However the Core Strategy also notes that even when the financial viability assessment found to be sound, '*there should no presumption that such circumstances will be accepted, if other benefits do not outweigh the failure of the site to provide affordable housing'.* (Paragraph 4.4)

9.85 These concerns were raised with the applicant at the pre-application stage and further justification was requested to justify the suitability of the off-site location and a justification as to why the alternative affordable housing arrangement provides a better outcome. These issues are discussed in more detail below.

9.86 In terms of the suitability of Thomas Road, the applicant was requested to explore the option of a site closer to the principle Dollar Bay site and preferably within the Isle of Dogs ward, as officers had concern at the pre-app stage about the geographical distance between Dollar Bay and the proposed donor site. As such, an assessment of alternative sites within the Blackwall and Cubit Town Ward, which Dollar bay is situated, and the neighbouring Millwall Ward has been submitted in support of the applicants proposal. This assessment presents a number of difficulties the applicant had in finding a suitable donor site within Isle of Dogs. It identifies 17 alternative sites within the Blackwall and Cubit Town and Millwall Wards and concludes that these sites either unavailable or unviable to accommodate the off-site affordable housing. Officers have considered this assessment and note that many of the sites identified already have planning permissions and are committed to, however, officers are not aware of any other suitable alternatives sites at this point in time.

Principle of Off Site Affordable Housing & Suitability of Thomas Road

9.87 Since the submission of the formal application, the Council's Managing Development DPD (Proposed Submission Version 2012) has been produced. Part 3a of Policy DM4 confirms that any off site affordable housing provision will only be considered in specific circumstances. These are outlined and assessed in more detail below. The policy states that any off-site affordable housing will only be considered in circumstances where it can be demonstrated that:

(i) It is not practical to provide affordable housing on site;

9.88 In response to this, the principle Dollar Bay site has relatively small site area and the site constraints make it more suitable for a slender form of development in order to maximise the density and make the scheme commercially viable. As such, development in vertical direction is inevitable if this site is to come forward. This type of design naturally has a smaller footprint and can only accommodate a single core. In order to ensure the effective management of tenures within a development, private market housing an affordable housing ideally require separate core access. This is not feasible on the Dollar Bay site as the building can only accommodate a single core. As such it is not practical to provide affordable housing on this site.

9.89 Furthermore, the site constraints for Dollar Bay would limit the number of family units capable of being provided at lower levels with very few units having direct private access to ground floor amenity space. As such, the arrangement at Thomas Road is considered a more suitable location for family living and affordable housing. The Thomas Road site is larger and enables the delivery of a better quality layout, and better levels of amenity space, particularly families.

9.90 Finally, by developing the affordable housing on an alternative site, the development offers the opportunity for early delivery, whereas the private housing proposal on Dollar Bay would materialise at a more suitable point when market conditions improve. It is also considered by the developer that the Thomas Road Scheme would be more attractive to an RSL as a site they would have complete control over its entirety.

(ii) where the proposal will to ensure mixed and balanced communities;

9.91 This issue was raised by officers at the pre-application stage regarding the

potential concentration of new social rented accommodation in an already saturated social rented area, which can result in the exacerbation of existing social and economic polarisation within the Borough. Following the submission of the application, the application was supported with a 'Socio-Economic and Housing Market Analysis' which seeks to demonstrate that proposed development will not result in a polarised or imbalanced community. Reference is made to a number of recent developments between 2005 and 2011 near Thomas Road and whilst all are not yet developed, the, a significantly large proportion of the units in the schemes assessed, were for private sale (over 60%). This is considered to contribute towards redressing the tenure balance within the area.

9.92 However, it is acknowledged that the pre-app scheme did evolve to provide some level of affordable housing on the Dollar Bay site compared to the original 100% private scheme proposed. Whilst a proportion of 8% affordable housing against 92% private is not considered a dramatically balance the tenures on this site, it is an improvement. On balance, officers acknowledge that considering the site constraints and the viability issues, the proposed off site provision will provide a better outcome for both these sites.

(iii) where the proposal can provide a minimum of 50% affordable housing;

9.93 The total aggregate level of affordable housing across the two sites will be 46%. Whilst this technically falls below the recommended minimum of 50%, the application is supported by a viability toolkit which demonstrates that this is the maximum level of affordable housing which can be achieved. In addition, the scheme will not benefit from any grant funding. The offer of 46% across the two sites is considered to be substantial in the current climate and it must be acknowledged that whilst it is not at 50%, it is at the upper end and in light of the viability constraints, officers consider this together to be acceptable in this particular instance.

(iv) where the proposal can provide a better outcome including higher level of social rented family homes;

9.94 The Thomas Road scheme will deliver a much higher level of social rented family accommodation than would be delivered if developed on its own. Of the 43 social rented units proposed, 28 units (65%) will be in the form of 3, 4 and 5 bed family homes. As such, officers consider this aspect of the proposal to significantly contribute to the case that the off site arrangement provides a better outcome.

(v) where future residents living on both sites use and benefit from the same level and quality of services.

9.95 The two sites are not geographically linked, and as such future residents may not necessarily use and benefit from the same services (being in two separate wards and 1.9km apart). However, both developments will benefit equally by receiving a full S106 package of £1.47million which will ensure that future residents will use and benefit from the same level and quality of services. Dollar Bay will benefit from a financial contribution of £526k and the Thomas Road site will benefit from a financial package of £901k (discussed in further detail in the Planning Obligations section of this report).

9.96 The Thomas Road site will place a greater pressure on local social and physical infrastructure due to the higher population and higher child yield by virtue of the exceptionally high level of family sized affordable housing on this site. As such, the applicant has committed to providing a full contribution in response to all of the Borough's priorities, which includes education, health, employment, enterprise, sustainable travel, public realm and the built environment. Officers consider that this commitment will ensure that quality infrastructure and support services can be secured for the future residents of both sites, despite the fact that the residents may not necessarily use the same services such as schools and GPs.

9.97 As such, in terms of the quality of affordable homes proposed together with the package of obligations proposed, officers consider that on balance the proposed off-site affordable housing offer will provide a better outcome than if the sites were to be developed separately.

9.98 It is also worth noting that the GLA have confirmed their acceptance of the applicant's justification for exceptional circumstances.

Affordable Housing Conclusion

9.99 In light of the demonstrated viability constraints and the exceptional circumstances demonstrated above, the proposed affordable housing offer of 46% across the two sites is considered to be the maximum level of affordable housing that can be achieved. Furthermore, whilst the location of the proposed donor site at Thomas Road is located a considerable distance from the principle site and future residents may not necessarily benefit from the same facilities and services, officers are content that both schemes will deliver a better regenerative benefits than would have been provided if these two sites were development independently from each other. Therefore, on balance, the benefits which include (i) a better form and layout, (ii) better amenity and open space conditions, (iii) greater provision of social rent and family accommodation and (iv) a better S106 package are considered sufficient reasons to outweigh the failure of the proposal to provide affordable housing on site.

9.100 As such, the application is considered to comply with Policies 3.10-3.12 of the London Plan (2011), Policy SP02 of the Core Strategy (2010) and Policy DM3 of the Managing Development DPD (Proposed Submission Version 2012) Proposed Submission Version.

Housing Type and Tenure Mix

9.101 Pursuant to policy 3.8 of the London Plan, new residential development should offer genuine housing choice, in particular a range of housing size and type.

9.102 Saved Policy HSG7 of LBTH's UDP (1998) requires new housing to provide a mix of unit sizes where appropriate, including a substantial proportion of family dwellings of between 3 and 6 bedrooms.

9.103 Policy SP02 of the Core Strategy (2010) also seek to secure a mixture of small and large housing, requiring an overall target of 30% of *all* new housing to be of a size suitable for families (three-bed plus), including 45% of new social rented homes to be for families.

9.104 Policy DM3 (part 7) of the Managing Development DPD (Proposed Submission

Version 2012) requires a balance of housing types including family homes. Specific guidance in provided on particular housing types and is based on the Councils most up to date Strategic Housing Market Assessment (2009).

9.105 A summary of the proposed mix of dwelling types for Dollar Bay is set out in the table below in the context of LBTH targets and current housing needs assessment:

9.106

DOLLAR BAY HOUSING MIX										
		Affordable Housing						Private Housing		
		Social Rent			**Intermediate**			**Market Sale**		
Unit size	**Total units**	**units**	**%**	**LBTH target %**	**units**	**%**	**LBTH target %**	**Units**	**%**	**LBTH Target %**
Studio	15	0	0%	0	0	0	0	15	13%	0
1 bed	48	0	0%	30%	8	80%	25%	40	36%	50%
2 bed	40	0	0%	25%	2	20%	50%	38	34%	30%
3 bed	17	0	0%	30%	0	0%	25%	17	16%	20%
4+ bed	1	0	0%	15%	0	0%	0%	1		
TOTAL	**121**		**100**	**100**	**10**	**100**		**111**	**100**	**100**

9.107 As the above table demonstrates, the proposal as a stand alone scheme is not policy compliant in terms of its housing mix due to the predominance of private units and smaller units in the form of studio and one bed units. As a stand alone scheme, the proposal would fails to provide a balanced provision of family accommodation (15%) against the Borough's target of 30% as prescribed by Policy SP02 of the Core Strategy. Furthermore, there are no family type units proposed within the 10 intermediate units. However, within the private mix alone, the scheme does attempt to provide a reasonable level of family units with 16% against a target of 20%. The predominance of studio and 1 bed units is a concern however the applicant has demonstrated that these are needed to make the scheme viable and meet local demand for this form of accommodation in Canary Wharf.

9.108 However, considering this is a linked application involving a donor site, and officers have had regard to the aggregate level of affordable housing across the two sites, a similar approach must be given to the combined housing mix. As such, a summary of the proposed mix of dwelling types for Dollar Bay & Thomas Road together are set out in the table below in the context of LBTH targets and current housing needs assessment:

9.109

COMBINED HOUSING MIX ACROSS DOLLAR BAY & THOMAS ROAD		
	Affordable Housing	Private Housing

		Social Rent			**Intermediate**			**Market Sale**		
Unit size	**Total units**	**units**	**%**	**LBTH target %**	**units**	**%**	**LBTH target %**	**Units**	**%**	**LBTH Target %**
Studio	15	0	0%	0	0	0	0	15	13%	0
1 bed	67	9	21%	30%	18	69%	25%	40	36%	50%
2 bed	49	6	14%	25%	4	20%	50%	39	35%	30%
3 bed	47	22	51%	30%	4	15%	25%	21	19%	20%
4 bed	4	4	14%	15%	0	0%	0%	1		
5 bed	2	2			0		0%	0		
TOTAL	**185**	**43**	**100**	**100**	**26**	**100**		**116**	**100**	**100**

9.110 In terms of the overall mix of housing across the two site, a reasonable mix will be achieved. 29% of the combined scheme will be for family accommodation against our target of 30%. Further more, 65% of the scheme will social rented accommodation will be for family units, comprising 22 x 3beds, 4 x 4beds and 1 x family. As is outlined in the accompanying Thomas Road report, all of the proposed social rented accommodation is to be provided on the donor site.

9.111 Whilst the level of smaller units in the social rented sector is low, and the mix in the intermediate sector is considered too focused towards smaller units, however, the overall balance is considered acceptable in light of the efforts made to maximise family accommodation in the social rented sector.

9.112 In terms of the overall mix, the GLA and Council's housing officer have also raised concern regarding the relatively high proportion of studios and small intermediate units. However, on balance they are supportive of the proposal considering the commitment towards the delivery of a high proportion of family social rented unit.

Tenure Ratio & Housing Mix

9.113 No affordable rent product is proposed in this scheme (or the Thomas Road scheme). All affordable housing will comprise social rent and intermediate tenures. With regard to the mix of social rent to intermediate, the application proposes a mix of 62:37 across the two sites, in favour of the social rented tenure, which is broadly compliant with strategic guidance, with the London Plan (60:40). Whilst this does not accord with the Borough's target of 70:30 as prescribed by Policy SP02 of the Core Strategy (2010) and Policy DM3 of the draft Managing Development DPD (2010). It must be acknowledged that the true tenure split is skewed due to the off-site affordable arrangement. Regardless, the 62:37 split assists in the delivery of a more balanced mix when both sites are considered together.

9.114 Overall, the emphasis on the provision of large family housing within the social rented sector is supported. Therefore considering the site constraints and the associated viability constraints, the application is considered on balance to

provide an acceptable mix in compliance with Policy 3.8 of the London Plan (2011), Policy SP02 of the LBTH Core Strategy (2010) and Policy DM3 of the Managing Development DPD (Proposed Submission Version 2012).

Residential Standards

9.115 Internal Space Standards

9.116 Policy 3.5 of the London Plan (2011) 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. In addition, the Mayor of London's Housing Design Guide (Interim Edition, August 2010) sets out new minimum space standards to improve housing quality and allow homes to be flexibly used by a range of residents.

9.117 Saved Policy HSG13 of the UDP, Policy SP02 of the Core Strategy (2011) and Policy DM4 of the Managing Development DPD (Proposed Submission Version 2012) seeks to ensure that new housing has adequate provision of internal space standards in line with the Mayor of London's standards. Policy DM4 also requires affordable family sized homes to have separate kitchen and living rooms.

9.118 All of the units in the Dollar Bay scheme accord with the Mayor of London's and the Borough's minimum standards for unit sizes.

9.119 As such the proposed internal layout is considered acceptable and will accord with the London Housing Design Guide (Interim Edition, 2010), Policies 3.5 of the London Plan (2011), saved Policy HSG13 of the UDP (1998) and Policy SP02 of the Core Strategy (2010), Policy DM4 of the Managing Development DPD (Proposed Submission Version 2012) and the Council's Residential Standards SPG (1998).

Private and Communal Amenity Space

9.120 Saved Policy HSG16 of Tower Hamlets UDP (1998), Policy HSG7 of Tower Hamlets IPG (2007) and Policy DM4 of the Managing Development DPD (Proposed Submission Version 2012) require all new housing to include an adequate provision of amenity space, designed in a manner which is fully integrated into a development, in a safe, accessible and usable way, without detracting from the appearance of a building.

9.121 Specific amenity space standards are guided by Policy DM4 of the Council's Managing Development DPD (Proposed Submission Version 2012) will follows the Mayor of London's Housing Design Guide standards which specifies a minimum of 5sqm of private outdoor amenity space for 1-2 person homes and an extra 1sqm for each additional occupant. It also requires balconies and other private external spaces to be a minimum width of 1.5m.

Private Open Space:

9.122 As outlined in the table below, the Dollar Bay proposes over 2,000 sqm of private amenity space. Based on the requirements of draft Policy DM4, this provision would exceed our minimum requirement of approx 731sqm of private amenity space for 121 units on this mix on this site.

Private Amenity Space			
No. of Units	Required Amount (Draft MD DPD 2011)	Required Amount (sqm)	Dollar Bay Provision
15 Studios	15 x 5sqm	75	151sqm
48 x 1 Beds	48 x 5sqm	240	622sqm
40 x 2 Beds	40 x 6sqm	240	739sqm
17 x 3 beds	17 x 8sqm	136	449sqm
1 x 4 beds	4 x 10sqm	40	47sqm
Total:		731sqm	2008sqm

9.123 This level of private amenity spaces is supported by officers. The plans confirm that all of the units in the tower will benefit from generous private space in the form of terraces and private winter gardens. Some of the smallest winter gardens range from 10-13sqm and some of the larger apartments will have terraces and winter gardens ranging from between 15-19sqm. This ensures that all of the areas will have a minimum width of 1.5m as required by Policy DM4. Furthermore, the double skinned façade to the east and west of the tower act as an insulating barrier during the winter and a natural ventilator during the summer months which reduced the requirement for heating and additional cooling. As such, the proposed level of private amenity space and the standard and form of proposed is welcomed.

Communal Open Space:

In terms of communal amenity space, Policy DM4 requires 50sqm for the first 10 units, plus 1sqm for every additional unit thereafter.

9.91 A total of 161sqm of communal amenity space would be required for a 121 unit scheme; however the application provides a communal space at ground floor level measuring over 600sqm, which considerably exceeds the Council's requirement. This has been provided in the form of a privately accessed garden area to the east of the tower. This is considered to greatly benefit the quality of the residential environment for this development.

Child Play Space

9.92 Planning Policy Statement 3 sets out the importance of integrating play and informal recreation in planning for mixed communities.

9.93 Policy 3.6 of the London Plan (2011), Saved Policy OS9 of Tower Hamlets UDP (1998), Policy SP02 of Tower Hamlets Core Strategy (2010) and Policy DM4 of the Managing Development DPD (Proposed Submission Version 2012) seeks to protect existing child play space and requires the provision of new appropriate play space within new residential development. Policy DM4 specifically advises that applicants apply LBTH child yields and the guidance set out in the Mayor of London's SPG on 'Providing for Children and Young People's Play and Informal Recreation' (which sets a benchmark of 10 sqm of useable child play space per child).

9.94 Using LBTH child yield calculations, the proposed development is anticipated to deliver 12 children and accordingly the development should provide a minimum of 122sqm of play space. The development proposes to deliver 120sqm of play space for 0-5 age group. It is proposed that some elements of the proposed public plaza will also comprise an element of play space. Whilst there is no

specific play space for older children, officers have negotiated a full S106 package which includes £98k towards the creation of open space and open space enhancements in the area. On balance, officers consider the overall contributions towards child play space on site to be sufficient.

9.96 As such, officers support the quantity and location of the proposed play space, as set out in Policy 3.6 of the London Plan (2011), Saved Policy OS9 of Tower Hamlets UDP (1998), Policy SP02 of Tower Hamlets Core Strategy (2010) and Policy DM4 of the Managing Development DPD (Proposed Submission Version 2012).

Wheelchair Housing and Lifetime Homes Standards

9.97 Policy 3.8 of the London Plan (2011), Policy HSG9 of Tower Hamlets IPG (2007), and Policy SP02 of the Core Strategy (2010) require that all new housing is built to Lifetime Homes Standards and that 10% of new housing is designed to be wheelchair accessible or easily adaptable for wheelchair users.

9.98 The applicants access strategy confirms that all new will be built to Lifetime Homes standards and that the unit mix comprises 10% wheelchair accessible homes.

9.99 As such, it is considered that the proposal is acceptable in accordance with Policy 3.8 of the London Plan (2011) and Policy SP02 of the Core Strategy (2010).

Amenity

Daylight, Sunlight and Overshadowing

9.100 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2nd Edition 2011).

9.101 Saved Policies DEV1 and DEV2 of Tower Hamlets UDP (1998), Core Strategy Policy SP10 and Policy DM25 of the Managing Development DPD (Proposed Submission Version 2012) seek to protect amenity, by ensuring development does not result in an unacceptable material deterioration of the sunlight and daylight conditions of surrounding development. Policy DM25 also seeks to ensure adequate levels of light for new residential developments.

9.102 The submitted Environmental Statement considers the impacts of the development with respect to daylight and sunlight.

Daylight

9.103 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.

9.104 British Standard 8206 recommends ADF values for residential accommodation as:

- 2% for kitchens;
- 1.5% for living rooms; and
- 1% for bedrooms.

9.105 Chapter 15 of the accompanying Environmental Statement assesses the daylight and sunlight conditions for the development at Dollar Bay.

The assessment notes that one factor which must be taken into consideration in the assessment of the daylight and sunlight conditions for the properties to the east of the Dollar Bay site is the existing tree line along the boundary with Glen Terrace properties. The existing tree density has an influence on the baseline daylight and sunlight conditions for these properties. The Environmental Statement notes that two assessments were taken – the effect of the development when trees are in leaf ('summer trees') and the effect of the development in winter when the trees are not in leaf ('winter trees'). This will be referred to below.

9.106 The daylight assessment concludes that some windows with existing VSC values below 27% are located at ground floor level, particularly the properties along Glen Terrace and as highlighted above, the existing belt of trees on the boundary is one of the reasons why many of these windows fail.

9.107 Of the 203 rooms assessed in the adjoining properties, less than 0.5% (1 room with summer trees) and 3% (6 rooms, winter trees) will not pass VSC, NSL or ADF. 13 rooms fail VSC and NSL (summer trees) or 25 rooms (winter trees) however the number of non compliance is minor and is considered to have only a negligible impact.

9.108 The properties most affected would be No's 601 - 615 Glen Terrace, where some of these properties will have rooms which will not retain at least 27% VSC or at least 80% of their baseline NSL value. However, the results indicate that all of these properties have other rooms which will receive sufficient daylight, except for No. 611, 613 & 615 Glen Terrace.

9.109 However, for the properties along Glen Terrace, the design of these properties (projecting rear extensions) already limits the daylight availability to many of those windows set back within the recesses between each extension and in any event, whilst a number of these rooms will experience losses of VSC and losses of Internal Daylight Distribution, the number of rooms that will be affected are relatively small.

9.110 The failures at 1-52 Antilles Bay are limited to VSC and are a result of the canopy affect of some projecting balconies. So whilst these flats do not meet VSC values, when they are considered in conjunction with Daylight Distribution, the quality of daylight will remain more than adequate.

9.111 In terms of the impact of the development on the conditions of the proposed new dwellings, the assessment demonstrates that the new units will achieve good

levels of daylight. This has been verified by GVA's independent assessment on behalf of the Council.

Sunlight

9.112 Sunlight is assessed through the calculation of what is known as Annual Probable Sunlight Hours (APSH). This method of assessment considers the amount of sun available in the summer and winter, for each window within 90 degrees of due south.

9.113 An analysis of the levels of APSH on the facades of the residential buildings was undertaken to assess the potential levels of sunlight amenity. BRE guidelines suggest that in order to meet APSH criteria, that once the proposed development has been constructed, any window (within 90 degrees of due south) should receive at least 25% of APSH, including at least 5% APSH during the winter months, in order to receive enough sunlight.

9.114 In terms of conditions of the proposed new dwellings, the assessment demonstrates that the new units will achieve good levels of sunlight. This has been verified by GVA's independent assessment on behalf of the Council.

9.115 In terms of the impact of the proposal on the adjoining properties, 168 windows serving 20 adjoining properties (with windows within 90 degrees of due south) where assessed. It is worth noting that the rear of Glen Terrace is due west and only a handful of windows fall within BRE sunlight criteria. Of the 168 windows which do fall within the criteria, the results show that over 90% (summer trees) and 86% (winter trees) of windows assessed would receive sufficient APSH therefore a majority meet the BRE guidance. The properties most affected would be No's 603 - 615 Glen Terrace and 416 Preston's Road, where some of these properties' windows would fall below the recommended 25% APSH. However, the results indicate that all of these properties have other windows which will receive sufficient sunlight, except for No. 613 & 615 Glen Terrace. With regards to Nos 613 and 615, the ES concludes that the level of adverse impact in these situations will be minor.

9.116 Whilst the loss of sunlight to these properties is regrettable, it is not considered a strong enough reason to refuse this application, as the majority of the adjoining properties will maintain sufficient levels of sunlight and this is not uncommon for the development of this scale and density in such an urban environment. In any event, the benefits of the proposed development and the linked benefits proposed in Thomas Road application are considered to outweigh the loss of sunlight to one or two properties at Glen Terrace.

9.117 The Council's independent assessment also concludes that there are already a number of windows which have poor levels of existing APSH as a result of the design of the buildings, over sailing structures, balconies, extensions.

Overshadowing

9.118 In terms of permanent overshadowing, the BRE guidance in relation to new gardens and amenity areas states that *"it is recommended that for it to appear adequately sunlit throughout the year, at least half of a garden or amenity space should receive at least 2 hours of sunlight on 21st March".* The permanent overshadowing results reveal that there will be virtually no impact to the existing gardens located to the rear of Glen Terrace. Only 6 gardens (603-615) would

experience a small loss of light as a result of the new development. Only 1.24% of the proposed amenity area at the base of the tower will experience permanent overshadowing on 21st March.

9.119 It is considered that the proposed development is generally in keeping with the BRE guidance, Policy 4B.10 of the London Plan (2008), saved Policies DEV1 and DEV2 of Tower Hamlets UDP (1998), Core Strategy Policy SP10 and Policy DM25 of the Managing Development DPD (Proposed Submission Version 2012) with regards to sunlight, daylight, and overshadowing and accordingly the proposals are likely to result in a reasonably acceptable standard of living and amenity areas in this regard considering the site constraints and urban environment.

Sense of Enclosure and Outlook

9.120 Policy SP10 of the Core Strategy (2010) seeks to protect residential amenity and Policy DM25 of the Managing Development DPD (Proposed Submission Version 2012) requires development to protect through ensuring development does not result in the loss of privacy, unreasonable overlooking, or unacceptable increase in sense of enclosure, or loss of outlook.

9.121 The nearest buildings to consider in this regard, are the properties to the east (Glen Terrace) and to the south (Achilles Bay).

9.122 The design of the proposed building at Dollar Bay enables dual aspect units which greatly improve the quality of living and outlook for occupiers.

9.123 The proposal has been positioned towards the edge of the dock away from the properties along Glen Terrace in order to allow sufficient separation distance and thereby ensuring no adverse impacts on outlook from the proposed buildings. Minimum separation distances measure between 34-40m between the eastern elevation of the proposal and the rear of Glen Terrace and between 20-22m between the southern elevation of the proposal and the Achilles' Bay which is considered acceptable given that a distance of approximately 18m is usually considered a reasonable guideline to ensure sufficient levels of privacy.

9.124 The proposal is therefore in keeping with Policy SP10 of the Core Strategy (2010) and draft Policy DM25 of the Managing Development DPD (Proposed Submission Version 2012) with respect to matters concerning amenity, sense of enclosure and outlook.

Micro-Climate

9.125 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..'* Policy DM26 of the MD DPD (2012) supports this position. Wind microclimate is therefore an important factor in achieving the desired planning policy objective.

9.126 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 and the impact

relative to that use.

9.127 The pedestrian level wind microclimate at the site was quantified and classified in accordance with the widely accepted Lawson Comfort Criteria.

9.128 Overall, the residual effect of the proposed development is expected to be negligible. The wind microclimate around the site would be relatively calm, and suitable for the intended use of the site, with amenity areas and terraces suitable for either sitting or standing. No mitigation measures are proposed, as they are not considered necessary.

9.129 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 or around the site.

Air Quality

9.130 PPS23 and Policy 7.14 of the London Plan (2011) seeks to ensure design solutions are incorporated into new developments to minimise exposure to poor air quality. Saved Policy DEV2 of the UDP (1998), Policy SP02 of the Core Strategy (2011) and Policy DM9 of the Managing Development DPD (Proposed Submission Version 2012) seek to protect the Borough from the effect of air pollution, requiring the submission of air quality assessments demonstrating how it will prevent or reduce air pollution in line with Clear Zone objectives.

9.131 The development is located within the Tower Hamlets Air Quality Management Area. The two main impacts on air quality arising from the proposal will be from (i) the construction phase (dust emissions and vehicle emissions) and (ii) end use development (traffic generation and impact of the proposed CHP energy system).

9.132 The application proposes to control dust generation through the use of vehicle washing, screens, water spraying and monitoring which would be implemented through the submission of a Construction Environmental Management Plan.

9.134 The Borough's EHO has not commented on this application proposal, however, the case officer recommends that the submission of a CEMP be conditioned prior to commencement.

9.135 In terms of the development proposal, small changes to air quality are expected once the development is built due to the additional level of traffic and the two CHP plants. However the ES concludes that the impact will be of negligible significance.

9.136 Overall, it is considered that the impacts on air quality are negligible and any impacts are outweighed by the regeneration benefits that the development will bring to the area.

9.137 As such, the proposal is generally in keeping with PPS23, Policy 7.14 of the London Plan (2008), Policy DEV2 of the UDP (1998), Core Strategy SP02 (2010), Policy DM9 of the Managing Development DPD (Proposed Submission Version 2012) and the objectives of Tower Hamlets Air Quality Action Plan (2003).

Noise and Vibration

9.138 Planning Policy Guidance Note 24 is the principal guidance adopted England for assessing the impact of noise. The guidance uses noise categories ranging from NEC A (where noise doesn't normally need to be considered) through to NEC D (where planning permission should normally be refused on noise grounds).

9.139 Policy 7.15 of the London Plan (2011), Saved policies DEV2 and DEV50 of the Tower Hamlets UDP (1998), Policies SP03 and SP10 of the Core Strategy (2010) and Policy DM25 of the Managing Development DPD (Proposed Submission Version 2012) seek to ensure that development proposals reduce noise by minimising the existing and potential adverse impact and separate noise sensitive development from major noise sources.

9.140 The proposal is residential in character and as such the most likely noise generation activity is expected to be limited to noise activities relating to demolition and construction, excavation of the basement. With respect to the end development, the main noise activities are expected to be those relating to traffic and those related any plant and mechanical equipment.

9.141 The ES indicates that for the main construction stages, target noise levels would be met for all adjoining properties and will be controlled within residential operation hours in any case. All mitigation measures would be secured through the CEMP. Noise controls are also proposed to mitigate against the impact of any mechanical equipment.

9.142 In terms of traffic noise, the number of car trips are expected to be minimal with only 24 additional parking spaces proposed. The impact is considered to be minor.

9.143 Conditions are also recommended which restrict construction hours and noise emissions and requesting the submission of a Construction Management Plan which will further assist in ensuring noise reductions.

9.144 As such, it is considered that the proposals are generally in keeping with Planning Policy Guidance Note 24, Policy 7.15 of the London Plan (2011), Saved policies DEV2 and DEV50 of the Tower Hamlets UDP (1998), Policies SP03 and SP10 of the Core Strategy (2010) and Policy DM25 of the Managing Development DPD (Proposed Submission Version 2012).

Energy and Sustainability

9.145 At a national level, PPS22 and PPS1 encourage developments to incorporate renewable energy and to promote energy efficiency. At a strategic level, the climate change policies as set out in Chapter 5 of the London Plan (2011) and Policies SO24 and SP11 of Tower Hamlets Core Strategy (2010) collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.

9.146 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).

9.147 The London Plan 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).

9.148 Policy DM29 of the Council's Managing Development DPD (Proposed Submission Version 2012) includes the target to achieve a minimum 35% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy. Draft Policy DM29 also requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. At present the current interpretation of this policy is to require all residential developments to achieve a Code for Sustainable Homes Level 4.

9.149 Policy SO3 of the Core Strategy (2010) seeks to incorporate the principle of sustainable development, including limiting carbon emissions from development, delivering decentralised energy and renewable energy technologies and minimising the use of natural resources. The London Borough of Tower Hamlets Core Strategy Policy SP11 requires all new developments to provide a 20% reduction of carbon dioxide emissions through on-site renewable energy generation.

9.150 The application is supported by an Energy Statement (Environmental Statement Volume 5: Part 2 - dated July 2011), and follows the Mayor's energy hierarchy as outlined 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 hotwater requirements in accordance with policy 5.6 of the London Plan will also reduce energy demand and associated CO2 emissions (Be Clean).

9.151 The proposal to deliver the space heating and hotwater are considered acceptable; however an appropriately worded condition should be applied to any permission to ensure development is supplied by the CHP (65kWe) following completion and prior to occupation.

9.152 Photovoltaic cells are also proposed to provide a source of on site renewable energy (Be Green). The technologies employed would result in a 6% carbon savings over the regulated energy baseline. Through the maximisation of the communal system and commitment to the proposed CHP to deliver space heating and hot water it is acknowledged that achieving a 20% reduction in CO2 emissions through renewable energy technologies is technically challenging and not feasible for all developments. The applicant has demonstrated that the proposed CO2 emission reduction through PV's (140m2 PV array with peak output of 17kWp) 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 Sustainable Development Team support the application as the applicant has demonstrated that the design has followed the energy hierarchy and sought to integrate renewable energy technologies where feasible.

9.153 The total anticipated CO2 savings from the development are 29%, through a combination of energy efficiency measures, a CHP power system and renewable energy technologies. The proposed energy strategy falls short of the requirements of Draft Policy DM29 which seeks a 35% reduction in CO2 emissions, however the anticipated CO2 savings are in accordance with adopted development plan (London Plan Policy 5.2) and is supported by the GLA. The

applicant has demonstrated the CO2 savings have been maximised at each stage of the energy hierarchy. Therefore the CO2 savings proposed for this development are considered acceptable in this specific instance and it is recommended that the strategy is secured by Condition and delivered in accordance with the submitted Energy Statement.

9.154 In terms of sustainability, the Council requires all new residential development to achieve a Code for Sustainable Homes Level 4 rating. This is to ensure the highest levels of sustainable design and construction in accordance with Policy 5.3 of the London Plan 2011 and Policy DM29 of the London Borough of Tower Hamlets Draft Managing Development DPD.

9.155 The submitted Sustainability Statement and Code for Sustainable Homes Pre-assessment demonstrates how the development will achieve a Code for Sustainable Homes Level 4. It is recommended that the achievement of a Code Level 4 rating for all units is secured through an appropriately worded Condition with the Code for Sustainable Homes Certificates submitted to the Council prior to occupation.

Contamination

9.156 In accordance with the requirements of PPS23, saved UDP policy DEV51, policy DM30 of the Managing Development DPD (Proposed Submission Version 2012), the application has been accompanied by an Environmental Statement which assesses the potential for past contamination and concludes that it is present. The Council's EHO notes that records indicate that site and surrounding area have been subjected to former industrial uses which have the potential to contaminate the area. As ground works and soft landscaping are proposed, there is a potential pathway for contaminants. Officers recommend that further intrusive investigations are required and any necessary mitigation and it is suggested that an appropriate condition be imposed.

Flood Risk

9.157 Planning Policy Statement 25 (PPS25) and Policy 5.12 of the London Plan (2011), Policy SP04 of LBTH Core Strategy (2010) relate to the need to consider flood risk at all stages in the planning process.

9.158 The development falls within Flood Zone 3 and the application is supported by a flood risk assessment and describes various flood mitigation options.

9.159 Application lies within Flood Zone 3 and has a high probability of flooding. The EA objected to the proposal in the absence of any evidence to demonstrate that the floor risk sequential test has been applied. Following the Council's justification which was submitted on 13th February, the EA confirmed the Sequential Test and Exception Test had been satisfied enabled them to remove their objection.

9.160 The EA have no objections to the scheme. However they recommend a condition requiring the development to be carried out in accordance with the approved FRA dated July 2011 and some mitigation measures to be conditioned such as floor levels, evacuation routes, and basement levels.

9.161 The completed development would be provided with a segregated drainage system. The SUDS system would include direct discharge of run-off to the dock

which is the EA's preferred approach.

9.162 As such, it is considered that the proposed development by virtue of proposed flood mitigation strategy complies with PPS25, Policy 5.12 of the London Plan (2011) and Policy SP04 of the Core Strategy (2010).

Biodiversity and Ecology

9.163 The London Biodiversity Action Plan (2008), Policy 7.19 of the London Plan (2011), Policy SP04 Core Strategy (2010) and Policy DM11 of the Managing Development DPD (Proposed Submission Version 2012) seek to protect and enhance biodiversity value through the design of open space and buildings and by ensuring that development protects and enhances areas of biodiversity value in order to achieve a net gain in biodiversity. Policy DM11 of the Managing Development DPD (Proposed Submission Version 2012) also requires elements of living buildings.

9.164 The application site is not a Site of Importance Nature Conservation, but does contain features of local biodiversity value. These include a small area of developing woodland in an area where there is very little wildlife habitat, and at least one locally rare plant - ivy broomrape. Black redstarts have been recorded singing from the site and have bred in the general area in the past, and bats use the site for commuting.

9.165 The application is supported by an ES and the Ecology section was reviewed by the Council's Ecology Officer and found to be fair and accurate in its evaluation of the site and assessment of impacts.

9.166 Whilst the proposed landscaping proposals, green walls and boundary planting will provide opportunities to enhance biodiversity, the development will also have adverse impacts on biodiversity, and these will require mitigation. This is outlined in the ES and it is recommended that all mitigation measures proposed in the Ecology chapter of the ES be secured by condition such as:

- Ensuring lighting does not spill onto the tree lines;
- Trees being retained along the boundaries of the site;
- Ivy being included in the landscaping and the measures to re-establish the ivy broomrape from seed collected on site;
- Timing of demolition and vegetation clearance;
- Surveys for nesting birds;
- Full details of landscaping, including the species to be planted;
- Details of bird nest boxes should also be provided and approved through condition.

9.167 The proposed development is not therefore considered to have any adverse impacts in terms of biodiversity. The development will ultimately provide an enhancement for biodiversity for the local area in accordance with the above mentioned policies.

Health Considerations

9.168 Policy 3.2 of the London Plan (2011) seeks to improve health and address health inequalities having regard to the health impacts of development proposals as a mechanism for ensuring that new developments promote public health within the

borough.

9.169 Policy SP03 of the Core Strategy (2010) seeks to deliver healthy and liveable neighbourhoods that promote active and healthy lifestyles, and enhance peoples wider health and well-being.

9.170 The application does not comprise any specific health or community facilities however, the proposed public realm around the site will contribute to walking and cycling routes within the Isle of Dogs. The application also proposed to contribute towards open space deficiency as well as a health contribution of 140k (which is discussed in more detail in later sections of this report). The on site public realm and off site contributions are considered sufficient measures to encourage and facilitate healthy and active lifestyles.

9.171 The application proposes 1 small café use and no A5 teak away uses are proposed.

9.172 It is therefore considered that the proposal will meet the objectives of London Plan Policy 3.2 and Policy SP03 of the Council's Core Strategy which seek the provision of health facilities and opportunities for healthy and active lifestyles.

Environmental Impact Assessment

9.173 The proposed development falls within the category of developments referred to in paragraph 10(b) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) regulations 2011.

9.174 As the proposal is likely to have significant effects on the environment, it is required to be subject to environmental impact assessment before planning permission is granted. Regulation 3 of the EIA Regulations precludes the grant of planning permission unless prior to doing so, the Council has taken the 'environmental information' into account. The environmental information comprises the applicant's Environmental Statement (ES), any further information submitted following request under Regulation 22 of the EIA Regulations, any other substantive information relating to the ES and provided by the applicant and any representations received from consultation bodies or duly made by any person about the environmental effects of the development.

9.175 The Council appointed consultants, Land Use Consultants (LUC) to examine the applicant's ES and to confirm whether it satisfied the requirements of the EIA Regulations. Following that exercise, LUC confirmed that whilst a Regulation 22 request was not required, further clarification was sought in respect of a number of issues. These relate to matters concerning aviation, parking, noise, flood risk, microclimate, daylight and sunlight, ecology and townscape. The Council's EIA Planner has liaised directly with the applicant's consultants in attempt to seek response to these clarifications.

9.176 LUC now conclude that the application is considered to meet the EIA Regulations and provides a satisfactory level of information to allow a proper assessment of the development proposals. The ES is considered to provide a comprehensive assessment of the environmental impacts of the proposed development.

9.177 The ES addresses the following areas of impact (in the order they appear in the ES):

- Socio-Economic Impact
- Aviation
- Transport
- Noise and Vibration
- Air Quality and Dust
- Water Resources and Flooding
- Contamination
- Wind and Microclimate
- Daylight, Sunlight,
- Archaeology
- Ecology
- Radio & TV Interference
- Waste
- Energy
- Cumulative Impacts

9.178 The various sections of the ES have been reviewed by officers. The various environmental impacts are dealt with in relevant sections of this report above with conclusions given, proposals for mitigation of impacts by way of conditions, and/or planning obligations as appropriate.

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

Planning obligations/S106

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

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

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

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

9.182 This is further supported by Saved Policy DEV4 of the UDP (1998) and Policy IMP1 of the Council's IPG (2007) policy SP13 in the Core Strategy (2010) which seek to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development.

9.183 The Council's Supplementary Planning Document on Planning Obligations was

adopted in January 2012. This SPD provides the Council's guidance on the policy concerning planning obligations set out in policy SP13 of the adopted Core Strategy. The document also set out the Borough's key priorities being:

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

The Borough's other priorities include:

- Health
- Sustainable Transport
- Environmental Sustainability
- Public Realm

9.184 The application is accompanied by a viability assessment which has been independently assessed by DVS and concludes that 46% affordable housing across both sites is viable and a S106 contribution of approximately £5,000 per unit is also viable. This would equate to a total financial contribution of £925,000 and the viability toolkit takes account of this.

9.185 However, in light of the proposed off site affordable housing arrangement and the associated impact on social and physical infrastructure (particularly on the Thomas Road site, where the child yield will be greater and the demand for education, community, open space and play facilities will be higher); officers have negotiated an additional £500,000 on top of the initial £925,000 offered in order to meet almost all of the Borough's obligation priorities. This provides a total financial contribution of **£1.4m** (across both sites). The requested contribution for each of the area is outlined table below and the subsequent paragraphs outline the justification for each of these.

9.186 This £1.4million request is based on the Council's adopted SPD, and equates to £899k for Dollar Bay and £449k for Thomas Rd. In light of the links between both sites through affordable housing, this section of the report deals with the total S106 obligation proposal across Dollar Bay & Thomas Road.

9.187

	Dollar Bay Request:	**Thomas Road** Request:	Total Request	Applicant's Combined Offer
FINANCIAL OBLIGATIONS				
Key Priorities				
Education:	£81,667	£557,043	**£638,710**	**£638,710**
Employment & Enterprise: *(+loss of employment on Thomas Rd)*	£28,092	£16,867	**£75,300**	**£44,959**
Community	£23,058	£17,263	**£40,321**	**£40,321**

Facilities: (Libraries)				
Community Facilities: (Leisure)	£74,637	£68,519	**£143,156**	**£143,156**
Other Priorities				
Public Realm: (Sust Transport)	£2,729	£2,515	**£5,244**	**£5,244**
Public Realm: (Streetscene)	£0	£21,400	**£21,400**	**£21,400**
Public Realm: (Open Space)	£98,368	£109,941	**£208,309**	**£208,309**
Health:	£140,396	£105,371	**£245,767**	**£245,767**
GLA Bus Enhancements:			**£60k**	**£60k**
GLA Way Finding:			**£15k**	**£15k**
Sub Total	**£448,947**	**£898,919**	**£1,347,866**	**£1,347,866**
Monitoring fee (**3%** on the Council's contribution)	£14,965	£32,997		
TOTAL				**£1,395,828 (equivalent to £7-8k per unit)**
NON- FINANCIAL OBLIGATIONS				
Public Art/Artistic Intervention in the Public Realm	√			√
46% affordable housing (67:32 social rent: intermediate)				√
Employment and Enterprise - 20% local procurement during construction; - 20% of construction force to be local residents	√	√	√	√
Travel Plan:	√	√	√	√
Travel Plan Coordinator:	√	√	√	√
Walking/Right of Access:	√		√	√
Private Garden	√		√	√

Access:				
Permit Free Agreement:	√	√	√	√
Total Financial Contribution				**£1,395,828**

Affordable Housing

9.188 The application proposes to locate the majority of the affordable housing off-site at 18-36 Thomas Road, where together the two sites would provide a minimum of 46% of affordable housing (measured by habitable rooms) comprising 43 social rent units and 26 intermediate units in total. As outlined previously, the application is accompanied by a viability toolkit which demonstrates that this is the maximum reasonable level of affordable housing which can be achieved.

9.189 The applicant has agreed not to occupy more than 50% of the Private Market Units on the Dollar Bay site until 60% of the Off Site Affordable Housing has been completed on Thomas Road, and not to occupy more than 80% of the Private Market Units on Dollar Bay until 100% of the Off Site Affordable Housing on Thomas Road has been provided.

Education

9.190 The proposed increase in residential development on the site will generate an increased child yield and therefore an increase in demand for primary and secondary school places in the Borough. Based on the adopted Planning Obligations SPD, the net increase in units for Dollar Bay results in the need for 4 x primary school places and 1 x secondary place. This amounts to a requested contribution of £81,667 based on a cost of £14,830 per primary place and £22,347 per secondary place

9.191 With respect to Thomas Road, the increase in units generates the need for 24 x primary places and 9 x secondary place. This amounts to a total requested contribution of £557,043 is sought.

9.192 Across both sites, a contribution of £638,710 is sought and the applicant proposed to meet this contribution in full.

Enterprise and Employment

9.193 The SPD requires developments to exercise reasonable endeavours to ensure that 20% of the construction phase workforce will be for local residents of Tower Hamlets, to be supported through the Skillsmatch Construction Services. In addition, the SPD requires that 20% of the goods/services procured during the construction phase should be achieved by businesses in Tower Hamlets

9.194 The SPD also seeks a financial contribution towards the training and skills needs of local residents in accessing job opportunities created through the construction phase of all new development and a contribution towards end use phase of commercial developments.

9.195 Based on the SPD, Enterprise and Employment seek a financial contribution of £28,092 for the construction phase. No employment/enterprise contributions are sought for the end-use phase of the Dollar Bay development. A financial contribution of £16,867 for the construction phase.

Community Facilities

9.196 The SPD identifies Idea Store, Libraries, Archives, Leisure, Multi-Use Community Facilities within the Community priority.

9.197 With respect to the Idea Stores/Archives and Libraries – a contribution of £23,058 is sought for Dollar Bay and £17,263 is sought on Thomas Road, based on the SPD. Together a total contribution of £40,321 is sought and the applicant proposes to meet this contribution in full.

9.198 With respect to the Leisure – a contribution of £74,637 is sought for Dollar Bay and £68,519 is sought on Thomas Road, based on the SPD. Together a total contribution of £143,156 is sought and the applicant proposes to meet this contribution in full.

Other Priorities:

9.199 In light of the proposed off site affordable housing arrangement and the associated impact on social and physical infrastructure (particularly on the Thomas Road site, where the child yield will be greater and the demand for education, community, open space and play facilities will be higher); officers have negotiated additional contributions in order to meet almost all of the Borough's obligation priorities as set out in the adopted SPD.

Health

9.200 The SPD requires all major developments to contribute towards health facilities. Contributions will be calculated using HUDU model which calculates the cost of increased demand on local facilities based on the proposed increase in population. The SPD also considers the provision of an onsite health facility.

9.201 The PCT seek a capital planning contribution of £140,396 for the Dollar Bay site and a capital planning contribution of £105,371 for the Thomas Road site. Together a total health contribution of £245,767 is sought and the applicant proposes to meet this contribution in full.

Sustainable Transport

9.202 The SPD requires a contribution towards sustainable transport improvements. Based on the net increase in residents x the cost of smarter travel, a contribution of £2,729 is sought on the Dollar Bay site (towards Smarter Travel and to encourage walking and cycling within the borough). A contribution of £2,515 is sought on the Thomas Road site.

9.203 Together a total contribution of £5,244 is sought and the applicant proposes to meet this contribution in full.

Environmental Sustainability

9.204 Through the SPD, mitigation is required to address renewable and sustainable

forms of energy and enhancements to wildlife biodiversity. The SPD requires all major developments to contribute towards energy initiatives and carbon offset funds, if officers feel all on site measures to reduce CO2 have been exhausted. However, as described in previous sections of this report, the application commits to a CO2 savings of 29%, through a combination of energy efficiency measures, a CHP power system and renewable energy technologies. Officers are content with the overall energy strategy and no further contributions are requested.

9.205 With regards to biodiversity, the applicant has proposed several measures to support existing ecology and biodiversity value and proposed additional measures to enhance landscape, trees, planting and nesting. As such no contributions are being sought towards environmental sustainability.

Public Realm

Public Open Space

9.206 Through applying the SPD, a contribution of £98,368 is sought to mitigate against the shortfall of open space provided on Dollar Bay. £109,941 is sought for that at Thomas Road. Together a total contribution of £208,309 is sought and the applicant proposes to meet this contribution in full.

Streetscene and Built Environment Improvements

9.207 Based on the SPD, an obligation of approximately £21,400 is sought towards Streetscene and Built Environment Improvements along Thomas Road, based on extent of footways and carriageways to the north of the site. No contribution is sought on Dollar Bay as the area of footpath around the development is not the Council's ownership falls within the control of British Waterways. Discussions with BW have however confirmed a desire to have the pathway to the north of the Dollar Bay development landscaped and paved at the applicant's expense. It is suggested that this is tied into the S106 with an appropriately worded clause. The applicant proposes to meet the requested contribution for Thomas Rd and the commitment towards the pathway in BW ownership through reasonable endeavours.

Public Art/Artistic Intervention in the Public Realm

9.208 Within Public Realm obligations, the SPD also seeks an element of *Public Art*. Officers have requested that the applicant incorporate public art/ artistic intervention in the public realm as an integral part of the development proposal. In response, the applicant has committed the provision of public art on site and this obligation will be captured in the S106 agreement. It is considered more appropriate for this to be provided on the Dollar Bay site, considering the arrangement of the public realm and the benefits to the public which will be much more accessible that that at Thomas Rd.

TfL Transport and Wayfinding

9.209 TfL have noted that the development is likely to generate demand for additional bus capacity to improve residents' access to public transport. Following negotiations with TfL and contribution of £65,000 has been agreed.

9.210 TfL is also seeking a contribution towards the introduction of Legible London

boards within the scheme. A contribution of £15,000 has been agreed.

Monitoring & Implementation

9.211 The SPD requires a contribution towards the monitoring and implementation of the S106 agreement. The Council normally applies a 2% fee to the total financial contribution sought. However in certain circumstances a higher contribution will be sought. The S106 for Dollar Bay and Thomas Road will require a lengthy agreement with complex clauses in order to ensure the off site affordable housing. As such, officers consider it appropriate to request a higher than normal monitoring fee. 3% is considered appropriate. The applicant has agreed to this.

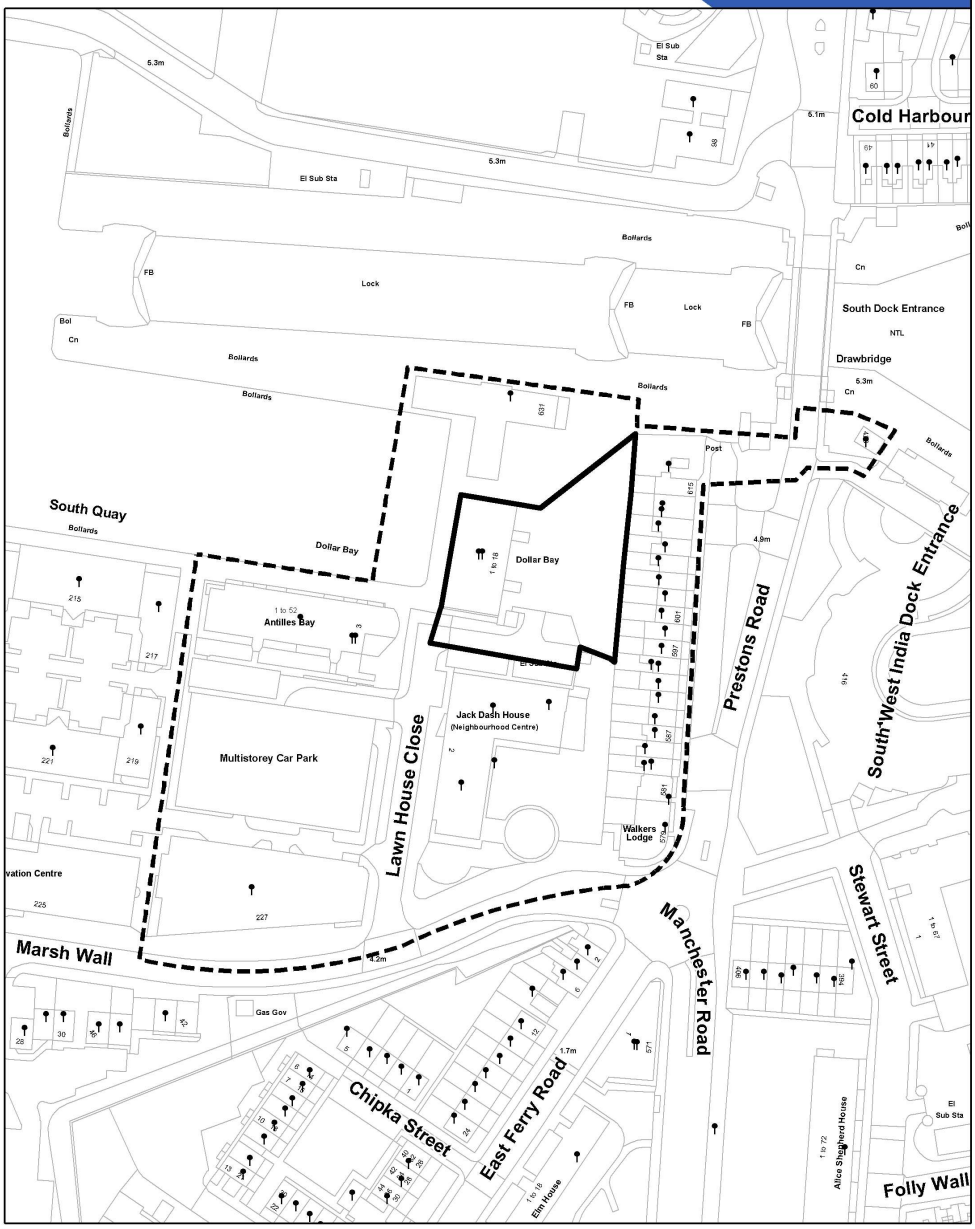
Planning Obligations Conclusion

9.212 The proposed development will provide appropriate contributions towards the provision of affordable housing, education facilities, community, employment and enterprise, community and leisure, built environment, public realm to sufficiently mitigate against the impact of the proposed development. As such, the application accords with Regulation 122 of Community Infrastructure Levy 2010, Government Circular 05/05, saved policy DEV4 of the Council's Unitary Development Plan (1998), policies SP02 and SP13 of the Core Strategy Development Plan Document (2010), which seek to secure contributions toward supporting infrastructure and services required to facilitate proposed development.

10 CONCLUSION

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

Planning Application Site Map



Planning Application Site Boundary

Consultation Area

Locally Listed Buildings

Statutory Listed Buildings

Land Parcel Address

0 30 m

1:1,500

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

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Committee:	Date:	Classification:	Agenda Item No:
Strategic Development Committee	6th March 2012	Unrestricted	6.3

Report of: Corporate Director Development & Renewal **Case Officer:** Elaine Bailey	**Title:** Planning Application for Decision **Ref No:** PA/11/01944 **Ward(s): Mile End East**

1. APPLICATION DETAILS

Location: Site at 18 to 36 Thomas Road, London, E14 7BJ

Existing Use: Business/Light Industrial

Proposal: Redevelopment of the site for residential development, comprising a 6 to 8 storey building (measuring 31m AOD), to provide 64 residential units (Class C3), and the provision of public and private open space, undercroft parking and public realm improvements.

(This application is linked to a separate planning application ref: PA/11/01945 for the erection of 121 residential units at 1 to 18 Dollar Bay Court, 4 Lawn House Close. These applications are linked for reasons relating to the provision of off-site affordable housing).

Both these applications are accompanied by an Environmental Impact Assessment under the provisions of the Town & Country Planning (Environmental Impact Statement) Regulations 1999.

Drawing Nos: 7230-A-G000-XP-00; 7230-A-G000-P-00; 7230-A-G100-XP-00; 7230-A-G100-P-00; 7230-A-G100-E-S; 7230-A-G100-E-N; 7230-A-G100-S-S; 7230-A-G200-P-00; 7230-A-G200-P-01; 7230-A-G200-P-02; 7230-A-G200-P-03; 7230-A-G200-P-04; 7230-A-G200-P-05; 7230-A-G200-P-06; 7230-A-G200-P-07; 7230-A-G200-P-RF; 7230-A-G200-P-AL-001; 7230-A-G200-E-S; 7230-A-G200-E-W; 7230-A-G200-E-N; 7230-A-G200-E-E; 7230-A-G200-S-AA; 7230-A-G200-S-BB; 7230-A-G200-S-CC; 7230-A-G200-P-T1-002; 7230-A-G200-P-T1-003; 7230-A-G200-P-T2-001; 7230-A-G200-P-T2-002; 7230-A-G200-P-T2-003; 7230-A-G200-P-T2-004; 7230-A-G200-P-T2-005; 7230-A-G200-P-T2-006; 7230-A-G200-A-T1 and 7230-A-G200-A-T2.

Approved Documents: Planning Application Form,
Land Ownership Certificate B and Agricultural Holdings Certificate;
Schedule of Drawings;
Design and Access Statement and Computer Generated Images (CGI's);
Planning Statement;
Statement of Community Involvement;
Assessment of economic viability and affordable housing provision;
PPS5 Historic Environment Report; and
Code for Sustainable Homes – Pre-Assessment.

Environmental Statement comprising:

- Volume 1: Main Volume Part I and Part II;
- Volume 2: Townscape and Visual Impact Assessment;

- Volume 3: Transport Assessment and Appendices;
- Volume 4: Technical Appendices Part I and Part II;
- Volume 5: Energy Statements; and
- Non-technical Summary.

- Volume 4 of the Environmental Statement comprises:

- Air Quality Assessment;
- Archaeological desk-based assessment;
- Aviation Assessment;
- Daylight and Sunlight Assessment;
- Ecological Assessment;
- Flood Risk Assessment;
- Site Investigation and Environmental Risk Assessment (Ground Contamination);
- Draft Site Waste Management Plan;
- Wind Microclimate Assessment

Applicant: London Newcastle Agents for UKI (Thomas Road) Limited

Owner: London Newcastle Agents for UKI (Thomas Road) Limited

Historic Building: No historic buildings on the site.

Conservation Area: The site adjoins the Limehouse Cut Conservation Area

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1 Officers have considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan 1998, (Saved policies); associated Supplementary Planning Guidance, the London Borough of Tower Hamlets adopted Core Strategy (2010), Managing Development DPD (Proposed Submission Version 2012); as well as the London Plan (2011) and the relevant Government Planning Policy Guidance including draft National Planning Policy Framework, and has found that:

2.2 The scheme will maximise the use of previously developed land, and will significantly contribute towards creating a sustainable residential environment in accordance with the objectives of Policy 3.4 the London Plan (2011, LAP 5 & 6 of the Core Strategy (2010), policy SP02 of Core Strategy (2010), DEV3 of the Unitary Development Plan (1998), and policy DM3 of Managing Development DPD (proposed submission version 2012).

2.3 The proposal will not have any significant adverse impacts on the setting of the adjoining Heritage Asset and the proposal is considered to both protect and enhance the setting of the Limehouse Cut Conservation Area in accordance with policy 7.8 of the London Plan (2011); Policy SP10 of the Core Strategy (2010), and Policy DM26 (part 2e) and DM27 of the Managing Development DPD (2012) along side the advice set out in Planning Policy Statement 5: Planning for the Historic Environment which seek to protects London's heritage assets, including their setting.

2.4 The loss of employment floorspace on this site is acceptable as the applicant has supplied sufficient evidence to demonstrate the site has been partially vacant for several years, and residential use on this site is supported by current policy. As such, the proposal is in line with policy SP06 of the Core Strategy (2010), and policy DM15 of the Managing

Development DPD (proposed submission version 2012). These policies seek to ensure services and jobs are provided in appropriate locations in the Borough.

2.5 Transport matters, including parking, access and servicing, are considered acceptable and in line with saved policies T16 and T19 of the Council's Unitary Development Plan (1998), policies SP08 and SP09 of the Core Strategy (2010), and DM20 and DM22 of the Managing Development DPD (Proposed submission version 2012), which seek to ensure developments minimise parking and promote sustainable transport options.

2.6 The urban design, layout, building height, scale, bulk and detailed design of the proposal are considered acceptable and in accordance with Chapter 7 of the London Plan (2011), saved policies DEV1, DEV2 and DEV3 of the Council's UDP (1998), policies SP10 and SP12 of the Core Strategy (2010) and policies DM23 and DM24 of the Managing Development DPD (proposed submission version 2012) which seek to ensure buildings and places are of a high quality of design and suitably located.

2.7 Considering the demonstrated viability constraints, the proposed affordable housing offer at 46% across the two sites is considered acceptable as this is the maximum reasonable level that can be achieved and is considered to deliver greater benefits than if these two sites were development independently. Therefore, on balance, the benefits which include (i) a better form and layout, (ii) better amenity and open space conditions, (iii) greater provision of social rent and family accommodation and (iv) a higher S106 package, are considered sufficient reasons to outweigh the failure of the proposal to provide affordable housing on site. As such, the application is considered to comply with Policies 3.10-3.12 of the London Plan (2011), Policy SP02 of the Core Strategy (2010) and Policy DM3 of the draft Managing Development DPD (2012) which together seek to maximise the delivery of affordable whilst having regards to site constraints and viability.

2.8 The development will provide acceptable internal space standards and layout considering the site constraints. As such, the scheme is in line with the London Housing Design Guide (2010), policies 3.5 of the London Plan (2011), HSG13 of the UDP (1998), SP02 of the Core Strategy (2010), and policy DM4 of the Managing Development DPD (proposed submission version 2012) as well as the Council's Residential Standards SPG (1998).

2.9 The quantity and quality of housing amenity space, communal space, child play space and open space is considered acceptable and in line with saved policy HSG16 of the Council's Unitary Development Plan (1998), policy SP02 of the Core Strategy Development Plan Document (2010), and of DM4 of the Managing Development DPD (proposed submission version 2012) which seek to improve amenity and liveability for residents.

2.10 Considering the urban context, it is considered that the proposal will not give rise to any significant adverse impacts in terms of loss of privacy, overlooking, over shadowing, loss of sunlight and daylight, and noise upon the surrounding residents. Also, the scheme proposes appropriate mitigation measures to ensure a satisfactory level of residential amenity can be achieved 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 SP10 of the of the Core Strategy (2010) and DM25 of the Managing Development DPD (proposed submission version 2012), which seek to protect residential amenity.

2.11 Sustainability matters, including energy are considered to be acceptable and in accordance with policies 5.2 and 5.7 of the London Plan (2011), policy SP11 of the Core Strategy (2010) and policy DM29 of the Managing Development DPD (proposed submission version 2012) which seek to promote energy efficient and sustainable development practices.

2.12 The proposed development will provide appropriate contributions towards the provision of affordable housing, education facilities, employment and enterprise, community and leisure,

built environment, public realm 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), policies SP02 and SP13 of the Core Strategy Development Plan Document (2010), which seek to secure contributions toward supporting 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)

a) A contribution of £16,867 towards Enterprise & Employment.

b) A contribution of £68,519 towards leisure and community facilities.

c) A contribution of £17,263 towards libraries facilities.

d) A contribution of £557,043 to mitigate against the demand of the additional population on educational facilities.

e) A contribution of £ 105,371 towards Health facilities.

f) A contribution of £ 109,941 towards Public Open Space.

g) A contribution of £ 2,515 towards Sustainable Transport.

h) A contribution of £21,400 towards Public Realm.

i) S106 Monitoring fee (3%).

(Non Financial)

j) To provide a minimum of 46% of the residential accommodation across the Dollar Bay site and Thomas Road site (ref. PA/11/01944 & PA/1101945) as affordable housing measured by habitable rooms comprising 43 social rent units and 26 intermediate units, as specified in the submitted schedule of housing.

k) 20% skills match and local labour.

l) The completion of a car-free agreement.

m) Travel Plan in accordance with Framework.

n) Travel Plan Coordinator.

o) Public art/artistic interpretation in the public realm (on site provision).

Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal.

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 Material samples and detailed drawings;
4) Air Quality Assessment;
5) Contamination;
6) Construction Management Plan;
7) Surface Water Drainage;
8) Secure by Design Assessment;
9) Trees/waterway wall method statement;
10) Detailed specification of minimum 10% wheelchair units;
11) Lifetime Homes;
12) Details of hard and soft landscaping including materials, including root protection for trees and impact statement for waterway wall;
13) Details of any ties and anchors;
14) Details of necessary highway works;
15) Refuse and recycling;
16) Compliance with energy strategy;
17) 20% vehicle charging;
18) Parking management strategy;
19) Impact studies of the existing water supply infrastructure;
20) Standard hours of construction unless otherwise agreed in writing;
21) Parking (vehicle, disabled, cycle);
22) Power/hammer driven piling/breaking (10am - 4pm Monday to Friday);
23) Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal.

3.4 Informatives

1) Section 106 agreement required;
2) Section 278 Highways agreements required;
3) Contact Thames Water;
4) Contact LBTH Environmental Health;
5) Contact Environment Agency;
6) Contact Thames Water
7) Contact London Fire & Emergency Planning Authority; and
8) Any other informative(s) considered necessary by the Corporate Director Development & Renewal.

3.5 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 existing buildings, and erection of a 6 to 8 storey building (maximum 31m AOD) to provide 64 residential units, communal amenity space,

undercroft parking and public realm improvements.

4.2 This application is linked to a separate planning application, ref: PA/11/01945 for the erection of a 31 storey building at 1 – 18 Dollar Bay Court, to provide 121 residential units. The application being considered is proposed to deliver the majority of the affordable housing associated with the Dollar Bay scheme.

4.3 The 64 residential flats on the Thomas Road site are sized between one and three bedrooms, 59 of which are proposed to be allocated as affordable housing.

4.4 Over the two sites there is a total provision of 185 units, of which 46% are proposed as affordable housing, with a split of 37% intermediate to 62% social rented.

4.5 The proposed development includes the following:

- A six storey building running along the Thomas Road frontage, with an attached 8 storey building extending south to the Limehouse Cut;
- Podium level private amenity space;
- 10 parking spaces (including 2 disabled spaces);
- 78 cycle parking spaces for residents, plus 6 visitor spaces;
- Canalside communal amenity space.

Site and Surroundings

4.6 The subject site is roughly rectangular, situated on the southern side of Thomas Road, and bound by the Limehouse Cut to the south.

4.7 The site is currently occupied by an office building and light industrial warehouse units arranged around a central courtyard. It is bound by party walls adjoining industrial properties to the east and west.

4.8 There are no Listed buildings on the subject site, however the southern boundary adjoins the Limehouse Cut Conservation Area.

4.9 On the northern side of Thomas Road lie residential properties, with Landin House and Fitzroy House directly opposite the subject site, running perpendicular to Thomas Road. Whatman House also sits on the northern side of Thomas Road.

4.10 Adjoining the site to west is a residential development, with the site to the west being in commercial use.

4.11 The site and it's surroundings are designated as an Industrial Employment Location within the UDP (1998), consistent with the historical function of canal-side sites within the Borough. However this designation was not carried through to the IPG in (2007) or the Core Strategy (2010), and subsequently the area provides a mixture of residential and light industrial uses.

4.12 The site has a good level of accessibility to public transport, with a Public Transport Access Level (PTAL) of 3/4, where 1 represents the lowest and 6 the highest. The site is within walking distance of the Westferry DLR station (approx 730m from the site), and 9 bus services (within 640m of the site).

4.13 <u>Site Location Plan</u>

Figure 1

Relevant Planning History

4.14 The following planning decision is relevant to the application:

PA/02/0996 Planning permission granted on the 27th of January 2003 for the erection for B1 (Business) Use of a second floor extension along Limehouse Cut and two first floor side extensions fronting Thomas Road together with the provision of new and enlarged windows on the Limehouse Cut and courtyard elevations.

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)

2.1	Inner London
3.1	Ensuring Equal Life Chances for All
3.2	Improving Health and Addressing Health Inequalities
3.3	Increasing Housing Supply
3.4	Optimising Housing Potential
3.5	Quality and Design of Housing Developments
3.6	Children and Young People's Play and Informal Recreation Facilities
3.7	Large Residential Developments
3.8	Housing Choice
3.9	Mixed and Balanced Communities
3.10	Definition of Affordable Housing
3.11	Affordable Housing Targets
3.12	Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes

3.13	Affordable Housing Thresholds
3.14	Existing Housing
3.16	Protection and Enhancement of Social Infrastructure
3.17	Health and Social Care Facilities
4.12	Improving Opportunities for All
5.1	Climate Change Mitigation
5.2	Minimising Carbon Dioxide Emissions
5.3	Sustainable Design and Construction
5.5	Decentralised Energy Networks
5.6	Decentralised Energy in Development Proposals
5.7	Renewable Energy
5.9	Overheating and Cooling
5.10	Urban Greening
5.11	Green Roofs and Development Site Environs
5.12	Flood Risk Management
5.13	Sustainable Drainage
5.14	Water Quality and Wastewater Infrastructure
5.15	Water Use and Supplies
5.22	Hazardous Substances and Installations
6.1	Strategic Approach to Integrating Transport and Development
6.3	Assessing the Effects of Development on Transport Capacity
6.9	Cycling
6.10	Walking
6.12	Road Network Capacity
6.13	Parking
7.1	Building London's Neighbourhoods and Communities
7.2	An Inclusive Environment
7.3	Designing Out Crime
7.4	Local Character
7.5	Public Realm
7.6	Architecture
7.7	Location and Design of Tall and Large Buildings
7.8	Heritage Assets
7.14	Improving Air Quality
7.15	Reducing Noise and Enhancing Soundscapes
7.19	Biodiversity and Access to Nature

Unitary Development Plan 1998 (as saved September 2007)

Policies:	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV4	Planning Obligations
	DEV8	Protection of Local Views
	DEV9	Control of Minor Works
	DEV12	Provision Of Landscaping in Development
	DEV15	Tree Retention
	DEV17	Siting and Design of Street Furniture
	DEV43	Archaeology
	DEV44	Preservation of Archaeological Remains
	DEV50	Noise
	DEV51	Contaminated Soil
	DEV55	Development and Waste Disposal
	DEV56	Waste Recycling
	DEV57	Nature Conservation and Ecology
	DEV63	Green Chains
	DEV69	Efficient Use of Water

	EMP1	Promoting Economic Growth & Employment Opportunities
	EMP3	Change of use of office floorspace
	EMP6	Employing Local People
	EMP7	Enhancing the Work Environment & Employment Issues
	EMP8	Encouraging Small Business Growth
	EMP10	Development Elsewhere in the Borough
	HSG4	Loss of Housing
	HSG7	Dwelling Mix and Type
	HSG13	Internal Space Standards
	HSG15	Residential Amenity
	HSG16	Housing Amenity Space
	T7	Road Hierarchy
	T10	Priorities for Strategic Management
	T16	Traffic Priorities for New Development
	T18	Pedestrians and the Road Network
	T21	Pedestrians Needs in New Development
	OSN3	Blue Ribbon Network
	OS9	Children's Playspace
	U2	Development in Areas at Risk from Flooding
	SCF11	Meeting Places
	U2	Development in Areas at Risk from Flooding
	U3	Flood Protection Measures

Interim Planning Guidance for the purposes of Development Control

Proposals:	C34	Central AAP (NB: This document was not formulated)
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
	DEV14	Public Art
	DEV15	Waste and Recyclables
	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
	DEV23	Hazardous Dev & Storage of Hazardous Substances
	DEV24	Accessible Amenities and Services
	DEV25	Social Impact Assessment
	DEV27	Tall Buildings Assessment
	EE2	Redevelopment/Change of Use of Employment Sites
	RT3	Shopping Provision outside of Town Centres
	HSG1	Determining Housing Density
	HSG2	Housing Mix

HSG4	Affordable Housing
HSG5	Estate Regeneration Schemes
HSG7	Housing Amenity Space
HSG9	Accessible and Adaptable Homes
HSG10	Calculating Provision of Affordable Housing
SCF1	Social and Community Facilities
OSN2	Open Space

Supplementary Planning Guidance/Documents

London Housing Design Guide 2010
Residential Space Standards 1998

Core Strategy Development Plan Document (Adopted September 2010)

Policies:	SP02	Urban living for everyone
	SP03	Creating healthy and liveable neighbourhoods
	SP04	Creating a green and blue grid
	SP05	Dealing with waste
	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 – Bow Common 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 CLC

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

- Community and Library/Idea Store facilities - **£17,263**
- Open Space - **£109,941**
- Smarter Travel - **£2,515**
- Leisure Facilities - **£68,519**
- Public Realm - **£21,400**

LBTH Design and Conservation

6.4 No objection to the proposed design, subject to conditions to secure details of materials.

LBTH Education

6.5 Based on the Council's Draft Planning Obligations SPD, the proposal would result in the need for 24 additional primary places at £14,830 per place, and 9 additional secondary school places at £22,347 per place. Accordingly, the total education financial contribution sought is £557,043.

LBTH Energy Efficiency

6.6 The Sustainable Development Team noted that they are satisfied with the anticipated 32.5% emission reductions on Building Regulations 2010. Whilst the proposed energy strategy falls short of the requirements of Draft Policy DM29 (which seeks a 35% reduction in CO2 emissions) the anticipated CO2 savings are in accordance with adopted development plan (London Plan Policy 5.2) and the applicant has demonstrated the CO2 savings have been maximised at each stage of the energy hierarchy (energy efficiency measures, provision of a CHP and integration of renewable energy technologies). Therefore the CO2 savings proposed for this development are considered acceptable in this specific instance. The applicant has proposed to achieve a Code for Sustainable Homes Level 4 rating for all units which is also supported by Sustainable Development Team. The energy strategy and sustainability strategy should be secured through appropriate conditions.

LBTH Enterprise and Employment

6.7 Based on the Council's Draft Planning Obligations SPD, the council seeks a **£16,867** contribution towards the training and development of unemployed residents in Tower Hamlets.

Non-financial contributions also include:

- 20% goods/services procured during the construction phase should be secured by businesses in Tower Hamlets; and
- 20% of the construction phase workforce to be local residents of Tower Hamlets.

LBTH Environmental Health

<u>Air Quality</u>

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

<u>Noise & Vibration</u>

6.9 No objection to the submission, as the proposed noise assessment was considered acceptable.

Land Contamination

6.10 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

6.11
- 10 parking spaces proposed should be reduced to just 2 disabled spaces *(Officer comment: The proposed parking levels are compliant with policy, and therefore considered acceptable)*;
- Further details regarding cycle parking spaces required *(Officer Comment: These details can be conditioned if planning permission is granted)*;
- Impact of the Permit Transfer Scheme likely to result in high numbers of vehicles parked on-street. Requested further information regarding the impact of the proposed development upon existing on-street permit controlled parking bays *(Officer Comment: The provision of on-site parking will assist in alleviating this concern. Additionally, it is very difficult to quantify the potential impact of the Permit Transfer Scheme, given that one cannot foresee the number of households which will have existing permits. Accordingly, officers do not consider it is necessary to pursue this as a request)*;
- The loss of any on-street parking bays is resisted *(Officer comment: The application utilises an existing dropped curb, and does not propose the loss of parking within the red line boundary);*
- An on-street loading bay cannot be provided in association with a specific development, and hence all reference to this should be removed from the development *(Officer comment: If planning permission is approved a Delivery and Service Management Plan will be secured by condition, which can restrict such a loading bay);*
- Delivery and Service Management Plan and Construction Management Plans requested *(Officer comment: These can be secured by condition if planning permission is granted);*
- Visibility splays along Thomas Road required;

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

LBTH Housing

6.12 Support the proposal, noting the following:
- Over-provision of one bedroom units in the intermediate tenure, however this allows for 65% family sized units in social rent tenure. On balance, this is considered acceptable;
- Layout of units in terms of separate kitchens and living rooms, and wheelchair accessibility is supported.

LBTH Waste Policy and Development

6.13 Supportive of the waste strategy.

LBTH Primary Care Trust (PCT)

6.14 According to the HUDU model, the scheme would require a capital contribution of **£105,371** to mitigate against additional impacts on health services.

British Waterways

6.15 No objections, subject to the following:

- Do not support a second walkway on the northern side of the cut *(Officer comment: This area is to be communal amenity space, not public open space. If planning permission is approved, it is recommended that a condition is attached to provide details of pedestrian and vehicular gates allowing for residents-only access);*
- Suggested alternative to the timber decking in the form of a more hard-wearing material, and also requested further details of balustrade along the cut *(Officer comment: Landscaping details including materials will be considered through a condition if planning permission is approved. An ongoing maintenance strategy will form part of this condition);*
- Concern regarding tree planting and impact upon the waterway wall *(Officer comment: Again, this will be addressed via condition, in consultation with British Waterways);*
- Concern regarding positioning of visitor cycle stand, in terms of proximity to highway network, insufficient overlooking and use of waterside *(Officer comment: These spaces are for visitor parking, and are considered acceptable. They would be overlooked by the residential flats);*
- Contribution sought toward improvements to the canalside environment *(Officer comment: Works have been secured through the s106 Agreement to improve waterside planting, which is considered acceptable given the viability of the scheme).*

Commission for Architecture and the Built Environment (CABE)

6.16

- Commend the high proportion of through-flats;
- Concern regarding overlooking and privacy issues;
- Questioned benefits of widening amenity space toward the canal;
- Oddly-shaped outdoor area, sits uncomfortably with the western boundary;
- Could be a more successful way for the ground floor spaces to engage with the canal; and
- Suggest the Thomas Road site could take additional development, if handled appropriately.

English Heritage (Statutory Consultee)

6.17 No comments to make on the proposal.

English Heritage Archaeology (Statutory Consultee)

6.18 No response received, however a condition should be attached for further investigation is planning permission is permitted.

Environment Agency (Statutory Consultee)

6.19 No objections, subject to conditions relating to:

- Landscaping – no trees within 5 metres of the waterway wall, and all trees to have root protection;
- Works within 16 metres of the top of the bank require prior consent from the Environment Agency;
- As there may be ground anchors or ties associated with the sheetpiles, the position of any ties should be confirmed before any excavation within 16m of the defence.

Greater London Authority (GLA) (Statutory Consultee)

6.20

- Proposal for majority of affordable housing on the Thomas Road site is generally

accepted;

- Mix of units supported;
- Tenure split broadly compliant with policy across both sites, although questioned whether the individual splits on-site could be improved;
- Density of 858 hrh exceeds London Plan 2011 guidance of 200 – 700 hrh. However this is considered acceptable given that the scheme is well-designed and delivers affordable housing;
- Further information needed regarding child play facilities – particularly for older children;
- High quality residential layout, in compliance with the London Housing Design Guide and London Plan;
- Wheelchair units should be actively marketed to local people in need of wheelchair housing; and
- Further information requested regarding blue badge parking provision.
- *(Officer comment: Requests from the GLA have, where possible, been addressed within section 8 of this report)*

Lea Valley Regional Park Authority

6.21 No response received at time of preparing this report.

London Fire and Emergency Planning Authority (Statutory Consultee)

6.22 Water supplies for fire service weren't specifically addressed in the submission documents. Proposals should conform to requirements of Approved Document B and British Standard 9990 in regards to access and facilities for the fire service *(Officer comment: These issues can be addressed via informative).*

Metropolitan Police (Crime Prevention Officer)

6.23 Comments as follows:

- Cycle storage should be clearly visible and secure – concern regarding the visitor parking *(Officer comment: This is visitor cycle parking, and will benefit from the sufficient level of natural surveillance. Additionally, as part of the landscaping details to be addressed by condition, a detailed lighting scheme would be expected);*
- Boundary treatments should be robust, and there should be no permeability *(Officer comment: Because the site does not provide a through-route to a publicly accessible space, the applicants have agreed to a condition to secure details of gated access for residents of the development. Accordingly, there will be no public access to the subject site);*
- Vehicular gate should be incorporated to undercroft parking area *(Officer comment: This can be secured by condition);*
- Private gardens within the development to have 2.4m high fencing *(Officer comment: This is not considered necessary for a secure development, and such high fencing would have impacts upon the amenity of the gardens);*

Thames Water

6.24 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.

Transport for London (TfL) (Statutory Consultee)

6.25
- Levels of parking appropriate, although the scheme should also be permit-free;
- Levels of cycle parking appropriate;
- The scheme is unlikely to have a negative impact on the highway network, DLR or underground services;
- TfL seek a pooled contribution of £60,000 toward bus service enhancements (this is a total contribution for both the Thomas Road and Dollar Bay sites);
- TfL seek a contribution toward Legible London;
- Delivery and Service Management Plan and Construction Logistics Plan sought;
- Ongoing management of Travel Plan to be secured through the s106 Agreement.
- *(Officer comment: Contributions as requested, together with conditions have been agreed).*

7. LOCAL REPRESENTATION

7.1 A total of 210 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: 16 Objecting: 3 Supporting: 13
No of petitions received: 1 (Objection 228 signatures)

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:

- Loss of view from Landin House to the south (including view to Crystal Palace);
- *(Officer comment: This is not a protected view. Whilst the view will certainly change for residents, the design quality of the building is considered acceptable, and thus would not have an overbearing or unpleasant impact in respect of views)*
- Development will make quadrangle between Fitzroy House and Landin House gloomy and overlooked;
- *(Officer comment: As discussed in section 8 of this report, overshadowing is not considered unduly detrimental)*
- Loss of daylight and sunlight;
- *(Officer comment: As discussed in section 8 of this report, daylight and sunlight impacts to neighbouring properties is considered acceptable)*
- Impact upon Limehouse Cut and the Conservation Area;
- *(Officer comment: English Heritage, British Waterways and the Council's Design and Conservation Section have not raised objection to the proposal in this respect)*
- Principle of delivering affordable housing for the Dollar Bay scheme off-site;
- *(Officer comment: This has been considered by the Council's Housing section, and is considered acceptable in this case)*
- Traffic congestion and highway safety;
- *(Officer comment: As discussed in section 8 of this report, the application is considered acceptable in Highways and Transportation terms)*
- Impact upon emergency services;
- *(Officer comment: Emergency services access have been considered within the submission documents, and are acceptable)*
- Noise and fumes;
- *(Officer comment: The submitted noise assessment has been considered by the Council's Environmental Health section, and is acceptable. With relation to fumes and*

air quality, a planning condition has been identified to secure an Air Quality Management Plan);

- Overlooking to Landin House and Fitzroy House;
- *(Officer comment: As discussed within section 8 of this report, separation distances between buildings are considered acceptable)*
- Impact upon sewerage system;
- *(Officer comment: Thames Water have reviewed the submitted documents, and advised they have no objections, subject to conditions)*
- Overcrowding;
- *(Officer comment: As discussed in section 8 of this report, the development density and sizes of units and amenity space are considered acceptable)*
- Increased crime;
- *(Officer comment: The Crime Prevention officer has reviewed the scheme and made suggestions, as outlined within section 6 of this report. The proposal is considered acceptable in terms of crime prevention)*
- Loss of air to Landin House;
- *(Officer comment: Given the separation distance between Landin House and the proposed building, it is not considered by officers that the development will result in a loss of air to Landin House)*
- Out of character with Thomas Road.
- *(Officer comment: As discussed in section 8 of this report, the design and scale of the proposed building is considered acceptable, and in character with the surrounding development on Thomas Road)*

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

- Additional affordable housing needed;
- Job creation;
- Family housing needed;
- Existing area is an eyesore;
- Development is of high quality – suggested s106 contribution toward improving connectivity across the Limehouse Cut to Bartlett Park;

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;

(Officer Comment: Construction impacts would be controlled via the Construction Management Plan, which would be conditioned should Members be minded to approve this application)

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 The existing site layout comprises two buildings, with a courtyard in the centre. The first is along the Thomas Road frontage, being a three storey office building, which is part occupied. The second building has a u-shaped layout, providing eight B1 units, four of which are currently occupied.

8.3 National, regional and local policy supports a residential development on this site.

8.4 In respect of national policy, PPS 1 'Creating Sustainable Development', promotes the more efficient use of land with higher density. 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'.

8.5 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.

8.6 In the LBTH Core Strategy (2010) the site is designated as lying within the Bow Common 'place', seeking regeneration along the canal for predominantly residential development.

8.7 Policy DM15 of the Managing Development DPD (2012) seeks to resist the loss of employment sites unless it can be shown that the site is unsuitable for continued employment use.

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 Whilst the site is partially occupied, it does not lie within a Strategic or Local Industrial Employment Area. On the contrary, the thrust of the recent national and local planning framework is toward the provision of residential development.

8.10 The applicant purchased the subject site in 2008, and has demonstrated that it has been actively marketed for office and employment since this time. Nevertheless, the site has been partially vacant since its purchase, and at the present time is only part-occupied. 50% of the units have suffered long periods of vacancy, whilst the remaining 50% has not seen any renewed interest since marketing began following the expiry of the leases in January 2012.

8.11 It is therefore concluded by your officers and the GLA, that the loss of employment floorspace in this instance is considered acceptable, due to the fact that the current national and local policy aspiration is in favour of residential development on the site. Additionally, the applicant has demonstrated that despite active marketing the premises have been partially unoccupied since 2008.

<u>Density</u>

8.12 London Plan (2011) policy 3.4 seeks to optimise housing potential, having regard to local context, design principles and public transport accessibility.

8.13 The site has a public transport accessibility level (PTAL) of 3/4, and its immediate setting is urban in character. According to the London Plan density matrix, the site can accommodate a density of between 200 and 700 habitable rooms per hectare. The proposed density is 858 habitable rooms per hectare.

8.14 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.

8.15 As detailed within this report, officers consider that on balance the subject site can accommodate a density of that proposed, as the above symptoms of over-development are not prevalent in this case.

Housing

Affordable Housing

8.16 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"

8.17 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.

8.18 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.

8.19 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.

8.20 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.

8.21 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.

8.22 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.

8.23 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.

8.24 Policy DM3 of the Managing Development DPD (2012) seeks to secure affordable housing on-site, at a minimum provision of 35%.

8.25 With relation to off-site affordable housing, the supporting text for Policy 3.12 of the London Plan (2011) 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.

8.26 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.

8.27 Policy DM3 of the Managing Development DPD (2012) notes that off-site affordable housing will only be considered where it is not practical to deliver affordable housing on-site; the proposals achieve mixed and balanced communities; the proposal delivers a minimum 50% affordable housing across both sites with a better outcome, particularly in terms of social rented units; and residents on both sites would benefit from the same quality and level of local services.

8.28 This site is proposed to provide 59 affordable units (43 social rent, and 16 intermediate), together with 5 market units. This equates to an on-site affordable housing provision of 92%.

8.29 Together with the Dollar Bay proposal, the affordable housing provision across both sites equates to 46%.

Principle of off-site affordable housing

8.30 The principle of the off-site offer is discussed in greater detail in the accompanying report for Dollar Bay (ref: 11/01945). This has been considered in the context of the applicant's viability argument and against the Council's policy position regarding exceptional circumstances.

8.31 The application is supported by a Viability Assessment which seeks to justify the applicant's affordable housing offer, and why the alternative site at Thomas Road will deliver a better affordable housing arrangement over the Dollar Bay site.

8.32 The toolkit assesses the residual land value of the proposed development and using the outputs of the financial model, considers the economic viability of the proposed level of affordable housing provision and the level of Section 106 contributions that can viably be provided. The assessment also assumes that no grant funding is available.

8.33 The assessment demonstrates that if the two schemes were to be developed out separately, the affordable housing provision would be zero. On this basis there would be no reasonable prospect achieving two policy compliant schemes on either site in the foreseeable future. As outlined above, the Council's Core Strategy notes that exceptional

circumstances may arise where the affordable housing requirements need to be varied, and this is considered once such circumstance. However the Core Strategy also notes that even when the financial viability assessment is found to be sound, *'there should no presumption that such circumstances will be accepted, if other benefits do not outweigh the failure of the site to provide affordable housing'*. (Paragraph 4.4)

8.34 These concerns were raised with the applicant at the pre-application stage and further justification was requested to justify the suitability of the off-site location and a justification as to why the alternative affordable housing arrangement provides a better outcome. These issues are discussed in more detail in the accompanying Dollar Bay report.

8.35 In terms of the suitability of Thomas Road as the off site doner site, the applicant was requested to explore the option of a site closer to the principle Dollar Bay site and preferably within the Isle of Dogs. As such, an assessment of alternative sites within the Blackwall and Cubit Town Ward, within which Dollar bay is situated, and the neighbouring Millwall Ward has been submitted in support of the applicants proposal. This assessment presents a number of difficulties the applicant had in finding a suitable donor sites within Isle of Dogs. It identifies 17 alternative sites within the Blackwall and Cubit Town and Millwall Wards and concludes that these sites are either unavailable or unviable to accommodate the off-site affordable housing. Officers have considered this assessment and note that many of the sites identified already have planning permissions, however, officers are not aware of any other suitable alternatives sites at this point in time.

8.36 Since the submission of the application, the Council's Managing Development DPD (2012) has been produced. Part 3a of Policy DM4 confirms that any off site affordable housing provision will only be considered in circumstances - where it can be demonstrated that:

(i) it is not practical to provide it on site;

(ii) to ensure mixed and balanced communities;

(iii) it can provide a minimum of 50% affordable housing;

(iv) it can provide a better outcome including higher level of social rented family homes; and

(v) future residents living on both sites use and benefit from the same level and quality of services.

8.37 A full assessment of the proposal against the criteria identified above is outlined in the accompanying Dollar Bay report.

8.38 In light of the demonstrated viability constraints and the exceptional circumstances demonstrated above, the proposed affordable housing offer of 46% across the two sites is considered to be the maximum level of affordable housing that can be achieved. Whilst the location of the proposed donor site at Thomas Road is located a considerable distance from the principle site, and future residents may not necessarily benefit from the same facilities and services, officers are content that both schemes will deliver a better regenerative benefit than would have been provided if these two sites were developed independently of each other.

8.39 Therefore, on balance, the benefits which include (i) a better form and layout, (ii) better amenity and open space conditions, (iii) greater provision of social rent and family accommodation and (iv) a better S106 package are considered sufficient reasons to outweigh the failure of the proposal to provide affordable housing on site. The Thomas

Road site is more suited toward delivering affordable family housing, and the linking of the two sites delivers a better outcome than if the two schemes were to be developed out together.

Housing Mix on Thomas Road

8.40 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".

8.41 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.

8.42 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.

8.43 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.

8.44 Policy DM3 of the Managing Development DPD (2012) seeks a mix of unit sizes to meet the demands of Tower Hamlets Residents. Table 1 sets out the proposed mix of units against the MD DPD (2012) policy.

Table 1: Unit Mix – Thomas Road

8.45

TOTAL		Social Rent			Intermediate			private sale		
Unit size	**Units**	**Units**	**Proposed %**	**MD DPD %**	**Units**	**Proposed %**	**MD DPD %**	**Units**	**Proposed %**	**MD DPD %**
Studio	0	0	0	0	0	0	0	0	0	0
1 bed	20	9	21	30	10	63	25	1	20	50
2 bed	8	6	14	25	2	13	50	0	0	30
3 bed	30	22	51	30	4	25	25	4	80	20
4 bed+	6	6	14	15	0	0	0			
Total	**64**	**43**	**100**	**100**	**16**	**100**	**100**	**5**	**100**	**100**

8.46 On the Thomas Road site the Council's housing section support the proposed mix of units, with a 65% provision of social rented family units, and 56% provision of family units overall.

8.47 The ratio of rented to intermediate affordable housing is broadly compliant with policy, at 73:27 in favour of the social rented tenure.

Table 2: Unit Mix - Overall

8.48

TOTAL		Social Rent			Intermediate			private sale		
Unit size	**Units**	**Units**	**Proposed %**	**MD DPD %**	**Units**	**Proposed %**	**MD DPD %**	**Units**	**Proposed %**	**MD DPD %**
Studio	15	0	0	0	0	0	0	15	13	0

1 bed	67	9	21	30	18	69	25	40	34	50
2 bed	49	6	14	25	4	15	50	39	34	30
3 bed	47	22	51	30	4	15	25	22	19	20
4 bed+	6	6	14	15	0	0	0			
Total	**184**	**43**	**100**	**100**	**26**	**100**	**100**	**116**	**100**	**100**

8.49 In terms of the overall mix, the Council's housing section have raised concern regarding the relatively high proportion of intermediate one bed units. Nevertheless, on balance they are supportive of the scheme as a whole, given the high proportion of family social rented unit.

Rent / Intermediate Shared Ownership and Housing Mix

8.50 Overall the two sites propose a tenure split of 62:37 in favour of the social rented tenure, which is broadly compliant with strategic guidance, with the London Plan (2011) seeking a split of 60:40.

8.51 The housing offer therefore accords with policies 3.9, 3.11 and 3.12 of the London Plan, policy SP02 of the Core Strategy and policy DM3 of the MD DPD in that it delivers the maximum reasonable amount of affordable housing, delivering a better outcome by developing the Dollar Bay and Thomas Road sites together. Both the Dollar Bay and Thomas Road sites will deliver a mix of housing tenure. The submitted Socio Economic and Housing Market Analysis has made reference to recent planning consents between 2005 and 2011 near the Thomas Road site. Whilst not all of the schemes have been implemented, over 60% of units in the schemes assessed were for private sale.

8.52 Officers are therefore satisfied that the proposal contributes towards addressing the tenure balance and thus maintaining a mixed and balanced community.

Wheelchair Housing and Lifetime Homes

8.53 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.

8.54 If planning permission is approved, appropriate conditions should be attached to secure the delivery of accessible residential units and associated parking spaces. A parking Management Plan should also be secured, in order to ensure that a programme is in place to use best endeavours to allocated Wheelchair users an on-site parking space.

Floorspace Standards

8.55 Saved policy HSG13 'Conversions and Internal Space Standards for Residential Space' of the UDP (1998) and Supplementary Planning Guidance 'Residential Space' (998) set the minimum space standards for residential developments.

8.56 Policy DM4 of the Managing Development DPD (2012) sets out internal space standards which should be achieved in new development.

8.57 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.

8.58 The proposed residential layout achieves the minimum floorspace standards.

Amenity Space

8.59 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".*

8.60 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 DM4 of the Managing Development DPD (2012) sets minimum criteria for private as well as communal amenity space 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 MD DPD are summarised in tables 3 and 4 below.

Table 3: Private Amenity Space

8.61

Private Amenity Space			
No. of Units	Required Amount (MD DPD 2012)	Required Amount (sqm)	Proposed
0 x Studios	0 x 5sqm	0	0
20 x 1 Beds	20 x 5sqm	100	102
8 x 2 Beds	8 x 6sqm	48	73
30 x 3 beds	30 x 8sqm	240	245
6 x 4+ beds	6 x 10sqm	60	155
Total:		448sqm	575sqm

8.62 All units within the scheme benefit from private space in the form of either a balcony or private terrace.

8.63 Policy DM4 of the Managing Development DPD (2012) seeks a minimum width of 1.5 metres for private external spaces, with a minimum 5sqm area, and an extra 1 sqm for each additional occupant.

8.64 The proposed arrangement complies with the guidance within policy DM4 of the DPD (2012), and exceeds the total minimum amount of private amenity space required.

Table 6: Communal Amenity Space

8.65

Communal Amenity Space		
	Required Amount (MD DPD 2012)	Proposed (Approx)
Total: 64 Units	104sqm	273sqm

8.66 273sqm of communal amenity space is proposed at podium level above the carpark, along the Limehouse Cut, and also along the south-eastern boundary of the site.

8.67 It is recommended that a landscaping condition is attached if planning permission is approved, to ensure that the detailed design of these spaces will acceptably deliver a quality standard of amenity for future residents. Submission of materials for all external paving and boundary treatments (including balustrading for privacy of the podium and ground floor units) would also be required within this condition.

Public Open Space

8.68 No public open space is proposed within the development. However, the schemes does propose acceptable levels of private amenity space, and substantially more communal amenity space than policy requires. Hence, on-site amenity for residents is considered acceptable.

8.69 Nevertheless, future residents of this development would create additional demand for open space within the Borough. Accordingly, the applicants have agreed to an open space contribution of £109,941, to the improvement to and delivery of open space.

Play Space

8.70 Based on the Tower Hamlets Planning for Population Change and Growth Capacity Assessment 2009 the proposed mix would result in a child yield of 61 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'.

8.71 The Councils Managing Development DPD (2012) seeks a minimum 10sqm play space per child, which is in accordance with the Mayor's supplementary planning guidance 'Providing for Children and Young People's Play and Informal Recreation'. Therefore, the total expected provision for play is 610sqm.

8.72 Informal play provision is proposed within the areas of communal amenity space within the development (total 100sqm). Located at podium level, the area of play would incorporate play boulders, stepping stones and logs, and purpose-built play surfacing. This on-site playspace is intended for children under 5 (of which there is a policy requirement for 19 children, or 195sqm). Given the constrained nature of the site, on balance the approach put forward by the applicants is considered acceptable.

8.73 Additionally, it is not feasible to provide facilities for older children, aged 5 - 15 within the proposed development. Nearby facilities are available for use at Mile End Park, Bartlett Park and Brickfield Gardens. Nevertheless, the applicant has agreed to make a contribution toward public open space, which could also be put towards improved play facilities within existing areas of open space within the Borough.

8.74 On balance, with the appropriate landscaping treatment to provide areas of play for children under 5 together with the agreed contribution toward public open space, it is considered that the proposal satisfies the requirements of current planning policy.

Design

Introduction

8.75 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.

8.76 Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.4 specifically seeks high quality urban design having regard to the pattern and grain of the existing spaces and streets. Policy 7.6 seeks highest architectural quality, enhanced public realm, materials that compliment the local character, quality adaptable space, optimising the potential of the site.

8.77 Saved UDP policies DEV1, DEV2 and DEV3 seek to ensure that all new developments are sensitive to the character of their surroundings in terms of design, bulk, scale and use of materials. Core Strategy Policy SP10 and policies DM23, DM24 and DM27 of the Managing Development DPD (2012) seek to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds, whilst protecting and enhancing the borough's heritage assets.

Analysis

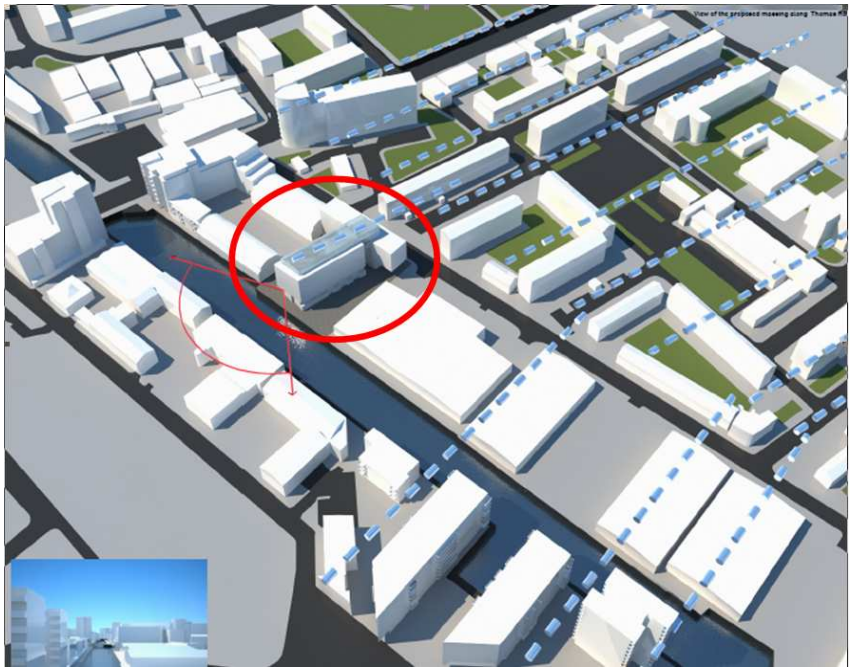
8.78 The application site is roughly rectangular, with an area of approximately 0.29 hectares.

Scale, massing and layout

8.79 The proposed massing is composed of two main elements, being an east-west block fronting Thomas Road to provide a street presence, and an interlocking north-south block which creates a T shaped site layout.

8.80 A massing diagram was submitted which illustrates that the proposed height and pattern of development will sit comfortably within the context of the surrounding pattern of development. Please refer to figure 2 below.

8.81 Figure 2



8.82 Recessed elements at ground and roof level of the north-south block allow for private amenity space for family units, whilst also minimising the appearance of the mass. The east-west block is proposed with window-less gable walls, safeguarding for future street-frontage development along Thomas Road.

Design and Appearance

8.83 The proposed building is considered to be well designed and of a high quality.

8.84 Four different architectural expressions are used to create identity for different elements of the building, whilst emphasising the different functions of the development. Ground floor townhouses accessed directly from the street are proposed with heavyweight cladding to ground the building visually. The east-west building fronting Thomas Road incorporates a screen along the access routes, emphasising the horizontality of the building whilst providing an element of privacy. The north-south building is proposed to be clad with metal panels, reflecting the historic industrial setting of the site, whilst the recessed roof element is finished with a lightweight glass cladding to soften the appearance of the upper level.

Heritage

8.85 The subject site adjoins the Limehouse Cut Conservation Area. English Heritage and the Council's Design and Conservation officer have considered the proposal. No objections were raised to the proposal.

8.86 The design, scale and treatment of the buildings are considered acceptable with relation to the Limehouse Cut Conservation Area., given the ease with which the mass and scale reflects that of the surrounding area. The consistent building line and the setback from the Canal ensure that the building does not visually encroach upon the Limehouse Cut.

Design Conclusions

8.87 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 Limehouse Cut Conservation Area are preserved, and the relationship in relation to the surrounding buildings is acceptable.

Amenity

Daylight and Sunlight

8.88 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. This is further carried through to policy DM25 of the Managing Development DPD (2012).

8.89 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.

8.90 British Standard 8206 recommends ADF values for residential accommodation as:

- 2% for kitchens;
- 1.5% for living rooms; and

- 1% for bedrooms.

Daylight Results: Impacts on Neighbouring Properties

8.91 Out of the 168 neighbouring rooms assessed in relation to daylight, 163 rooms retain compliant VSC to all windows. The remaining 5 rooms (out of 43 within 1-32 Fitzroy House) experience a loss of VSC in excess of BRE guidance to 8 windows. In the view of GVA Grimley, who carried out an independent assessment of the daylight and sunlight report on behalf of the Council, 5 out of the 8 are within reasonable margins to expect the impact upon daylight and sunlight will not be unduly detrimental. The remaining 3 windows (2 ground floor and 1 first floor window) would experience a noticeable loss of light, however the residential values for those 3 windows are recorded at 21%, 22.09% and 23.41%. Thus, it is concluded that whilst there will be *"a loss of light, the amount of light which will continue to be received will remain adequate given the nature of the building in question and the pattern of development within this part of the Borough".*

8.92 All of the 168 rooms pass the NSL test and ADF tests.

8.93 Accordingly, whilst there are a small number of VSC failures (3% of rooms), on balance the level of daylight retained for surrounding properties is considered acceptable.

Daylight Results: Quality of Proposed Units

8.94 226 out of 247 (91.5%) habitable rooms within the proposed development would achieve the minimum ADF values.

8.95 It is reasonable for some rooms to fail the BRE guidelines on urban developments such as that being considered. On balance, the levels of daylight and sunlight for the proposed units is therefore considered acceptable.

Sunlight Assessment

8.96 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

8.97 All of the 73 surrounding windows tested in relation to sunlight are predicted to comply with the BRE guidance in this respect. The occupants would therefore be unlikely to experience a noticeable change in the level of sunlight within their properties.

Sunlight Results: Proposed Properties

8.98 With the exception of 2, all living rooms or balconies meet or exceed the recommended levels for APSH. Whilst the 2 failing living rooms fall short of the total APSH, they do achieve the winter levels of APSH. Additionally, the living rooms have private gardens, and it is therefore expected that residents will be able to enjoy sunlight amenity within these garden areas in the summer months.

Shadow Analysis

8.99 GVA have confirmed in their review of the applicants daylight and sunlight report that the proposed development will not have an unduly detrimental material overshadowing impact upon surrounding amenity areas.

Air Quality

8.100 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

8.101 The Councils Environmental Health section reviewed the submitted information, and advised that the application is acceptable in terms of noise and vibration.

Sense of Enclosure/Loss of Outlook and Privacy

8.102 Policies SP10 of the Core Strategy, DEV2 of the UDP and DM25 of the MD DPD 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.

8.103 In the opinion of officers, the separation distances between the proposed development and directly facing existing neighbouring properties is considered acceptable given the urban context of the surrounding area, in that a minimum separation distance of 18 metres has been achieved.

8.104 Within the proposed development itself, where the north-south block adjoins the east-west block, design features are necessary to achieve a good level of privacy for future residents. This can be delivered through directional glazing and obscure balcony treatments. In order to secure an appropriate level of design detail in this respect, it is recommended that a condition is attached requiring the submission of detailed elevations, sections and samples of materials prior to the commencement of development on-site.

Microclimate

8.105 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..'* Policy DM26 of the MD DPD (2012) supports this position. Wind microclimate is therefore an important factor in achieving the desired planning policy objective.

8.106 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 and the impact relative to that use.

8.107 Overall, the residual effect of the proposed development is expected to be negligible. The wind microclimate around the site would be relatively calm, and suitable for the intended use of the site, with amenity areas and balconies suitable for either sitting or standing.

1.108 It is therefore considered that the proposed development would be acceptable in terms of the impact upon microclimate conditions surrounding the development site.

Transport

8.109 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.

8.110 London Plan Policy 6.3 seeks to ensure that new development does not adversely affect safety on the transport network. Policies 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.

8.111 Saved UDP policies T16, T18, T19 and T21, Core Strategy Policy SP08 and SP09, and Policy DM20 of the draft Managing Development DPD (2012) together seek to deliver an accessible, efficient and sustainable transport network, ensuring new development has no adverse impact upon the safety and road network capacity, requires the assessment of traffic generation impacts and also seeks to prioritise and encourage improvements to the pedestrian environment.

8.112 The PTAL rating for the site is 3/4 (good) given it's proximity to Westferry DLR station and 9 bus routes.

8.113 The proposal includes a total of 10 residential car parking spaces, 2 of which will be for disabled parking use, together with 84 cycle parking spaces (6 of which are for visitors).

Vehicular Parking

8.114 Whilst the Council's Highways section would prefer to see a lower provision, the proposed 10 spaces comply with policy in numerical terms, and TfL have confirmed they also accept the proposed provision. The proposed 10 car parking spaces are therefore considered acceptable on balance.

8.115 The parking spaces are proposed within the undercroft of the building, with private vehicles able to enter and egress the site in a forward gear.

8.116 2 disabled parking spaces are proposed, which is considered acceptable by the Councils 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.

8.117 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

8.118 The application proposes a minimum of 86 secure cycle parking spaces, using Sheffield stands. This represents a provision in excess of 1 space per residential unit, together with acceptable visitor spaces, and is therefore compliant with Planning Standard 3: Parking and policy DM22 of the MD DPD.

Servicing and Refuse Collection

8.119 A total of 81.1m3 Eurobin containers are necessary to provide one weeks storage for this development, necessitating a bin storage area of min 25sqm. 94sqm of refuse and

recycling space is proposed, thus providing sufficient capacity.

8.120 The bin storage area is located at ground floor level, adjacent to the vehicular entrance to the undercroft, where refuse vehicles can load the bins. This area is within the allowable 10 metre pull distance from storage to lorry for refuse workers.

Delivery service plan and construction logistics plan

8.121 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 these would satisfy this request.

Travel Plan

8.122 Should permission be granted, a travel plan sould be secured by way of the s106 agreement to the satisfaction of the Council and TfL.

Energy Efficiency and Sustainability

8.123 At a national level, PPS22 and PPS1 encourage developments to incorporate renewable energy and to promote energy efficiency. At a strategic level, the climate change policies as set out in Chapter 5 of the London Plan (2011) and London Borough of Tower Hamlets Core Strategy (SO24 and SP11) collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.

8.124 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).

8.125 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).

8.126 Policy SO3 of the Core Strategy (2010) seeks to incorporate the principle of sustainable development, including limiting carbon emissions from development, delivering decentralised energy and renewable energy technologies and minimising the use of natural resources. The SP11 requires all new developments to provide a 20% reduction of carbon dioxide emissions through on-site renewable energy generation.

8.127 The Managing Development DPD (2012) policy DM29 includes the target to achieve a minimum 35% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy. Draft Policy DM 29 also requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. At present the current interpretation of this policy is to require all residential developments to achieve a Code for Sustainable Homes Level 4.

8.128 The submitted Energy Statement (Environmental Statement Volume 5: Part 2- dated July 2011), 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 hotwater requirements in accordance with policy 5.6 of the London Plan will also reduce energy demand and associated CO2 emissions (Be Clean).

8.129 The current proposals for delivering the space heating and hotwater are considered acceptable, however an appropriately worded condition should be applied to any permission to ensure development is supplied by the CHP following completion and prior to occupation.

8.130 Photovoltaic cells are proposed to provide a source of on site renewable energy (Be Green). The technologies employed would result in 9.9% carbon savings over the regulated energy baseline. Through the maximisation of the communal system and commitment to the proposed CHP to deliver space heating and hot water it is acknowledged that achieving a 20% reduction in CO2 emissions through renewable energy technologies is technically challenging and not feasible for all developments. The applicant has demonstrated that the proposed CO2 emission reduction through PV's (132m2 PV array with peak output of 13.2kWp) 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 applicant has demonstrated that the design has followed the energy hierarchy and sought to integrate renewable energy technologies where feasible.

8.131 The total anticipated CO2 savings from the development are 32.5%, through a combination of energy efficiency measures, a CHP power system and renewable energy technologies. The proposed energy strategy falls short of the requirements of Draft Policy DM29 which seeks a 35% reduction in CO2 emissions, however the anticipated CO2 savings are in accordance with adopted development plan (London Plan Policy 5.2) and the applicant has demonstrated the CO2 savings have been maximised at each stage of the energy hierarchy. Therefore the CO2 savings proposed for this development are considered acceptable in this instance and it is recommended that the strategy is secured by condition and delivered in accordance with the submitted Energy Statement.

8.132 In terms of sustainability, London Borough of Tower Hamlets requires all new residential development to achieve a Code for Sustainable Homes Level 4 rating. This is to ensure the highest levels of sustainable design and construction in accordance with Policy 5.3 of the London Plan 2011 and Policy DM29 of the London Borough of Tower Hamlets Draft Managing Development DPD.

8.133 The submitted Sustainability Statement and Code for Sustainable Homes Pre-assessment demonstrates how the development will achieve a Code for Sustainable Homes Level 4. It is recommended that the achievement of a Code Level 4 rating for all units is secured through an appropriately worded Condition with the Code for Sustainable Homes Certificates submitted to the Council prior to occupation.

Other Planning Issues

Biodiversity

8.134 The Council's Biodiversity officer has reviewed the submission, and recommended that several biodiversity enhancements are secured through the scheme. These relate to conditions to secure details of directional lighting away from the canal, and landscaping details to be submitted showing incorporation of native planting; as well as the request to secure gabions with reeds and other wetland vegetation to the canal wall.

8.135 Conditions to secure appropriate lighting and landscaping details are considered acceptable. However, the request for gabions and wetland vegetation along the canal wall falls outside of the applicants site ownership, and would be difficult to secure. The overall biodiversity value of the site is improved through the proposed development, and therefore, on balance the proposals are considered acceptable in this respect, without the need to secure works to the canal wall.

Environmental Statement

8.136 The Environmental Statement and further information/clarification of points in the ES have been assessed as satisfactory by Council's independent consultants, Land Use and Cascade Consultants, as well as Council Officers.

Demolition & Construction

8.137 With regards to the objections received on the grounds of impacts during demolition and construction, this matter was covered within the submitted Environmental Statement. 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.

Planning obligations/S106

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

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

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

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

8.140 This is further supported by Saved Policy DEV4 of the UDP (1998) and Policy IMP1 of the Council's IPG (2007) policy SP13 in the Core Strategy (2010) which seek to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development.

8.141 The Council's Supplementary Planning Document on Planning Obligations was adopted in January 2012. This SPD provides the Council's guidance on the policy concerning planning obligations set out in policy SP13 of the adopted Core Strategy. The document also set out the Borough's key priorities being:

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

The Borough's other priorities include:

- Health
- Sustainable Transport
- Environmental Sustainability
- Public Realm

8.142 The application is accompanied by a viability assessment which has been independently assessed by DVS and concludes that 46% affordable housing across both sites is viable and a S106 contribution of approximately £5,000 per unit is also viable. This would equate to a total financial contribution of £925,000 and the viability toolkit takes account of this.

8.143 However, in light of the proposed off site affordable housing arrangement and the associated impact on social and physical infrastructure (particularly on the Thomas Road site, where the child yield will be greater and the demand for education, community, open space and play facilities will be higher); officers have negotiated an additional £500,000 on top of the initial £925,000 offered in order to meet almost all of the Borough's obligation priorities. This provides a total financial contribution of **£1.4m** (across both sites). The requested contribution for each of the area is outlined table below and the preceding paragraphs outline the justification for each of these.

8.144 This £1.4million request is based on the Council's adopted SPD, and equates to £899k for Dollar Bay and £449k for Thomas Rd. In light of the links between both sites through affordable housing, this section of the report deals with the total S106 obligation proposal across Dollar Bay & Thomas Road.

	Dollar Bay Request:	**Thomas Road** Request:	Total Request	Applicant's Combined Offer
FINANCIAL OBLIGATIONS				
Key Priorities				
Education:	£81,667	£557,043	**£638,710**	**£638,710**
Employment & Enterprise: *(+loss of employment on Thomas Rd)*	£28,092	£16,867	**£75,300**	**£44,959**
Community Facilities: (Libraries)	£23,058	£17,263	**£40,321**	**£40,321**
Community Facilities: (Leisure)	£74,637	£68,519	**£143,156**	**£143,156**
Other Priorities				
Public Realm: (Sust Transport)	£2,729	£2,515	**£5,244**	**£5,244**

Public Realm: (Streetscene)	£0	£21,400	**£21,400**	**£21,400**
Public Realm: (Open Space)	£98,368	£109,941	**£208,309**	**£208,309**
Health:	£140,396	£105,371	**£245,767**	**£245,767**
GLA Bus Enhancements :			**£60k**	**£60k**
GLA Way Finding:			**£15k**	**£15k**
Sub Total	**£448,947**	**£898,919**	**£1,347,866**	**£1,347,866**
Monitoring fee (**3%** on the Council's contribution)	£14,965	£32,997		
TOTAL				**£1,395,828 (equivalent to £7-8k per unit)**
NON- FINANCIAL OBLIGATIONS				
Public Art/Artistic Intervention in the Public Realm	√			√
46% affordable housing (67:32 social rent: intermediate)				√
Employment and Enterprise - 20% local procurement during construction; - 20% of construction force to be local residents	√	√	√	√
Travel Plan:	√	√	√	√

Travel Plan Coordinator:	√	√	√	√
Walking/Right of Access:	√		√	√
Private Garden Access:	√		√	√
Permit Free Agreement:	√	√	√	√
Total Financial Contribution				**£1,395,828**

Affordable Housing

8.145 The application proposes to locate the majority of the affordable housing at 18-36 Thomas Road, where together the two sites would provide a minimum of 46% of affordable housing (measured by habitable rooms) comprising 43 social rent units and 26 intermediate units in total (16 Intermediate units on Thomas Road, and 10 units on Dollar Bay). As outlined previously, the application is accompanied by a viability toolkit which demonstrates that this is the maximum reasonable level of affordable housing which can be achieved.

8.146 To secure the delivery of affordable housing, the applicant has agreed not to occupy more than 50% of the Private Market Units on the Dollar Bay site until 60% of the Off Site Affordable Housing has been completed on Thomas Road, and not to occupy more than 80% of the Private Market Units on Dollar Bay until 100% of the Off Site Affordable Housing on Thomas Road has been provided.

Education

8.147 The proposed increase in residential development on the site will generate an increased child yield and therefore an increase in demand for primary and secondary school places in the Borough. Based on the adopted Planning Obligations SPD, the net increase in units for Dollar Bay results in the need for 4 x primary school places and 1 x secondary place. This amounts to a requested contribution of £81,667 based on a cost of £14,830 per primary place and £22,347 per secondary place

8.148 With respect to Thomas Road, the increase in units generates the need for 24 x primary places and 9 x secondary place. This amounts to a total requested contribution of £557,043 is sought.

8.149 Across both sites, a contribution of £638,710 is sought and the applicant proposed to meet this contribution in full.

Enterprise and Employment

8.150 The SPD requires developments to exercise reasonable endeavours to ensure that 20% of the construction phase workforce will be for local residents of Tower Hamlets, to be supported through the Skillsmatch Construction Services. In addition, the SPD requires that 20% of the goods/services procured during the construction phase should be achieved

by businesses in Tower Hamlets

8.151 The SPD also seeks a financial contribution towards the training and skills needs of local residents in accessing job opportunities created through the construction phase of all new development and a contribution towards end use phase of commercial developments.

8.152 Based on the SPD, Enterprise and Employment seek a financial contribution of £28,092 for the construction phase. No employment/enterprise contributions are sought for the end-use phase of the Dollar Bay development. A financial contribution of £16,867 for the construction phase at Thomas Road.

Community Facilities

8.153 The SPD identifies Idea Store, Libraries, Archives, Leisure, Multi-Use Community Facilities within the Community priority.

8.154 With respect to the Idea Stores/Archives and Libraries – a contribution of £23,058 is sought for Dollar Bay and £17,263 is sought on Thomas Road, based on the SPD. Together a total contribution of £40,321 is sought and the applicant proposes to meet this contribution in full.

8.155 With respect to the Leisure – a contribution of £74,637 is sought for Dollar Bay and £68,519 is sought on Thomas Road, based on the SPD. Together a total contribution of £143,156 is sought and the applicant proposes to meet this contribution in full.

Other Priorities:

8.156 In light of the proposed off site affordable housing arrangement and the associated impact on social and physical infrastructure (particularly on the Thomas Road site, where the child yield will be greater and the demand for education, community, open space and play facilities will be higher); officers have negotiated additional contributions in order to meet almost all of the Borough's obligation priorities as set out in the adopted SPD.

Health

8.157 The SPD requires all major developments to contribute towards health facilities. Contributions will be calculated using HUDU model which calculates the cost of increased demand on local facilities based on the proposed increase in population. The SPD also considers the provision of an onsite health facility.

8.158 The PCT seek a capital planning contribution of £140,396 for the Dollar Bay site and a capital planning contribution of £105,371 for the Thomas Road site. Together a total health contribution of £245,767 is sought and the applicant proposes to meet this contribution in full.

Sustainable Transport

8.159 The SPD requires a contribution towards sustainable transport improvements. Based on the net increase in residents x the cost of smarter travel, a contribution of £2,729 is sought on the Dollar Bay site (towards Smarter Travel and to encourage walking and cycling within the borough). A contribution of £2,515 is sought on the Thomas Road site.

8.160 Together a total contribution of £5,244 is sought and the applicant proposes to meet this contribution in full.

Environmental Sustainability

8.161 Through the SPD, mitigation is required to address renewable and sustainable forms of energy and enhancements to wildlife biodiversity. The SPD requires all major developments to contribute towards energy initiatives and carbon offset funds, if officers feel all on site measures to reduce CO2 have been exhausted. However, as described in previous sections of this report, the application commits to a CO2 savings of 29%, through a combination of energy efficiency measures, a CHP power system and renewable energy technologies. Officers are content with the overall energy strategy and no further contributions are requested.

8.162 With regards to biodiversity, the applicant has proposed several measures to support existing ecology and biodiversity value and proposed additional measures to enhance landscape, trees, planting and nesting. As such no contributions are being sought towards environmental sustainability.

Public Realm

Public Open Space

8.163 Through applying the SPD, a contribution of £98,368 is sought to mitigate against the shortfall of open space provided on Dollar Bay. £109,941 is sought for that at Thomas Road. Together a total contribution of £208,309 is sought and the applicant proposes to meet this contribution in full.

Streetscene and Built Environment Improvements

8.164 Based on the SPD, an obligation of approximately £21,400 is sought towards Streetscene and Built Environment Improvements along Thomas Road, based on extent of footways and carriageways to the north of the site. No contribution is sought on Dollar Bay as the area of footpath around the development is not the Council's ownership falls within the control of British Waterways. Discussions with BW have however confirmed a desire to have the pathway to the north of the Dollar Bay development landscaped and paved at the applicant's expense. It is suggested that this is tied into the S106 with an appropriately worded clause. The applicant proposes to meet the requested contribution for Thomas Rd and the commitment towards the pathway in BW ownership through reasonable endeavours.

Public Art/Artistic Intervention in the Public Realm

8.165 Within Public Realm obligations, the SPD also seeks an element of *Public Art*. Officers have requested that the applicant incorporate public art/ artistic intervention in the public realm as an integral part of the development proposal. In response, the applicant has committed the provision of public art on site and this obligation will be captured in the S106 agreement. It is considered more appropriate for this to be provided on the Dollar Bay site, considering the arrangement of the public realm and the benefits to the public which will be much more accessible that that at Thomas Rd.

TfL Transport and Wayfinding

8.166 TfL have noted that the development is likely to generate demand for additional bus capacity to improve residents' access to public transport. Following negotiations with TfL and contribution of £65,000 has been agreed.

8.167 TfL is also seeking a contribution towards the introduction of Legible London boards within the scheme. A contribution of £15,000 has been agreed.

Monitoring & Implementation

8.168 The SPD requires a contribution towards the monitoring and implementation of the S106 agreement. The Council normally applies a 2% fee to the total financial contribution sought. However in certain circumstances a higher contribution will be sought. The S106 for Dollar Bay and Thomas Road will require a lengthy agreement with complex clauses in order to ensure the off site affordable housing. As such, officers consider it appropriate to request a higher than normal monitoring fee. 3% is considered appropriate. The applicant has agreed to this.

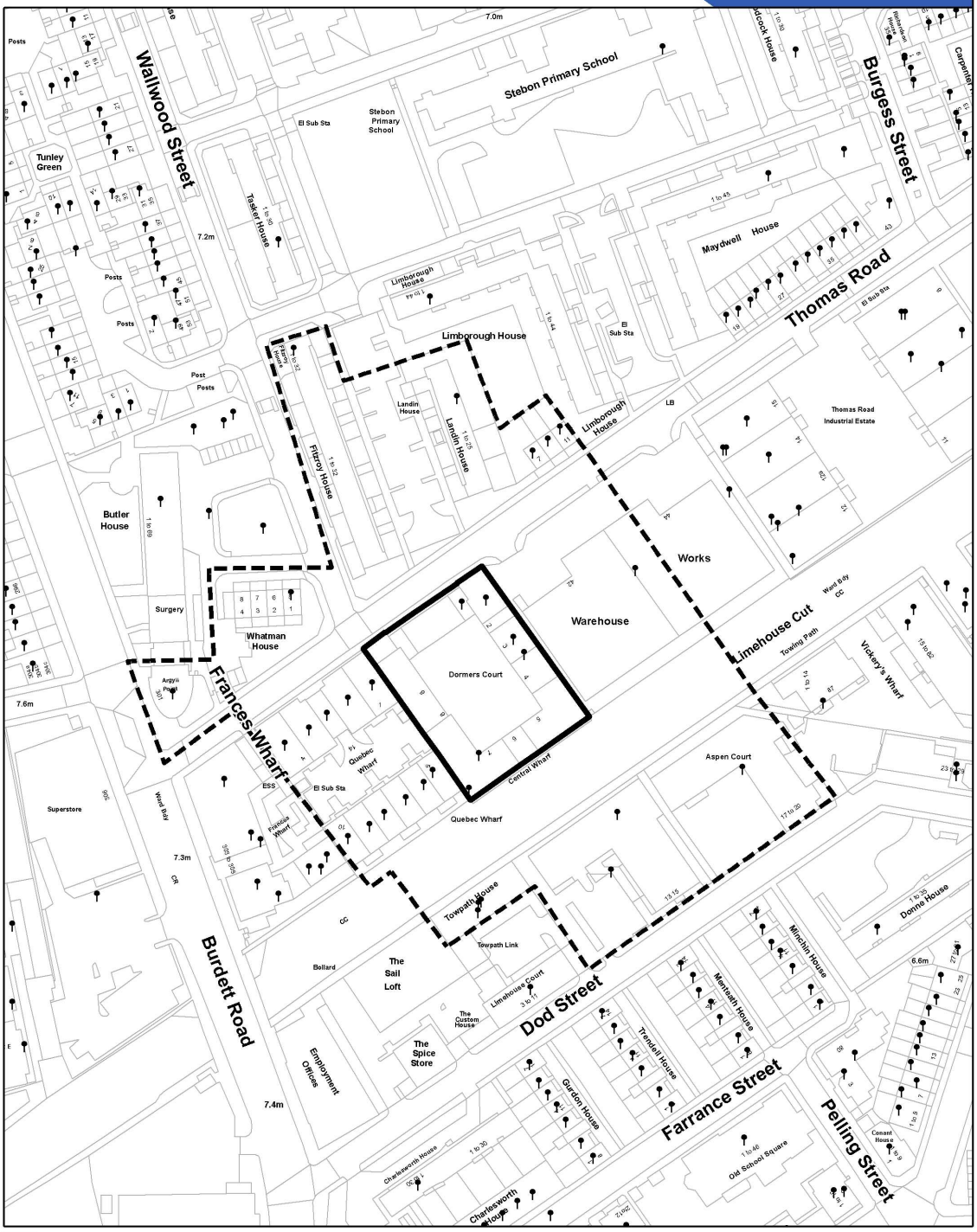
Planning Obligations Conclusion

8.169 The proposed development will provide appropriate contributions towards the provision of affordable housing, education facilities, community, employment and enterprise, community and leisure, built environment, public realm to sufficiently mitigate against the impact of the proposed development. As such, the application accords with Regulation 122 of Community Infrastructure Levy 2010, Government Circular 05/05, saved policy DEV4 of the Council's Unitary Development Plan (1998), policies SP02 and SP13 of the Core Strategy Development Plan Document (2010), which seek to secure contributions toward supporting infrastructure and services required to facilitate proposed development.

Conclusions

9.0 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



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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Committee:	Date:	Classification:	Agenda Item Number:
Strategic	6 March 2012	Unrestricted	

Report of: Director of Development and Renewal **Case Officer:** Mary O'Shaughnessy	**Title:** Town Planning Application **Ref No:** PA/11/03587 **Ward: Whitechapel**

1. APPLICATION DETAILS

Location: Former Goodmans Fields, 74 Alie Street and Land North of Hooper Street and East of 99 Leman Street, Hooper Street, London E1

Existing Use:

Proposal: Hybrid planning application for residential-led mixed-use redevelopment of the site comprising:

1) Outline Application - All matters reserved (except for access)

§ Development of North East (NE) and South East (SE) quadrants of the site to provide:
§ Podium blocks of between 7 - 10 storeys (max 46.075m AOD) with two towers on each podium block of between 19-23 storeys (max 85.425m AOD) and dwellings fronting Gower's Walk;
§ Up to 700 residential units (Use Class C3);
§ Up to 6,709 square metres (GIA) of flexible commercial and leisure floor space (Use Classes A1 - A5, B1a, D1 and D2) at ground floor level including a health centre (up to 1,581 square metres GIA);
§ Associated vehicular, pedestrian and cycle access;
§ At least 9,380 square metres of Public Open Space; and
§ Related infrastructure and engineering works.

2) Full details

§ Development of the North West (NW) quadrant of the site to provide:
§ Podium block between 6-10 storeys (max 46.075 AOD) and two towers up to 19 Storeys (max 76.17m AOD) and 21 storeys (max 85.4m AOD);
§ 250 bedroom hotel (Use Class C1) including a restaurant (Use Class C3) at ground to sixth floor level;

- 164 residential units (Use Class C3);
- 841 square metre (GIA) ancillary gym and swimming pool at ground and first floor level for residents use;
- 1,713 square metre (GIA) flexible commercial / leisure floorspace (Use Class A1 - A5, B1a and D2) at ground floor level;
- 17, 778 square metre (GIA) basement level across the site to provide 253 car parking spaces, 35 motor cycle spaces, 50 electric car charge points, 1358 cycle parking spaces and ancillary facilities for storage, management facilities and plant;
- Public Open Space to form part of the wider outline public open space strategy; and
- Associated access, landscaping, surface car parking and cycle parking and related infrastructure and engineering works.

Drawing Nos/Documents: Drawings:
A0100, A0101, A0102, A0103, A1002, A1026, A1030, A1060 Rev B, A1063 Rev B, A1065 Rev C, A1068 Rev C, A1104 Rev A, A1105, A1106 Rev A, A1107, A1108, A1109, A1110, A1111, A1112 Rev A, A1113 Rev A, A1114 Rev A, A1115 Rev A, A1116 Rev A, A1117 Rev A, A1118 Rev A, A1119 Rev A, A1120 Rev A, A1121 Rev A, A1122 Rev B, A1123 Rev B, A1124 Rev B, A1125 Rev B, A1126 Rev B, A1127 Rev B,A1128 Rev A, A1161 Rev B, A1162 Rev B, A1163 Rev A, A1164 Rev C, A1165, A1166, A1167 Rev C, A1168 Rev C, A2002, A2003, A2006, A2007, A2008, A2051, A2052, A2053, A3001 Rev A, A3002, A3003 Rev A, A3004, A3005, A3006, A3007, A3008, A3009, A3010, A3011, A3020 & SK0042.

Indicative Landscape Drawings:
TOWN478 (08) 1001 R07, TOWN478 (08) 1004 R03, TOWN478 (08) 5001 R05, TOWN478 (08) 5020 R02, TOWN478 (08) 5110 R02 &TOWN478 (08) 5010 R03.

Documents:
Design and Access Statement (November 2011)
Planning Statement (November 2011)
Planning Statement including draft planning conditions and s106 Heads of Terms (November 2011)
Planning Summary Statement (November 2011)
Community Involvement Statement (November 2011)
Community Involvement Statement Update (December 2011)
Town Centre Uses Assessment (November 2011)
Public Realm Strategy (November 2011)
Servicing and Waste Strategy Management Plan (November 2011)
Site Waste Management Plan (November 2011)
Ventilation Statement (November 2011)
Utilities Statement (November 2011)

Energy Strategy (November 2011)
Sustainability Statement (including BREEAM Assessment and Code for Sustainable Homes Pre-Assessment) (November 2011)
Transport Assessment including Travel Plan Framework (November 2011)
Flood Risk Assessment (November 2011)
Housing and Regeneration Statement (November 2011)
Housing and Regeneration Statement Addendum (February 2012)
Environmental Statement (November 2011)
Environmental Statement Addendum (December 2011)
Environmental Statement Addendum (February 2012)
Addendum Note 2: Clarification on Energy Strategy/CHP implementation (February 2012)
Clarification and Further Information in respect of: 1. The principle of a part outline application and 2. The effect of the proposals on the OUV of the Tower of London World Heritage Site (February 2012)
Visual Impact Study – City Hall (February 2012)

Applicant:	Berkeley Homes (Capital) PLC
Ownership:	Berkeley Homes (Capital) PLC
Historic Building:	N/A
Conservation Area:	N/A

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1 Officers have considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan 1998 (saved policies); associated Supplementary Planning Guidance, the London Borough of Tower Hamlets adopted Core Strategy (2010), Managing Development DPD (2012) as well as the London Plan (2011) and the relevant Government Planning Policy Guidance including draft National Planning Policy Framework and has found that:

2.2 Through the provision of a new residential led mixed use development including a range of commercial uses at ground floor level across the site and a new health centre, the scheme will maximise the use of previously developed land and will significantly contribute towards creating a sustainable residential environment in the City Fringe and improve employment opportunities, in accordance with the objectives of policy 3.4 the London Plan (2011), policies SP02 and SP12 of the Core Strategy (2010), the City Fringe Area Action Plan (2007) and policy DM3 of the Managing Development DPD (proposed submission version) (2012).

2.3 In light of the tested viability constraints, the proposed affordable housing offer of 28% and the proposed tenure and unit mix is considered acceptable, as they will contribute towards the delivery or new affordable homes, in line with policies 3.8-3.12 of the London Plan (2011), policy SP02 of the Core Strategy (2010) and policy DM3 of the Managing Development DPD (proposed submission version) (2012) which seek to maximise the delivery of affordable homes in line with strategic targets whilst having regard to site constraints and viability.

2.4 On balance, the detailed element of the development will provide acceptable internal space standards and layouts. As such, the scheme is in line with policy 3.5 of the London Plan (2011), the Interim London Housing Design Guide (2010), policy SP02 of the Core Strategy (2010) and policy DM4 of the Managing Development DPD (proposed submission version) (2012). In respect of the later outline phases, these will be dealt with as future reserved matters.

2.5 The quantity and quality of housing amenity space, communal space, child play space and open space across the site is considered acceptable subject to appropriate conditions to secure delivery and accords with policy SP02 of the Core Strategy (2010), saved policy HSG16 of the Council's Unitary Development Plan (1998) and policy DM4 of the Managing Development DPD (proposed submission version) (2012) which seek to improve amenity and liveability for residents.

2.6 The urban design, layout, building height, scale and bulk and detailed design are considered acceptable and in accordance with Chapter 7 of the London Plan (2011); saved policies DEV1, DEV2 and DEV3 of the Council's Unitary Development Plan (1998), policies SP10 and SP12 of the Core Strategy (2010) and policies DM24, DM26, DM27 and DM28 of the Managing Development DPD (proposed submission version) (2012) which seek to ensure buildings and places are of a high quality of design and suitably located. In respect of the outline element, the principle of siting and maximum heights has been established and all other matters relating to design will be secured via reserved matters.

2.7 On balance, and considering the site constraints and urban context, it is not considered that the proposal will give rise to any significant adverse impacts in terms of amenity and consideration has been given to loss of privacy, overlooking, over shadowing, loss of sunlight and daylight, and noise upon the surrounding residents. Also, the scheme proposes appropriate mitigation measures to ensure a satisfactory level of residential amenity can be achieved for the future occupiers subject to appropriate conditions to secure this. As such, the proposal is considered to satisfy the relevant criteria of policy SP10 of the Core Strategy (2010), saved policy DEV2 of the Council's Unitary Development Plan (1998), and DM25 of the Managing Development DPD (proposed submission version) (2012), which seek to protect residential amenity.

2.8 On balance, transport matters, including parking, access and servicing, are considered acceptable and in line with policies SP08 and SP09 of the Core Strategy (2010), policies T16 and T19 of the Council's Unitary Development Plan (1998), and policies DM20 and DM22 of the Managing Development DPD (proposed submission version) (2012), which seek to ensure developments minimise parking and promote sustainable transport options.

2.9 Sustainability matters, including energy are considered to be acceptable and in accordance with policies 5.2 and 5.7 of the London Plan (2011), policy SP11 of the Core Strategy (2010) and policy DM29 of the Managing Development DPD (proposed submission version) (2012) which seek to promote energy efficient and sustainable development practices.

2.10 Contributions have been secured towards the provision of affordable housing; employment skills training and enterprise, community facilities, education, health, sustainable transport, and the public realm. This accords with Regulation 122 of Community Infrastructure Levy; Government Circular 05/05; strategic policies SP02 and SP12 of the Core Strategy (2010), saved policy DEV4 of the Council's Unitary Development Plan (1998), the Planning Obligations SPD (2012) and policy IMP1 of the Interim Planning Guidance 2007, which seek to secure contributions toward infrastructure and services required to facilitate proposed development.

3. RECOMMENDATION

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

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

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

a) A contribution of £431,811.14 towards employment, skills, training and enterprise.
b) A contribution of £1,117,119.10 towards community facilities.
c) A contribution of £2,815,691 towards education.
d) A contribution of £80,802.76 towards health.
e) A contribution of £26,280 towards sustainable transport.
f) A contribution of £339,300 requested by Transport for London (TfL) towards highway improvements.
g) A contribution of £938,319.84 toward public space.
h) A contribution of £414,264 towards streetscene and the built environment.
i) A contribution of £123,271.76 towards monitoring and implementation.
j) 28% affordable housing.
k) The provision of a health centre up to 1,581 square metres and peppercorn rent for three years from the date of occupation but otherwise usual market rents
l) The provision of land for a Barclays Cycle Hire Docking Station for up to 25 bikes within the site.
m) A commitment to 20% local procurement during construction phase and end user phase.
n) The provision of a Travel Plan framework and monitoring for commercial and residential users of the development.
o) Secure a permit free agreement to prevent future residential occupiers from applying for on-street parking permits.
p) TV reception mitigation measures.
q) Air quality monitoring during construction to mitigate the impact of the construction works on the surrounding population.
r) Car Club.
s) Secure access to public open space within the site.
t) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

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

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

3.4 **Conditions**

3.5 That the Corporate Director Development & Renewal is delegated authority to recommend the following conditions and informatives in relation to the following matters:

Site Wide

- Time limit (three years)
- Time limit for final submission of reserved matters
- Submission of detailed phasing programme

- The development is to be carried out in accordance with the Details of Scale Parameters document. Quantum of floorspace to be limited to that assessed under the ES.
- Archaeology
- Contamination – investigation and remediation
- Piling Impact Statement (Thames Water)
- Water Impact Studies (Thames Water)
- Surface water drainage
- Cycle parking strategy
- Car park management
- Estate management strategy – CCTV, Safety and Security and Management of public realm
- Public Art
- Permitted Development Rights

Full Planning Permission (NW Block)

<u>'Compliance' Conditions</u>

- Timing (3 yrs)
- In accordance with approved plans
- Maximum level of floor space for commercial uses
- Car Parking
- Lifetime Homes Standards
- Maximum building heights
- 10% Wheelchair units
- Code for Sustainable Homes Level 4
- BREEAM Excellent
- Secured by Design standards
- In accordance with approved FRA
- Hours of construction
- Compliance with site wide energy strategy
- Compliance with Refuse Storage

<u>'Prior to Construction' Conditions</u>:

- Construction Logistics Plan
- Environmental Management Plan
- Waste Management Strategy
- Air Quality Management Plan
- Fire and Emergency detail

<u>Prior to above ground works conditions:</u>

- Materials, Samples and Detailed Drawings for NW block
- Balcony Details
- Landscaping and Planting
- Tree Planting Plan
- Children's Play Space
- Lighting Strategy for the public realm
- Public Realm Way Finding Signage, Street Furniture and Materials Strategy
- Living Roofs and biodiversity measures

- Shop front and signage detail
- Wind assessment and mitigation
- PV Plan

<u>'Prior to First Occupation' Conditions</u>:

- Delivery and Servicing Plan
- Hours of Operation for non residential uses
- Commercial ventilation
- Commercial street furniture details

Outline Planning Permission SE Block, NE Block and Gower's Walk:

- Submission of reserved matters (scale, appearance and landscaping for all development within the phase) prior to the commencement of any works for that phase

<u>'Compliance' Conditions</u>

- Timing – within 3yrs
- In accordance with approved parameter plans
- Maximum floor areas for commercial
- Minimum amount of floor space for health centre
- Maximum no. of units (700)
- Minimum playable space
- Minimum amount of private amenity space
- Minimum amount of communal amenity space per phase
- Minimum amount of public open space
- Car Parking
- Lifetime Homes Standards
- Maximum building heights
- 10% Wheelchair units
- Code for Sustainable Homes Level 4
- BREEAM Excellent
- Secured by Design standards
- In accordance with approved FRA
- Hours of construction
- Compliance with and provision of site wide energy strategy
- Compliance and provision of Refuse Storage

<u>'Prior to Construction' Conditions</u>:

- Construction Logistics Plan
- Environmental Management Plan
- Air Quality Management Plan
- Balcony Details
- Landscaping and Planting
- Tree Planting Plan
- Children's Play Space
- Lighting Strategy for the public realm
- Public Realm Way Finding Signage, Street Furniture and Materials Strategy
- Living Roofs and biodiversity measures

- Shop front and signage detail
- Wind assessment and mitigation
- PV Plan

'Prior to First Occupation' Conditions:

- Delivery and Servicing Plan
- Hours of Operation for non residential uses
- Commercial ventilation
- Commercial street furniture details

3.6 **Informatives**

- S106 required
- S278 required
- Consultation with Building Control
- Thames Water Advice

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

3.8 In the event of any responses been received relating to the outstanding Environmental Statement Consultation prior to the decision being issued, the Corporate Director, Development and Renewal is delegated authority to assess if any such response raises issues which substantively exceed the nature of the Committee's decision, subject to this being the case the Corporate Director, Development and Renewal is delegated authority to issue the decision.

4. PROPOSAL AND LOCATION DETAILS

Background

4.1 The former Goodman's Fields site was approximately 2.9 hectares and has been the subject of several planning applications which are discussed within the planning history section of this report.

4.2 The most pertinent application is the extant permission (PA/09/00965) for which planning permission was granted on 17 February 2011 for a mixed use development comprising four courtyard buildings of 5 - 10 storeys incorporating six towers of 19 – 23 storeys and the erection of a four storey terrace along Gower's Walk and change of use to residential of 75 Leman Street. The proposal included 754 residential units, 650 student accommodation rooms, 337 bed hotel, a primary care centre, and 9,100 square metres of commercial uses (Classes A1, A2, A3, A4, A5, B1 and D2).

4.3 This consent has been subject to non-material amendment applications under S96A (PA/11/01981 and PA/11/02235) and minor material amendment applications under S73 (PA/11/00590) relating to the conversion of 75 Leman Street, which provides private residential accommodation and the South West Block which provides student housing. This consent has been implemented and works are under way. It is the applicant's intention to carry out the conversion of 75 Leman Street and build out the South West Block under this previous detailed consent.

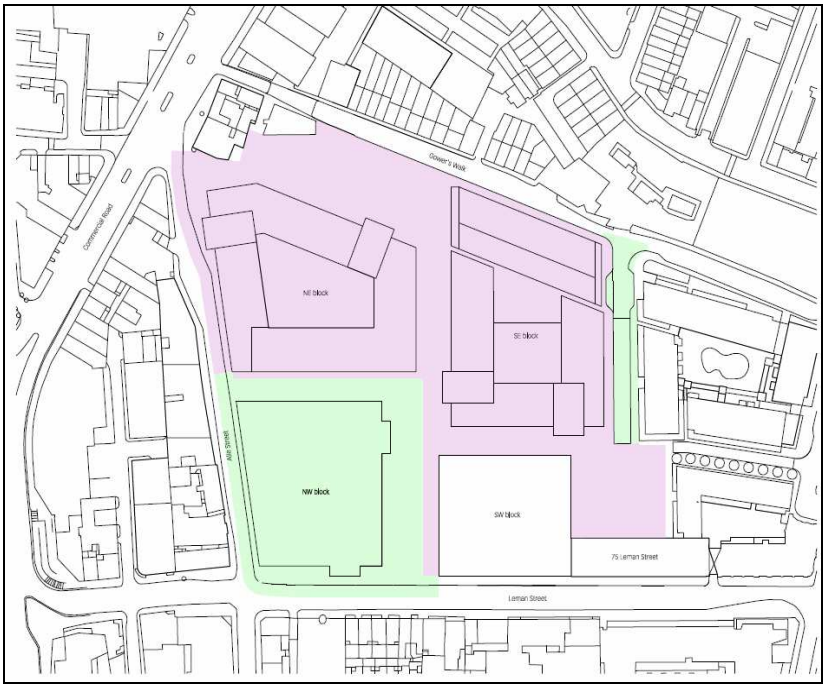
4.4 The February 2001 (PA/09/00965) permission, as amended by the June 2011 S73 application (PA/11/00590) and together with the non-material amendment applications (PA/11/01981 and PA/11/02235) is referred to in this statement as the 'extant permission'.

4.5 The current application is a hybrid application (part outline, part detailed) seeking to secure planning permission for the development across the former Goodman's Fields site, excluding 75 Leman Street and the South West Block.

Proposal

4.6 An application is made for a 'hybrid' planning application (part in full, part in outline) for the redevelopment of the application site to provide a mixed use residential led scheme. Across the site, three perimeter blocks are proposed and a row of terraced houses along Gower's Walk. Figure 1 below shows the layout of the site. The green elements comprise the full element of the hybrid application and the purple elements comprise the outline elements of the application.

Figure 1 – Site Layout (Extract from architects drawings)



4.7 The detailed element of the scheme comprises one perimeter block, the North West (NW) block, which ranges in height between 6-10 storeys (max 46.075 AOD). In addition, two towers up to 19 Storeys (max 76.17m AOD) and 21 storeys (max 85.4m AOD) are located at the south-west and south-east corner of the NW block. The NW block has a central courtyard at first floor above commercial uses at ground floor level.

4.8 The detailed element would provide 164 residential dwellings located within the west and south wings of the perimeter block, including an ancillary gym and swimming pool for residents. It proposes a 250 bed hotel, including a restaurant within the north and east wings of the perimeter block. The scheme comprises three commercial units at ground floor level providing 1,713 square metres of flexible commercial and/or leisure floor space.

4.9 The detailed element includes 17,778 square metre basement level across the site to provide 253 car parking spaces, 35 motor cycle spaces, 50 electric car charge points,

1,358 cycle parking spaces and ancillary facilities for storage, management facilities and plant. It is the intention that this basement would eventually serve future phases of the development. Finally, the proposal includes associated access, landscaping, surface car parking and cycle parking and related infrastructure and engineering works.

4.10 Public open space surrounding this block will come forward as part of the detailed application; this will include the Main Piazza and the Northern Green Finger.

4.11 The outline element of the scheme comprises two courtyard blocks, the North East (NE) block and the South East (SE) block which range in height between 7-10 storeys (max 46.075m AOD). In addition, four towers project up from corners of the NE and SE blocks. The tower heights vary between 19-23 storeys (max 85.425m AOD). In addition up to 20 dwellings are proposed fronting Gower's Walk.

4.12 The outline element results in the provision of up to 700 residential dwellings. It includes up to 6,709 square metres of flexible commercial and leisure floor space (Use Classes A1 - A5, B1a, D1 and D2) at ground floor level including a health centre (up to 1,581 square metres).

4.13 The scheme also includes a series of public opens spaces (9,380 square metres) and pedestrian thoroughfares as well as associated works.

4.14 In relation to the outline element, the application seeks approval for access and layout with all matters relating to external appearance, scale and landscaping reserved. Section 2 of Circular 01/2006 - Guidance on Changes to the Development Control System provides advice on the treatment of Outline Planning Permission and Reserved Matters.

4.15 The application is considered to contain sufficient information in relation to the above. The application as first submitted proposed an off-site commuted sum to be directed towards the delivery of affordable housing, with the scheme providing a non-policy compliant mix of purely private for sale units. Following negotiations, the application has now been amended through the modification of the affordable housing delivery mechanism. The scheme now proposes on-site affordable housing (28% overall) with a mix of social rent, affordable rent (at POD rents) and intermediate units, with a broadly policy compliant mix within the affordable housing tenure. This issue is explored further within the housing section of this report.

Site and Surroundings

4.16 The application site has an area of 2.8 hectares and comprises the northern part of an urban block and is bounded by Alie Street to the north, Leman Street to the west, City Quarter residential Development to the south and Gowers Walk to the east. The site is located in Aldgate to the south of Commercial Road.

4.17 The application site previously comprised of a complex of red-brick, purpose-built offices between 3 to 8 storeys in height which was occupied by the Royal Bank of Scotland (RBS). The site has now been cleared and these buildings have been demolished.

4.18 Directly to the south of the NW block, the SW block is currently under construction under the extant permission. The SW perimeter block, fronting Leman Street will rise to a height of between 5 to 10 storeys. The ground floor comprises three commercial units. The upper floors are composed entirely of student accommodation (661 bedrooms) with a central courtyard at first floor level.

4.19 Directly, to the south of the SW block is 75 Leman Street which is an existing building of 6

storeys (plus sub-ground level). The extant permission permitted the addition of a seventh storey which is currently being constructed along with the conversion of the building into 56 residential dwellings.

4.20 The Sugar House at 99 Leman Street wraps around the corner of Leman and Hooper Street and rises to seven storeys. This is a prominent corner building which is Grade II listed.

4.21 The remainder of the urban block is occupied by the City Quarter residential development which ranges in height between five and six storeys. It comprises one perimeter block with frontages on Gower's Walk and Hooper Street and one 'L' shaped block which fronts Hooper Street.

4.22 On the western side of Leman Street, 100 Leman Street is a large office building which ranges in height from six to seven storeys. Further along the buildings are of a smaller scale and make up a terrace. The building heights vary from three to five storeys

4.23 The section of Alie Street to the north of the application site has a varied character. There is a group of listed buildings at the corner of Alie Street and Leman Street which are between one and three storeys. Directly to the east of this grouping is a site known as 61-65 Alie Street. Barratts are currently developing this site implementing planning permission which includes a 28 storey tower (PA/07/01201 – discussed at paragraph 4.37). The rear of 38-40 Commercial Road rises to eight storeys and at the corner the Castle Public House at 44 Commercial Road is a three storey building.

4.24 The Gunmakers Company Hall and Proof House at 46-50 Commercial Road ranges in height from one to three storeys and is located to the north east of the application site. To the east, at 52-58 Commerial Road are two towers known as East and West Tower which range in height from 13–17 storeys. To the rear of the Towers and the Poof House are two residential blocks either side of Gower's Walk which are five storeys in height.

4.25 The remainder of Gower's Walk is characterised by terraced houses along the eastern side which are two to three storeys in height. The listed warehouses with an address in Back Church Lane include rear frontages onto Gower's Walk. They are located opposite the City Quarter and range in height between four to six storeys.

4.26 In conclusion, the surrounding area is diverse in its architectural style, building scale and land use activities. It covers a spectrum, from small-scale commercial/residential uses, terraces, buildings of several stories to modern commercial office towers with substantial floorplates.

4.27 The site is not listed nor within a conservation area. However, there are conservation areas and listed buildings in close proximity. They are:

- The Tower and Wiltons Music Hall Conservation Areas, located to the south west;
- Whitechapel High Street, Brick Lane/Fournier Street and Wentworth Street Conservation Areas, located to the north;
- Myrdle Street, London Hospital and St. George in the East Conservation Areas, to the east;
- St. George's Lutheran Church is Grade II* listed
- 17A Leman Street and St. George's German and English Schools, 55-59 Alie Street are Grade II listed buildings;
- Group of Grade II listed buildings to the west on the southern side of Alie Street (28-44) including a buildings at 2 St. Mark Street;

- Group of three Grade II Listed buildings to the west on the northern side of Alie Street (17-21);
- Group of four Grade II listed and one locally listed building located to the west of the site on the western side of Leman Street (62-70);
- The Office for the Cooperative Wholesale Society is Grade II Listed and is located to the south of the site on the eastern side of Leman Street;
- Wool Warehouse (1-5) and the Hugin G Brit Ltd & Lando Godfrey Ltd Warehouse, are located to the east of the site along Back Church Lane and are both Grade II Listed; and,
- The Gunmakers Company Hall and Proof House 46-50 Commercial Road which is Grade II Listed.

Planning History

4.28 The following planning decisions are relevant to the application:

Application Site:

4.29 PA/02/00678 On 26 September 2005, outline planning permission was granted for consideration of siting and means of access for a change of use from offices to mixed development including residential (class C3); financial and professional (class A2), restaurant/public house (class A3), retail (class A1), offices (class B1), live/work (sui generis) and ancillary services.

4.30 PA/08/1634 On 05 March 2009, a similar scheme, albeit with taller towers was withdrawn following extension discussions with the Council.

4.31 PA/09/00965 On 17 February 2011, detailed planning permission was granted for the "*Redevelopment to provide four courtyard buildings of 5-10 storeys incorporating 6 buildings of 19-23 storeys, erection of a 4 storey terrace along Gower's Walk, change of use to residential, and construction of an additional storey to 75 Leman Street. Overall scheme comprises 754 residential units, student accommodation, hotel, primary care centre, commercial uses, public open space, landscaping, car parking and associated works.*"

4.32 PA/11/00590 On 6 June 2011, minor material amendments (S73 application) were granted to the parent permission (PA/09/00965) for the "*Variation of conditions 2, 3 and 19 of planning permission PA/09/00965, dated 17/02/11, to allow minor amendments to the scheme involving, a change in the approved mix of units within 75 Leman Street, changes to the elevational treatment of the building at 75 Lemon Street, changes to the building mass of the southwest/student accommodation block, changes to the appearance of the southwest/student accommodation block, reconfiguration of the student accommodation layout and removal of roof gardens to the southwest/student accommodation block, and a rewording of condition 3 to correct an error in the drafting.*"

The changes allowed by this consent allowed the applicant to bring forward the conversion of 75 Leman Street for private residential use and the construction of the adjacent South West (SW) block for student accommodation.

4.33 PA/11/01981 On 2 September 2011, non-material amendments (S96A application) were

granted to the S73 Application (PA/11/005900) for the "Application for non-material amendment to revised planning permission granted on 6th June 2011, reference PA/11/590. Amendments seek to make changes to the south-west student block." This decision letter is read in conjunction with PA/11/00590 and PA/11/02235.

4.34 PA/11/02235 On 30 September 2011, non-material amendments (S96A application) were granted to the S73 Application (PA/11/005900) for the "*Application for non-material amendments to revised planning permission granted on 6th June 2011, reference PA/11/590.*" This decision letter is read in conjunction with PA/11/00590 and PA/11/01981.

Surrounding Sites:

99 Leman Street

4.35 PA/04/01916 On 15 May 2008, planning permission was granted for amendments to Phase 1 of the Goodman's Fields Masterplan, to form 252 residential units with associated works. Also, a reduction in the basement car park to 108 car parking spaces from 150 was agreed.

4.36 PA/05/01396 On 19 September 2006, a further application for 99 Leman Street was granted for a change of use of offices to 40 residential units and 860 sq.m. of A1/A2/A3/A4/B1/D2 floorspace in the basement together with external alterations (Amendments to Phase 1 of the Goodman's Fields Masterplan).

61-75 Alie Street, 17-19 Plough Street and 20 Buckle Street

4.37 PA/07/01201 On 14 March 2008, planning permission was granted for demolition of existing buildings and erection of two buildings of 7 and 28 storeys in height to provide 235 residential units, A1/A3 (retail/restaurant/cafe) and B1 (business) floorspace, formation of associated car and cycle parking and highway access, hard and soft landscaping and other works associated to the redevelopment of the site.

Aldgate Union 3 & 4, land bound by Whitechapel High Street, Colchester Street, Buckle Street and including car park of Braham Street

4.38 PA/07/1201 On 14 August 2007, outline planning permission was granted for the demolition of existing buildings and redevelopment of three buildings ranging from 4 to 22 storeys in height to provide 84,305sq.m. of offices (B1) and 2,805sq.m retail (A1) floorspace, new pedestrian route to Drum Street, closing off Braham Street for the purpose of a new park, new entrance to Aldgate East Underground Station, basement car park for 40 vehicles and associated plant accommodation.

Aldgate Union 1 & 2, Former Sedgwick centre, 27, 28 & 29 Whitechapel High Street and 2-4 Colchester Street

4.39 PA/04/01190 On 13 December 2004, planning permission was granted for the refurbishment and extension of the existing Marsh Centre Building, demolition of other remaining buildings and redevelopment of the site to provide new office accommodation.

52-58 Commercial Road

4.40 PA/03/00766 On 22 December 2005, planning permission was given for demolition of the existing buildings and redevelopment of the site to provide a mixed-use complex of four buildings comprising of a seventeen storey tower and a thirteen storey tower on the Commercial Road frontage, a six storey block and a five storey block either side of Gowers Walk, along with the provision of linear public open space. The scheme proposed a total of 136 x 1, 2 and 3 bedroom flats, including 38 affordable units; six live/work units; 25 parking spaces, storage and plant space in the basement; café (A3), retail (A1), health club (D2) and office space (B1) on the ground floor along with six reinstated car parking spaces from the social housing, west of Gowers Walk; offices, flats and live / work units on the second and third floors; offices, flats, live/work units and a health club on the third floor and flats on all of the floors above. The two blocks, either side of Gowers Walk, were to provide 22 of the affordable housing units only. The proposal included the redevelopment of the "triangle" site west of Gowers Walk and supersedes the previous application ref: PA/02/1111 received 29th July 2002. (Development affecting the setting of a Listed Building).

4.41 PA/07/1180 On 11 June 2007, condition 13 (elevation treatment for 5 storey block of flats to either side of Gower's Walk) of the abovementioned consent was discharged. Amongst other drawings submitted as part of the application, of note on the western elevation is a light-well servicing bedroom windows from ground to fifth floor.

5. POLICY FRAMEWORK

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

5.2 **Government Planning Policy Guidance/Statements**

Planning Policy Statements:	PPS1	Delivering Sustainable Development
		Planning and Climate Change – Supplement to PPS1
	PPS3	Housing
	PPS4	Planning for Sustainable Economic Growth
	PPS5	Planning for the Historic Environment
	PPS9	Biodiversity and Geological Conservation
	PPG13	Transport
	PPG17	Planning for Open Space, Sport and Recreation
	PPS22	Renewable Energy
	PPG24	Planning and Noise
	PPS25	Planning and Flood Risk
	Draft National Policy Planning Framework	

5.3 **Spatial Development Strategy for Greater London (London Plan)**

Proposals:	Central Activities Zone (CAZ)	
	City Fringe Opportunity Area	
Policies:	Policy No.	Title
	2.10	Central Activities Zone – strategic priorities
	2.11	Central Activities Zone – strategic functions
	2.12	Central Activities Zone – predominantly local activity
	2.13	Opportunity areas and intensification areas
	2.18	Green Infrastructure: the network of open and green spaces

3.2	Improving health and addressing health inequalities
3.3	Increasing housing supply
3.4	Optimising housing potential
3.5	Quality and design of housing developments
3.6	Children's and young people's play and informal recreation facilities
3.7	Large residential developments
3.8	Housing choice
3.9	Mixed and balanced communities
3.10	Definition of affordable housing
3.11	Affordable housing targets
3.12	Negotiating affordable housing on individual private residential and mixed use schemes
3.13	Affordable housing thresholds
3.16	Protection and enhancement of social infrastructure
3.17	Health and social care facilities
4.1	Developing London's economy
4.2	Offices
4.7	Retail and town centre development
4.8	Supporting a successful and diverse retail sector
4.9	Small shops
4.12	Improving opportunities for all
5.1	Climate change mitigation
5.2	Minimising carbon dioxide emissions
5.3	Sustainable design and construction
5.5	Decentralised energy networks
5.6	Decentralised energy in development proposals
5.7	Renewable energy
5.8	Innovative energy technologies
5.9	Overheating and cooling
5.10	Urban greening
5.11	Green roofs and development site environs
5.12	Flood risk management
5.13	Sustainable drainage
5.14	Water quality and waste infrastructure
5.15	Water use and supplies
5.21	Contaminated land
6.1	Strategic approach
6.3	Assessing effects of development on transport capacity
6.4	Enhancing London's transport connectivity
6.5	Funding Crossrail and other strategically important transport infrastructure
6.7	Better streets and surface transport
6.9	Cycling
6.10	Walking
6.12	Road network capacity
6.13	Parking
7.1	Building London's neighbourhoods and communities
7.2	An inclusive environment
7.3	Designing out crime
7.4	Local character
7.5	Public realm
7.6	Architecture
7.7	Location and design of tall and large 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 London view management framework
7.13	Safety, security and resilience to emergency
7.14	Improving air quality
7.15	Reducing noise and enhancing soundscapes
7.18	Protecting local open space and addressing local deficiency
7.19	Biodiversity and access to nature
7.21	Trees and woodlands
8.2	Planning obligations

5.4 **Core Strategy Development Plan Document 2025 (CS)**

Spatial Policies:	Policy No.	Title
	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
	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 – Aldgate area
	SP13	Delivering and implementation

5.5 **Unitary Development Plan 1998 (as saved September 2007)**

Proposals Area of Archaeological Importance or Potential
Central Activities Zone

Policies:	Policy No.	Title
	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV3	Mixed Use Developments
	DEV4	Planning Obligations
	DEV7	Protection of Strategic Views
	DEV12	Provision of Landscaping in Development
	DEV15	Retention/Replacement of Mature Trees
	DEV17	Siting and Design of Street Furniture
	DEV43	Protection of Archaeological Heritage
	DEV44	Preservation of Archaeological Remains
	DEV45	Development in Areas of Archaeological Interest
	DEV50	Noise
	DEV51	Soil Tests
	DEV55	Development and Waste Disposal
	DEV56	Waste Recycling
	CAZ1	Location of Central Activities Zone
	CAZ4	Special Policy Areas
	EMP1	Encouraging New Employment Uses
	EMP3	Surplus Office Floorspace
	EMP8	Encouraging Small Business Growth
	HSG7	Dwelling Mix and Type
	HSG13	Standard of Converted Dwellings

HSG16	Housing Amenity Space
T7	The Road Hierarchy
T10	Priorities for Strategic Management
T16	Traffic Priorities for New Development
T18	Pedestrians and the Road Network
T19	Priorities for Pedestrian Initiatives
T21	Pedestrian Needs in New Development
S7	Considerations for Development of Special Uses
S10	Requirements for New Shopfronts
S11	Use of Open Grills
OS9	Children's Play Space
U2	Development in Areas at Risk from Flooding

5.6 **Managing Development Development Plan Document (proposed submission version) January 2012 (MD DPD)**

Proposals: Central Activities Zone – Town Centre Hierarchy
Aldgate – Employment Area
City Fringe Activity Area
Clear Zone
Archaeological Priority Area

Development Management Policies:	Policy No.	Title
	DM1	Development within the town centre hierarchy
	DM2	Protecting local shops
	DM3	Delivering homes
	DM4	Housing standards and amenity space
	DM6	Student accommodation
	DM7	Short stay accommodation
	DM8	Community infrastructure
	DM9	Improving air quality
	DM10	Delivering open space
	DM11	Living buildings and biodiversity
	DM12	Water spaces
	DM13	Sustainable drainage
	DM14	Managing waste
	DM15	Local job creation and investment
	DM16	Office locations
	DM20	Supporting a sustainable transport network
	DM22	Parking
	DM23	Streets and public realm
	DM24	Place-sensitive design
	DM25	Amenity
	DM26	Building heights
	DM27	Heritage and the historic environment
	DM28	World Heritage Sites
	DM29	Achieving a zero-carbon borough and addressing climate change
	DM30	Contaminated land
Site Allocations:	No.	Site Name
	3	Goodman's Fields

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

Proposals	Archaeological Priority Area Central Activities Zone Goodman's Fields – LDF Development Site City Fringe Area Action Plan	
Policies	Policy No.	Title
	IMP1	Planning Obligations
	DEV1	Amenity
	DEV2	Character and Design
	DEV3	Accessibility and Inclusive Design
	DEV4	Safety and Security
	DEV5	Sustainable Design
	DEV6	Energy Efficiency and Renewable Energy
	DEV8	Sustainable Drainage
	DEV9	Sustainable Construction Materials
	DEV10	Disturbance from Noise Pollution
	DEV11	Air Pollution and Air Quality
	DEV13	Landscaping and Tree Preservation
	DEV14	Public Art
	DEV15	Waste and Recyclables Storage
	DEV16	Walking and Cycling Routes and Facilities
	DEV17	Transport Assessments
	DEV18	Travel Plans
	DEV19	Parking for Motor Vehicles
	DEV20	Capacity of Utility Infrastructure
	DEV21	Flood Risk Management
	DEV22	Contaminated Land
	DEV24	Accessible Amenities and Services
	DEV27	Tall Building Assessment
	EE2	Redevelopment/Change of Use of Employment Sites
	RT5	Evening and Night-time Economy
	HSG1	Determining Residential Density
	HSG2	Housing Mix
	HSG3	Affordable Housing Provisions in Individual and Private Residential and Mixed-use Schemes
	HSG7	Housing Amenity Space
	HSG9	Accessible and Adaptable Homes
	HSG10	Calculating Provision of Affordable Housing
	SCF1	Social and Community Facilities
	OSN2	Open Space
	CON1	Listed Buildings
	CON2	Conservation Areas
	CON3	Protection of World Heritage Sites, London Squares, Historic Parks and Gardens
	CON4	Archaeology and Ancient Monuments
	CON5	Protection and Management of Important Views
	U1	Utilities

5.8 **City Fringe Area Action Plan – Interim Planning Guidance for the purposes of Development Control 2007 (CF AAP)**

Sub Area:	Aldgate and Spitalfields Market	
Site Allocations:	CR12a	Goodmans Fields
Policies:	Policy No.	Title

CFR1	City Fringe spatial strategy
CFR2	Transport and movement
CFR3	Health Provision
CFR4	Education Provision
CFR5	Open space and flooding
CFR5	Infrastructure and Services
CRF7	InfrastructureCapacity
CFR8	Waste
CFR9	Employment uses in Aldgate and Spitalfields Market sub-area
CFR10	Residential uses in Aldgate and Spitalfields Market sub-area
CFR11	Retail and leisure in Aldgate and Spitalfields Market sub-area
CFR12	Design and built form in Aldgate and Spitalfields Market sub-area
CFR13	Local connectivity in Aldgate and Spitalfields Market sub-area
CFR14	Site allocations in Aldgate and Spitalfields Market sub-area

5.9 **Supplementary Planning Guidance/ Other Relevant Documents**

LBTH

Planning Obligations SPD 2012
The Tower Conservation Area Appraisal and Management Plan (2008)

London Plan

Draft Housing Supplementary Planning Guidance Housing (1 December 2011)
London Housing Design Guide Interim Edition (August 2010)
London View Management Framework (LVMF) Supplementary Planning Guidance (July 2011)
Draft Supplementary Planning Guidance: London World Heritage Sites – Guidance on Settings (GLA, October 2011)

Royal Historic Palaces

The Tower of London Management Plan (2007)

English Heritage

Seeing the History in the View (May 2011)
The Setting of Heritage Assets: English Heritage Guidance (May 2011)

Historic Royal Palaces (HRP)

HRP Tower of London World Heritage Site Management Plan (2007)

World Heritage Site (WHS)

WHS Tower of London World Heritage Site Local Setting Study (2010)

5.10 **Masterplans and Development Briefs**

Aldgate Masterplan 2007

5.11 **Community Plan**

The following Community Plan objectives relate to the application:

A great place to live
A Prosperous Community
A Safe and Supportive Community
A Healthy Community

6. CONSULTATION RESPONSES

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

6.2 The following were consulted regarding the application:

External Consultees

British Waterways (BW)

6.3 To date no comments have been received.

British Broadcasting Corporation – Reception Advice

6.4 To date no comments have been received.

British Telecom – Reception Advice

6.5 To date no comments have been received.

Design Council

6.6 The Design Council support the application for the following reasons:

- Simple diagram and strong design principles
- Function of the towers as makers entrance to site helps create a legible plan
- Mix of uses at ground floor level
- Public realm improvements
- Support approach to massing, expression of the courtyard blocks
- Long term adaptation potential of building design
- Support principle of tall buildings of the height and position proposed

6.7 However, they have do not support the change in respect of the proposed materials and external appearance of the tall buildings. On balance, because of this they do not support the scheme.

6.8 **Officer comment:** Please refer to the design section of this report for a full assessment of the design and appearance of the proposal.

EDF Energy Network

6.9 To date no comments have been received.

English Heritage Archaeology (EHA)

6.10 The site lies within a are area of archaeology importance and of particular relevance is the eastern Roman cemetery, which covers a large swathe of land outside of the limits of the settlement of Londinium.

6.11 The development proposals include a basement level across the bulk of the site, which will have a severe negative affect on any archaeological deposits present.

6.12 The archaeological position should be reserved by attaching a condition and informative requiring the submission of an archaeological investigation report and recording of any remains.

English Heritage (EH)

6.13 English Heritage note that *'The current application does not make any changes to the general development footprint, massing or building heights that were approved in February 2011'* (paragraph 15.2, Planning Statement).

6.14 Their letter of 6 November 2009, with regard to that earlier application (ref PA/09/00965), stated that:

'*The proposed development has been subject to much revision over the course of many months, following detailed discussion with key partners.*

We welcome the cumulative revisions which have reduced the overall impact of the proposal on the setting of the World Heritage Site and therefore we do not object on the grounds of harm to the setting of the World Heritage Site.

We continue to object with regard to the local impacts of the proposed development on the settings of listed buildings and the character and appearance of nearby conservation areas.'

6.15 Their overall position remains as stated in that letter however they wish to make the following additional points with regard to the current application:

- Concern about outline element and require details of final form and external materials of the towers within the outline element

- Need to check the status of the current planning status of the various unbuilt developments included within the views contained within Volume 3 of the Heritage, Townscape & Visual Assessment.

- It is important that the Council carefully assesses the impact of the changed materials on views. This should include the assessment of large scale material samples at this stage.

6.16 Whilst their position with regard to the impact on the setting of the World Heritage Site is as set out above, they fully support the GLA, in their request for additional information to enable a 'full assessment of the impact of the development on the Tower of London World Heritage Site's authenticity, integrity, significance, and Outstanding Universal Value'. They request that this additional information is shared with English Heritage to enable them to complete our assessment in light of relevant strategic planning policy.

6.17 **Officer Comment:** Additional information as requested has been submitted and sent to English Heritage for review. Any comments received will be featured in an update report. A discussion of these comments is dealt with in the design section of this report.

Environment Agency (EA)

6.18 The proposed development will only be acceptable if the following planning conditions are imposed requiring the following details:

- Surface water drainage scheme for the site
- Contaminated land risk preliminary risk assessment, site investigation scheme and an options remediation strategy
- Suspected contamination during contamination

- Verification report
- Foundations, piling and ground water express consent

City of London Corporation

6.19 To date no comments have been received.

Government Office for London (GOL)

6.20 To date no comments have been received.

Greater London Authority (GLA)

6.21 In summary the GLA made the following comments:

- The proposed off-site affordable housing solution has not been justified and there are concerns relating to the viability appraisal.
- Further information is required in relation to children's playspace, access and inclusion, world heritage sites and views, sustainable development and transport.

<u>Principle of the Development:</u>

6.22
- The principle of a mixed use redevelopment of the site is established by the extant consent

<u>Housing:</u>

6.23 *Viability appraisal:*
- Concerns about the use of market value as a benchmark against which to determine the viability of this proposal and officers at the GLA have questioned the appropriateness of this approach.
- Given, ongoing negotiations, it is not possible to determine whether the proposal will comply with LP policy.

6.24 *Off-site affordable housing:*
- Strong preference would be for the provision of affordable housing on site.
- Any off-site proposals should be linked to site specific and deliverable solution as this generally gives the greatest certainty of actual provision as well as meeting LP policies on mixed and balanced communities.
- At present the applicant has not demonstrated that there are exceptional circumstances as required by policy to require an off-site solution and as such, some affordable housing provision will be required on site.
- A phasing plan and timescales should also be submitted to ascertain whether a review mechanism would also be appropriate.
- It is not considered that a commuted sum to be used as part of an affordable housing pot or gap funding would be policy compliant position in this instance without significant additional work on the part of the applicant and the Council.

6.25 *Tenure Split:*
- The overall tenure split for the proposal should reflect strategic and local policy and should be fixed within the parameters of the outline application to ensure compliance with LP policy.

6.26 *Mix of Units:*

- The proposal does not deliver 30% of family units, as a result of the proposed 100% private accommodation and in response to the nature of demand for properties in this location. Further consideration must be given to how the proposal will meet the requirements of LP policy.

6.27 *Density:*

- Overall density is likely to be within the range appropriate for a central site with excellent public transport accessibility.

6.28 *Children's Playspace:*

- The applicant proposes to deliver 240 square metres of child playspace, but little detail is provided as to the type of play provision that this will actually entail. Further information should be provided to address this point.
- Consideration must also be given to how playspace will be provided as part of the outline proposals.
- Provision for child playspace may need to be revised if on-site affordable housing is provided.

Urban Design:

6.29 *Site Layout:*

- The site layout is considered acceptable.

6.30 *Residential Layout:*

- The residential layout is considered acceptable on balance.

6.31 *Scale, height and massing:*

- The proposal responds well to its local context, although care should be taken to ensure that the small row of houses facing Gower's Walk is well integrated into the development as a whole.
- There is no in principle objection to the inclusion of tall buildings in this location as part of the proposals.
- Insufficient detail is provided though, in relation to the proposed towers in the SE block and NE block within the outline element of the application.
- In particular the final form of the towers and the proposed materials should be confirmed to allow a full assessment of the impact of this on the setting of the World Heritage Site and its outstanding universal value.
- With regards to the detailed aspect of the application however, despite the height of the taller elements of the proposals being significantly higher than surrounding developments, the small 13x20 metre footprint creates an elegant slenderness ratio, which combined with a well articulated building form mitigates visual impact issues on the surrounding steetscape and is not a concern.

World Heritage Sites:

6.32 A full assessment of the impact of the proposal on the World Heritage Site's authenticity, integrity, significance, and Outstanding Universal Value as required by strategic planning policy is required.

Views:

6.33

- The site falls within the background assessment area of protected vista 25A.1 and 25A.3.

- From the verified images submitted it is not possible to determine whether the proposals will impact on the protected vista in the kinetic views. The images should therefore be resubmitted, with clearer wire lines and an indicator of where the proposals appear in the rendered views.

Access and inclusion:

6.34
- The applicant is required to confirm that all pedestrian links to the adjacent roads are level or gently ramped and that the lighting design creates safe, well and evenly lit routes though and into the site.

Residential units:

6.35
- The provision of wheelchair housing for the residential element of the scheme should be secured by condition.
- Within the hotel 10% of the bedrooms should be accessible. Typical floor plans should be provided to ensure that the hotel rooms are accessible and that the accessible rooms are located close to lift cores.
- In respect of car parking, it is not clear if sufficient space for the the blue badge requirements of the hotel, commercial and healthcare elements of the scheme has been provide. Further information is required.

Climate Change Mitigation:

6.36 *Energy efficiency standards:*
- A range of passive design features and demand reduction measures are proposed.

6.37 *District heating:*
- Citigen is the closest district heating network. Connection is not viable at this stage however a commitment to ensuring that the development is designed to allow future connection to the Citigen or other district heating network has been provided.
- Confirmation that all residential and non-domestic building uses (including the hotel bedrooms) will be connected to the site heat network is required.
- A drawing showing the route of the heat network linking all buildings on site is required.
- Confirmation of the actual floor area of the energy centre in the NW block is required.

6.38 *Combined Heat and Power:*
- A 2 x 250kWe gas-fired combined heat and power unit (CHP) is proposed. Confirmation that the CHP will also serve the hotel bedrooms is required.

6.39 *Renewable energy technologies:*
- Air source heat pumps (ASHP) and solar photovoltaic (PV) panels are proposed.
- The size of the CHP should be optimised to serve the whole of the development including the hotel bedrooms prior to considering renewables as CHP and ASHP are heat technologies and will compete for the same base load.
- Clarification of how these potentially competing technologies will operate alongside one another is required.
- 100 square metres of PV is proposed and a roof drawing showing the space allocated to PV should be provided.

6.40 *Overall carbon savings:*
- The overall carbon dioxide savings are 30% which exceed the targets set out within the LP policy.

Climate Change adaptation:

6.41 The proposal includes provision of a 1,136 square metre green roof on the NW block, but no green or brown roofs are proposed as part of the outline application. This should be reconsidered.

Transport:

6.42 *Highways and parking:*

- It is expected that junctions within the surrounding road network will be at capacity in the future.
- An increase in parking over the extant permission is proposed. It is recommended that the development should be car free save for disabled provision.
- 20% provision of spaces with electric vehicle charging points is welcomed and this will be secured via planning condition. However, passive provision should also be made for a further 20% of spaces.
- A S.106 agreement to prevent future occupiers securing on-street parking permits is welcome.
- A S.278 agreement with TfL will be required.

6.43 *Walking:*
A contribution of £150,000 required towards the provision of specific pedestrian phase to the crossing at the Leman Street / Alie Street junction.

6.44 *Cycling:*

- 1,428 cycle parking spaces are provided which is welcomed.
- Details of how the development will be linked to the local cycle network are required.
- Contributions are required to comply with LP policies.

Community Infrastructure Levy:

6.45 Noted the introduction of CIL charging from 1st April for any planning permission decided after this date.

Equalities:

6.46 The lack of proposed affordable housing provision on site raises potential equalities implications.

Officer Comment: The matters raised above are discussed within the relevant section of the report. Where clarification or further information has been requested this has been provided and sent to the GLA for review. Any further comments they may have will be presented in an update report. In respect of equalities, it is noted that this matter has now been addressed given the scheme has been amended to include on-site affordable housing provision.

Historic Royal Places

6.47 To date no comments have been received.

London Fire and Emergency Planning

6.48 They have requested further information.

6.49 **Officer Comment:** They have been advised of the location of the information requested and any further comment will be presented in an update report.

London Borough of Hackney

6.50 To date no comments have been received.

London Borough of Southwark

6.51 To date no comments have been received.

London Bus Services

6.52 To date no comments have been received.

London City Airport

6.53 If during construction a carnage or scaffolding is required at a higher elevation than 85.425m AOD a separation consultation to London City Airport is required.

6.54 All landscaping plans and all plantations should be considered in view of making them unattractive to birds so as not to have an adverse effect on safety of operations at the Airport.

6.55 All relevant insulation in building fabric including glasses, glazing and ventilation requirements elements will be supplied and fitted in compliance with current noise attenuation regulations and tested.

London Underground

6.56 No comment to make on this application.

National Air Traffic Services

6.57 The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria.

National Grid

6.58 To date no comments have been received.

Natural England

6.59 Natural England has no comments to make on this planning proposal.

Thames Water

6.60 In respect of surface water drainage it is the responsibility of the development to make proper provision for drainage to ground, water courses or a suitable sewer. Prior approval will be required from Thames Water if it is proposed to discharge to a public sewer.

6.61 Thames Water recommends that petrol / oil interceptors be fitted in all car parking/washing/repair facilities to ensure compliance with the relevant legislation.

6.62 Thames Water recommends the installation of a properly maintained fat trap on all catering

establishments. Compliance with Thames Water best practice is recommended.

6.63 The existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development. A condition is recommended requiring impact studies.

6.64 A condition to secure a piling impact statement is also required.

Transport for London (TfL)

6.65
- TfL consider that no on-site car parking should be provided save for disabled provision.
- A condition to secure 20% of the parking spaces will be equipped with vehicle charging points are required.
- Passive provision for an additional 20% is also required.
- S.106 to prevent future occupiers from securing car parking permits.
- £150,000 required towards a specific pedestrian phase to the crossing at Leman Street / Alie Street junction
- Details of how the development will link into the local cycling network including the cycle super highway are required.
- £189,300 required towards improving the capacity of the bus network within the vicinity of the site.
- The Servicing and Waste Strategy Management Plan should be secured and monitored by the S.106.
- Construction Logistics Plan (CLP) should be secured via condition.
- Travel Plan should be revised and should contain significantly more detail at this stage.
- TfL requests an area of public realm for a 36 point docking station and a financial contribution towards its implementation.
- Crossrail contribution is not required.
- TfL supports the proposal in principle subject to clarification and further information about the above issues.

The London Wildlife Trust

6.66 To date no comments have been received.

Tower Hamlets Primary Care Trust (PCT)

6.67 The PCT's clear preference would be for the provision of an onsite health facility (shell & core – specification agreed with the PCT), peppercorn rent for 3 years followed by a DV determined rent. This is an important site for the PCT to ensure that we have sufficient capacity to meet the expected population in this part of the Borough.

6.68 In the past the developer has engaged with us directly about the space and location of the facility and it would be desirable if this could be re-established so that we can be assured that the size and location of the facility would optimally meet our needs.

6.69 **Officer Comment:** Full discussion of the health centre is dealt with in the Land Use and Planning Contributions section of this report. It is noted that the negotiations in respect of the detailed delivery of the health centre are framed by the signed S106 for the extant permission which did not secure all of the matters requested above.

Tower of London

6.70 To date no comments have been received.

Internal Consultees

LBTH Parks and open Spaces

6.71 To date no comments have been received.

LBTH Tree Officer

6.72 I have concerns regarding the increased heat island effect of this development and feel that ideally tree planting should be increased in order to offset this problem. The developer funded tree planting should reflect the density of the residential development at a rate of one standard tree per residential unit. Due to the small size of the site, tree planting at this density would hinder development and ought to be facilitated through planting in nearby highways sites and also parks sites. This can be achieved through a funding agreement with the parks department.

6.73 **Officer Comment:** Given the constraints of the site it is considered that the level of tree planting is acceptable. A S.106 contribution is being sought for open space within the vicinity of the site and this could be used for tree planting. Furthermore, tree planting levels will be controlled via condition.

LBTH Landscape Officer

6.74 To date no comments have been received.

LBTH Environmental Health – Smell / Pollution

6.75 To date no comments have been received.

LBTH Environmental Health (Commercial) - Food Safety

6.76 To date no comments have been received.

LBTH Environmental Health - Hazardous Substances

6.77 To date no comments have been received.

LBTH Environmental Health - Noise and vibration

6.78 Our recommendation is that:

6.79 The buildings must be redesigned to ensure that no habitual rooms, bedrooms or living are overlooking the A13 in category “D” of PPG24. It would be better to reconsider the design, as many residential rooms are likely to be uninhabitable.

6.80 No habitable rooms should be exposed to noise levels falling within Category “D” of PPG24, as such this development is considered unsuitable for residential occupation.

6.81 The environmental health department therefore recommends refusal for this development in its present state. Other conflicts of use may occur with commercial and residential

occupation C3 / A1 – A5, B1a, D1 & D2; these should be considered after reviewing the design.

6.82 **Officer Comment:** This matter is fully discussed in the Noise and Vibration section of this report.

LBTH Environmental Health - Air Quality

6.83 I require mitigation along all facades (for the residential blocks) that will be exceeding the Air Quality Objective for NO2.

6.84 The applicant does not make clear how they will mitigate for emissions from construction plant and vehicle as the assessment shows these emissions will have a slight adverse impact as well.

6.85 The number of parking spaces being provided during the operational phase is shown to also have a slight adverse impact along the local road network. This works against the provisions of our air quality action plan and I will require further detail on how the applicant intends to mitigate for this. (Is there an opportunity for S106 for this aspect).

6.86 The energy centre will need to comply with the Clean Air Act 1993 (chimney Heights Memorandum). The emissions from the energy centre is also having a slight adverse impact on local air quality and I believe this warrants some consideration in terms of S106 contributions if they can mitigate no further.

6.87 I also need clarification on whether the primary health care centre has been modelled as a receptor point, as this is a sensitive receptor during the operational phase.

6.88 S106 funding for PM10 monitoring. Has this developed?

6.89 **Officer Comment:** Air quality is fully discussed within the main body of the report. The necessary mitigation will be controlled via condition. Air monitoring will be secured via condition and as a head of term within the S106.

LBTH Environmental Health (Commercial) - Health & Safety

6.90 It is necessary to comply with the relevant Environmental Health legislation.

LBTH Transportation & Highways

6.91 Through detailed discussion and meetings the majority of the concerns raised by the Highway's officer have been addressed. However, further information which has just been received will be reviewed and any further comments will be presented in an update report to Committee.

6.92 The main considerations are summarised as follows:

- Improvements in pedestrian permeability welcome
- Links to area wide cycle network have been addressed by the provision of land for a 25 point docking station
- Cycle parking provision acceptable condition required to secure details of stores and provision
- The use of the ramp by cyclists should not be encouraged and no signage should be provided to indicate this is a route

- Concern at high level of car parking
- Issues raised in respect of disabled parking bay have been addressed by moving the bay
- Overall layout and management of parking in basement should be conditioned
- Permit free development to be secured by S106
- Servicing – goods lift has been provided as requested addressing this concern
- Further information in respect of refuse lorry location and swept path analysis have been provided as requested
- Visibility splays have been provided as requested
- Coach parking – further information has been provided as requested
- Servicing management plan to be secured via condition
- The proposal is considered acceptable in principle subject to the above outstanding issues being addressed.
- S106 contributions for highways works sought
- S278 agreement will be required.

6.93 **Officer Comment**: A full discussion of the highways and transportation matters is dealt within the main body of the report. No further information has been provided as to the level of S106 contribution required. It is noted that highways contributions have been secured for junction improvements by TfL and Streetscene and Built Environment Improvements have also been secured in line with the S106 SPD.

LBTH CLC Strategy

6.94 **Officer Comment:** The required financial amounts as calculated by the CLC officer are not reported here as the scheme has changed substantially from the 100% private scheme to an on-site affordable housing scheme.

6.95 The only difference in calculations by officers was the public open space calculation. Officers consider that the Green Fingers are part of the public open space within the site given their scale and layout which includes hard and soft landscaping and children's playspace.

LBTH Education

6.96 To date no comments have been received.

LBTH Waste Policy and Development

6.97 Officers have noted that currently refuse vehicles need to reverse onto Gower's Walk in light of the fact that access to Commercial Road from Gower's Walk is restricted because of construction works. A turning circle may be required to mitigate the impact during construction.

Officer Comment: On going discussions between officers and the applicant are seeking to resolve this matter and further advice will be provided within an update report.

7. LOCAL REPRESENTATION

7.1 A total of 2110 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 to date are as follows:

No of individual responses:	54	Objecting: 2	Supporting: 52
No of petitions received:	0		

7.2 The following local groups/societies made representations:

- 29 pro-forma letters of support were received from local residents which were stamped with the Children's Education Group logo who are based in Christian Street. The letters note that the application represents an improvement over the application previously approved by the Council. It also allows the S106 payments to be allocated to many local community initiatives that operate in the area including the Children's Education Group.

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:

- 23 pro-forma letters of support were received from local residents. The letters note that the application represents an improvement over the application previously approved by the Council. Will introduce open space into the area. Will result in significant amount of S106 improvements for the area.

7.4 2 letters of objection were received which raised the following issues:

- Noise and disturbance during long construction phase
- Design of tower ugly

7.5 [**Officer Comment:** Noise and vibration and design are discussed within the main body of the report where these concerns are addressed.]

8. MATERIAL PLANNING CONSIDERATIONS

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

- Land Use and Employment
- Density
- Housing
- Housing Layout and Amenity Space Provision
- Design
- Transportation and Highways
- Sustainability and Energy

Other Planning Issues:

- Air Quality
- Noise and Vibration
- Biodiversity
- Environmental Statement
- Planning Contributions

Land Use

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

8.3 At national level, PPS1 and PPS3, promote the efficient use of land with high density, mixed-use development and encourages the use of previously developed, vacant and underutilised sites to achieve national housing targets.

8.4 The application site is located within the Central Activities Zone (CAZ) and forms part of the City Fringe Opportunity Area as designated by the London Plan (LP). Policies 2.10 – 2.14, provide guidance as to the Mayor's strategic priorities for the CAZ. The overall aim is to enhance and promote the international, national and Londonwide role of the CAZ.

8.5 SP01 of the Core Strategy (CS) advises that LBTH will apply London Plan policy in respect of the CAZ.

8.6 The Managing Development DPD (proposed submission version) January 2012, (MD DPD), includes a number of site allocations and Goodman's Fields is one of 20 sites of strategic importance which has been allocated. The site allocation for Goodman's Fields states:

"*A comprehensive mixed-use development required to provide a strategic housing development, a health facility and a district heating facility. The development will also include other compatible uses including publicly accessible open space and commercial floor space*."

8.7 The proposal is for a residential led mixed use scheme including a hotel, a mix of commercial uses at ground floor level across the site, a health facility and publicly accessible open space. The principle of a mixed use scheme is acceptable in land use terms. It is in keeping with the mix of uses approved under the extant permission and it accords with current planning policy.

8.8 A 250 bedroom hotel is proposed within the NW block. The principle of a hotel in this location accords with policy SP06 (4) of the CS which seeks to concentrate hotel uses within the CAZ.

8.9 A mix of commercial and leisure uses are proposed comprising a mix of Use Class A1, A2, A3, A4, A5, B1a or D2. Within the NW block (detailed phase), 3 commercial units are proposed (1,713 square metres) and across the outline element up to 6,709 square metres of flexible commercial and leisure floor space are proposed. It is considered that the proposed commercial uses at ground floor level are acceptable in land use terms subject to the management of the amenity implications of A3, A4 and A5 uses through conditions.

8.10 It is considered that the proposed development will generate significant economic and regenerative benefits, including delivering up to 600 direct/indirect jobs and 330 construction FTE jobs, as well as a host of other benefits in terms of social, business and place based outcomes.

8.11 Policy 3.2 of the LP seeks to improve health and address health inequalities having regard to the health impacts of development proposals as a mechanism for ensuring that new developments promote public health within the borough.

8.12 SP03 (3), seeks to provide a hierarchy of accessible, high-quality health facilities, services and premises to meet the needs of existing and future population. It has identified a need for up to three new facilities within the western part of the borough. Furthermore, the site allocation within the MD DPD identifies that this would be an appropriate site for a health facility.

8.13 In addition, the Tower Hamlets Primary Care Trust (PCT) has indicated that they are

supportive of a facility on site. They consider it to be a strategically well-placed facility to meet the health needs of the local population, thereby redressing the health inequalities of this area.

8.14 In addition, the PCT have sought the health centre to be provided to their specification and with specific rent agreements through the S106. It is noted that in respect of the extant permission the S106 secured the health centre provision to shell and core with a peppercorn rent for three years after occupation but other wise usual market terms. It is considered that the S106 should be negotiated along the same terms. However, in order to assist with the fit out costs a contribution of £80,802.76 has also been secured. On balance this is considered acceptable and final delivery of this will be negotiated through the S106 wording in consultation with the PCT.

8.15 SP04 (1d) of the CS, seeks to maximise opportunities for publicly accessible open space of a range of sizes including in Aldgate. Previously, Council policy sought to secure a borough wide-target of 1.2HA open space per 1000 population. The CS did not continue this approach and instead seeks to use the standard as a monitoring tool with the priority being to protect, create, enhance and connect open space.

8.16 The site allocation for Goodman's within the MD DPD identifies that this would be an appropriate site for the provision of new publicly accessible open space.

8.17 The City Fringe Area Action Plan (AAP) which forms part of the Interim Planning Guidance (IPG) and Aldgate Masterplan 2007, identify Goodman's Field as development site CF12a. The APP indicates that Goodman's Field development should provide 0.8Ha of open space. Furthermore, it seeks the delivery of the space will occur as part of the redevelopment of the site and should be as follows:

- Contiguous, large green public space;
- A space that meets the needs of local residential communities including families and young people; and
- The space should link to existing public spaces to the south and northeast as well as proposed spaces to the northwest.

8.18 In respect of the publicly accessible open space provision, the scheme provides a series of three principle spaces as well as several interconnecting streets in which it is considered that sufficient amenity is achieved for their consideration. The spaces are as follows:

- Park Square – 3152 square metres,
- Main Piazza – 2317 square metres,
- Southern Garden – 1705 square metres,
- Sensory Garden – 225 square metres,
- Eastern Green Finger – 775 square metres,
- Northern Green Finger – 811 square metres, and;
- Southern Green Finger – 620 square metres.

8.19 The total provision of public open space is at least 9,380 square metres across the site. This represents an increase from the 8105.17 square metres secured as part of the extant permission. This equates to 0.938 hectares, which exceeds the APP requirement for 0.8 hectares. The quantum is considered appropriate and acceptable given the need to strike a balance with development intensity and requirements including regional and local policy which seeks to maximise the efficient use of the site. It is considered to accord with the key priority for the City Fringe of addressing open space deficiency to meet the needs of the local community as well as the anticipated growth expected in residential development.

8.20 In addition, the high quality nature of the series of interconnected spaces and what it does for connectivity (another priority of the policy) is considered of more value than emphasising an alternative approach suggested in the AAP and Masterplan of providing a single open space. The proposed site layout is considered the most desirable.

8.21 In conclusion, the quantum of public open space is appropriate and acceptable and accords with policies listed above which seek sufficient provision of open space to address needs of the community.

8.22 The office block which previously occupied the site has now been demolished as part of the implementation of the extant permission. The principle of the loss of the employment floor space has been established by the extant permission.

8.23 In conclusion, the principle of a mixed use scheme is acceptable in land use terms. It is in keeping with the mix of uses approved under the extant permission and it accords with current planning policy.

Density

8.24 Policies 3.4 of the LP and SP02 of the CS seek to ensure new housing developments optimise the use of land by associating the distribution and density levels of housing to public transport accessibility levels and the wider accessibility of that location. Table 3.2 of policy 3.4 of the LP provides guidelines on density taking account of accessibility and setting.

8.25 The site is in an accessible location with a Public Transport Accessibility Level (PTAL) of 6a (in a range of 1 to 6 where 6 is Excellent). The site is considered to be in a 'Central Zone' defined as areas with predominantly dense development. For central sites with a PTAL range of 4 to 6, table 3.2 of the London Plan, suggests a density of between 650-1100 habitable rooms per hectare.

8.26 The site area for the NW block is approximately 0.74 hectares, resulting in a density of 577 habitable rooms per hectare. However, as the NW block includes a hotel use, it should be excluded from the site area to give amore accurate picture of residential density. In this instance, the site area would 0.59 hectares and the density would be 724 habitable rooms per hectare. This is an acceptable density range for sites in the 'Central Zone'.

8.27 In respect of the outline phases, an indicative density has been calculated based on Table 1 (p15 of the Planning Statement). The outline site area would be 2.8 hectares and the density would be 789 habitable rooms per hectare. This is in line with the density for the detailed phase and is within the lower levels of the range appropriate for a 'Central Zone'.

8.28 Finally, it is important to note that density only serves as an indication of the likely impact of a development and as discussed in later sections of this report, the development does not present any symptoms of overdevelopment or have any significantly adverse impacts on the quality of the residential development. As such, it is considered that the proposal maximises the intensity of use on the site and is supported by national, regional and local planning policy, and complies with Policy 3.4 the LP and Policy SP02 of the CS which seek to ensure the use of land is appropriately optimised in order to create sustainable places.

Housing

8.29 Policy 3.3 of the LP seeks to increase London's supply of housing, requiring Boroughs to exceed housing targets, and for new developments to offer a range of housing choices, in terms of the mix of housing sizes and types and provide better quality accommodation for

Londoners.

8.30 Policy SP02 of the CS seeks to deliver 43,275 new homes (equating to 2,885 per year) from 2010 to 2025 in line with the housing targets set out in the London Plan.

8.31 The application proposes 864 new residential units. This includes the NW, NE, SW Blocks and Gower's Walk. For the purposes of the housing assessment, 75 Leman Street has been included. This means that including the site area for the hybrid application and 75 Leman Street (which is under construction) 920 new residential units would be provided overall across the site. 75 Leman Street is being developed out of the extant consent and does not include any affordable housing as this was to be provided in the other phases. In order to ensure that across the site (hybrid plus SW student housing block and 75 Leman Street) sufficient affordable housing is provided it is considered appropriate to taken into account housing delivery following on from the implementation of part of the extant planning permission.

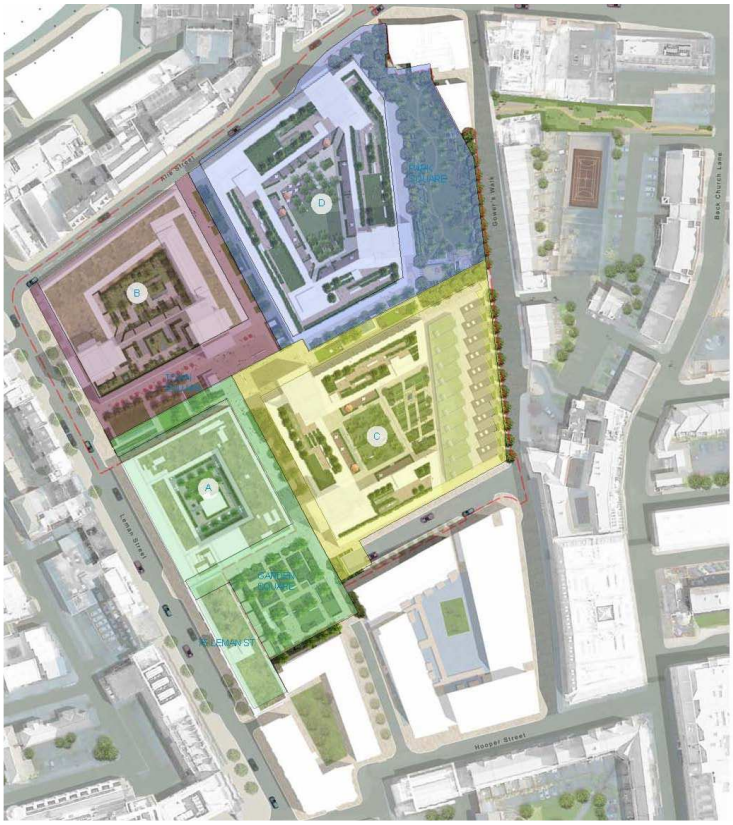
Phasing

8.32 Works are currently under way on site. The applicant has implemented the extant permission and intends to deliver 75 Leman Street and the SW student housing block as part of this consent. Table 1 sets out the detailed phasing programme for the site and Figure 3 illustrates this on plan.

Table 1: Phasing Programme

Phase	**Commencement Date**	**Completion Date**
Demolition	April 2011	December 2011
Phase 1: 75 Leman Street	June 2011	July 2012
Phase 2: SW Block	September 2011	September 2013
Phase 3: Basement Box (whole site)	March 2012	October 2013
Phase 4: NW Block	August 2012	September 2014
Phase 5: SE Block and Gower's Walk	October 2013	March 2016
Phase 6: NE Block	April 2014	December 2017

Figure 3: Phasing Plan



Affordable Housing Policy:

8.33 Policies 3.10, 3.11 and 3.12 of the LP define Affordable Housing and seek the maximum reasonable amount of affordable housing taking into account site specific circumstances and the need to have regard to financial viability assessments, public subsidy and potential for phased re-appraisals.

8.34 Policy SP02 of CS seeks to maximise all opportunities for affordable housing on each site, in order to achieve a 50% affordable housing target across the Borough, with a minimum of 35% affordable housing provision being sought.

8.35 Under a new national planning policy statement, PPS3, issued in June 2011, the definition of affordable housing has changed and now includes Social Rented, Affordable Rented and Intermediate Housing.

8.36 The LP housing policy does not deal with the new rent product. However, this policy vacuum is being addressed and the GLA published a Draft Supplementary Planning Guidance Note Affordable Housing (November 2011). The consultation finished on the 2 February 2012. This document makes reference to the forthcoming Draft Housing SPD which was published in December 2011 and is currently out to consultation.

8.37 The approach advised is that boroughs are recommended to include affordable rent alongside social rent and this is the approach the London Mayor will be taking in his early alteration to the London Plan (which makes clear that for the purposes of the 60:40 social rent: intermediate split both social and affordable rent should be included within the 60%).

8.38 Policy DM3 of MD DPD policy provides further guidance in light of changes to PPS3 which

has introduced the affordable rent product. It sets out that Council policy intends in the first instance to maintain the tenure split of the Core Strategy which is 70% social rent and 30% intermediate. The affordable rent product will only be accepted if it is demonstrated that the provision of 70% social rent is unviable. The provision of affordable rent homes alongside social rent homes ensures the delivery of between 35%-50% affordable 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 per cent of the local market rent.

8.41 To assist in the assessment of what constitutes an affordable rent level, 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. This is discussed further within the housing tenure section of this report.

8.42 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.

<u>Location and Percentage of Affordable Housing Provision:</u>

8.43 The current affordable housing policy hierarchy set out in London Plan policies in Chapter 3 and MD DPD policy DM3 advises that in the first instance affordable housing should be provided on site. In exceptional circumstances off-site provision may be considered. Policy DM3 sets out 5 criteria for circumstances where off-site affordable housing may be considered by the Council.

(i) "It is not practical to provide affordable housing on-site;
(ii) To ensure mixed and balanced communities it does not result in too much of any one type of housing in one local area;
(iii) It can provide a minimum of 50% affordable housing overall;
(iv) It can provide a better outcome for all of the sites including a higher level of Social Rent family homes; and
(v) Future residents living on all sites use and benefit from the same level and quality of local services"

8.44 Finally, only where it has been demonstrated that there are no suitable sites that can come forward which, together with the original site, meet the 5 criteria, will a commuted sum be considered.

8.45 The Planning application as initially submitted offered an off-site commuted sum of £50

million, to be directed towards off site delivery of affordable housing. The planning application was supported by a financial viability assessment, which sought to demonstrate that the proposed commuted sum would have represented the best outcome for the Borough in terms of affordable housing delivery. This assessment has been independently reviewed by viability consultants working on behalf of the Council.

8.46 Your officers were very concerned that the provision of an off-site affordable housing commuted sum may not have complied with policies contained within the CS, LP and the MD DPD. The extant planning permission was expected to deliver on site affordable housing (through the signed S.106 Agreement) and officers were of the view that there were no exceptional circumstances to suggest that an off-site affordable housing delivery mechanism was preferable to on site delivery in this particular case.

8.47 Following negotiation and interrogation of the applicant's financial modelling, the applicant agreed to modify the proposed affordable housing offer – by agreeing to the delivery of 28% on site affordable housing provision, with a mix of social (target) rented units, affordable rented units (at POD rents) and intermediate units. Further details of the mix are outlined below. The ability of the scheme to delivery 28% on-site affordable housing units (with a mixture of social rented, affordable rented and intermediate units) has been validated by the Council's independent viability consultant.

8.48 In light of the current affordable housing policy hierarchy, officers consider that the provision of 28% affordable housing on-site over a commuted sum is the most appropriate policy compliant outcome in respect of the delivery of affordable housing in this instance.

8.49 The offer essentially equates to the delivery of 28% affordable housing by habitable room. In numerical terms, this is 252 affordable units. It is proposed that affordable units will be provided within the NE and SW blocks which form part of the outline element of the scheme. As such, an indicative mix has been provided to illustrate how this could be provided. (See Table 2 below.)

<u>Housing Tenure:</u>

8.50 With regard to the tenure of housing, the application proposes a mix of social rent 30%, affordable rent (pod levels) 38% and intermediate rent 32%. The split is broadly policy compliant.

8.51 In respect of Council policy DM3, it is considered that in this instance the provision of affordable rent product is justified in light of the viability issues discussed above. If all of the units had been provided at social rent levels the overall provision of affordable housing would have been less. Officers insisted that the larger family units were provided at social rent and the smaller units at affordable rent.

8.52 The POD research established what Affordable Rents would be for the E1 area which is set out in table 2 below. 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.

Table 2: POD research for E1 area comparing Market rent level against proposed rents

	Market Rent	**Adjusted Affordable Rent levels (market rent %)**	**Proposed rents for this scheme (market rent %)**
1 bed	£294	£191 (65%)	£191 (65%)
2 bed	£379	£208.(55%)	£208 (55%)
3 bed	£449	£224 (50%)	£111 (Social Target Rent)
4 bed	£537	£268 (50%)	£127 (Social Target Rent)

Housing Mix:

8.53 Pursuant to Policy 3.8 of the London Plan, new residential development should offer genuine housing choice, in particular a range of housing size and type.

8.54 Policy SP02 requires 30% of development to be 3 bedroom units or larger but within the social rent tenure 45% should be for families. In this case a total 209 family sized units are provided which equates to 23% across the scheme. Within the social rent and affordable rent (pod rent levels) tenure 44% (76 units) will be family sized units including three and four bed flats. It is noted that all of the family units are provided as social rent levels. The mix is set out at Table 3 below and is broadly policy compliant.

Table 3: Indicative Housing Mix and Tenure (including 75 Leman Street)

Unit Type	Social Rent	Affordable Rent	Intermediate	Market	**Total**
Studio	0	0	0	12	**12**
1 bed flat	0	52	20	290	**362**
2 bed flat	0	44	40	233	**317**
3 bed flat	51	0	20	113	**184**
4 bed flat	25	0	0	0	**25**
3 bed house	0	0	0	20	**20**
Total	**76**	**96**	**80**	**668**	**920**

8.55 In conclusion, officers consider that the level of affordable housing provision at 28% is the maximum that can be delivered on this site (in view of current viability constraints). The tenure split of social rent, affordable rent and intermediate is acceptable in this instance and maximises the provision of family units within the rented tenure. Finally, it is considered that the overall mix of housing is acceptable and this includes the provision of a suitable level of family housing specifically in the social rent tenure including four bedroom flats.

Housing Layout and Amenity Space Provision

Internal Space Standards:

8.56 Policy 3.5 of the LP seeks to ensure that the design and quality of housing developments are of the highest standard internally, externally and to the wider environment. In addition, the Mayor's London Housing Design Guide (Interim Edition, August 2010) sets out new minimum space standards to improve housing quality and allow homes to be flexibly used by a range of residents.

8.57 Policy SP02 of the CS and Policy DM4 of the draft MD DPD seeks to ensure that new housing has adequate provision of internal space standards in line with the Mayor of London's standards. Policy DM4 also requires affordable family sized homes to have

separate kitchen and living rooms.

8.58 In respect of the NW block, the applicant has advised that all of the units meet the minimum space standards required by Table 3.3 of the LP policy 3.5 and policy DM4 of the MD DPD.

8.59 The SE, NE and Gower's Walk element of the scheme are currently in outline form and therefore detailed spaces standards cannot be verified. However, the applicant has confirmed that the parameter plans and overall level of floorspace proposed has been developed with the number of units proposed and has been shaped by the Mayor of London's space standards. The precise space standards proposed will be assessed in detail at the reserved matters stage. Given that the NW block, which forms part of the detailed element, meets the minimum space standards there is some comfort that the later phases will also be in a position to comply with the required standards. This is a reasonable indication of the applicant's commitment to the remaining phases and a condition will be imposed on the outline elements to this effect

8.60 Overall, the proposed application material gives officers reasonable comfort that the proposed development is acceptable and will accord with policy.

Private and Communal Amenity Space

8.61 Saved policy HSG16 of the UDP, policy DM4 of the MD DPD and policy HSG7 of the IPG require all new housing to include an adequate provision of amenity space, designed in a manner which is fully integrated into a development, in a safe, accessible and usable way, without detracting from the appearance of a building.

8.62 Specific amenity space standards are guided by policy DM4 of the MD DPD which follows the Mayor of London's Interim Housing Design Guide standards which specifies a minimum of 5sqm of private outdoor amenity space for 1-2 person homes and an extra 1sqm for each additional occupant. It also requires balconies and other private external spaces to be a minimum width of 1.5m.

8.63 In terms of communal amenity space, Policy DM4 requires 50sqm for the first 10 units, plus 1sqm for every additional unit thereafter.

8.64 In respect of the detailed element for the most part the majority of the units have sufficient private amenity space in the form of balconies, winter gardens and private terraces.

8.65 In respect of the outline element it is not possible to carry out a detailed assessment of private space provision and this will be determined at reserved matters stage. However, the submitted parameter plans and design and access statement do suggest the incorporation of projecting balconies, winter gardens and private terraces. Furthermore comfort can be had from the fact that the detailed element incorporates sufficient private amenity space for future residents.

8.66 Communal amenity space will be provided at podium level (see figure 2) within each block and at roof level. Within the NW bock (detailed phase) it is proposed to provide a communal courtyard at courtyard level (709 square metres) and a roof terrace (436 square metres). There is also an area of inaccessible roof terrace (1,136 square metres) which will be designed to ensure biodiversity enhancement. DM4 of the MD DPD provides the standards for communal amenity space provision and in this instance, 204 square metres is required. This exceeds the policy requirement for communal amenity space provision within the NW block. The level of provision is considered acceptable subject to detailed design of a high quality communal amenity space and the detailed design of the child playspace. All these elements will be the subject of detailed conditions. In respect of the roof terrace, full

details of the 2 metre glass screen and how it ensures an acceptable mirco-climate at this level will be secured via condition.

Figure 2: Axonometric of Podium Level Communal Amenity Space

8.67 In respect to the outline phases of the development, a minimum of 3500 square metres of communal amenity space is required to accord with DM4. The Public Realm Strategy indicates the capability to provide 4,170 square metres which also exceeds policy requirements and allows sufficient space for the provision of child playspace within the outline phases of the development. Detailed design of the space will be controlled as a reserved matter.

Child Play Space:

8.68 Planning Policy Statement 3 sets out the importance of integrating play and informal recreation in planning for mixed communities. Policy 3.6 of the LP, saved Policy OS9 of the UDP, policy SP02 of the CS and policy DM4 of the draft MD DPD, seek to protect existing child play space and requires the provision of new appropriate play space within new residential development. Policy DM4 specifically advises that applicants apply LBTH child yields and the guidance set out in the Mayor of London's SPG on 'Providing for Children and Young People's Play and Informal Recreation' (which sets a benchmark of 10 square metres of useable child play space per child).

8.69 Child playspace provision across the site exceeded the LP standards of 10 square metres of playable space per child when the housing tenure was solely private. However, in light of the provision of on-site affordable housing the child yield has increased and the actual requirement has rise from 1,322 square metres to 2900 square metres of child playspace. This equates to a need for an additional 1578 square metres of child playspace across the site.

8.70 Officers consider that there is potential to increase the level of child playsapce provision

given there is an overprovision of communal amenity space across the site. The detailed layout of the amenity spaces will be controlled via landscaping conditions for each phase and the condition will be worded so as to maximise the provision of child playspace across the site. In terms of the current provision, under 5's will be provided at podium level of each block and within the publicly accessible open space across the site with a dedicated play area within Park Square. It is considered that playsapce for under 5's should be given priority and the detailed design of the playspace within Park Square will be controlled via condition in order to maximise it's potential. Playspace for 5-11 year olds and 12-17 year olds will be provided within the publicly accessible open space across the site.

8.71 This child play strategy also sets out basic principles and typologies for the proposed play space in terms of the location, distance, level of boundary treatment, character and likely form of equipment. This gives officers an assurance that a good level of child play space can be secured on site.

8.72 The detailed provision of the child playspace within the NW block and the outline phases will be controlled via condition. The intention of the overall public realm strategy is to provide 'playable space' where children's play and recreation is one legitimate use amongst a range of uses.

Landscape Strategy:

8.73 The application has been supported by a Public Realm Strategy prepared by Townshend Landscape. The purpose of the strategy is to provide a set of landscape principles in which the vision for the public realm will be developed.

8.74 The proposal includes a hierarchy of public open space, child play space, communal amenity space for residents and private amenity space for residents. The public realm strategy sets out the principles of how these spaces will work. The key objectives of the strategy include establishing a clear identify for the site, improving permeability through the site and connectivity with the surrounding area and ensuring activity at ground floor level to animate the commercial uses.

8.75 In respect of the detailed element, this will involve the delivery of part of the Main Square to the south of the NW block and part of the northern green finger between the NW and SW blocks. The remainder of the open space will be delivered as part of the outline phases of the scheme.

8.76 The quantum of open space delivery is acceptable and is discussed within the land use section of this report.

Wheelchair Housing and Lifetime Homes Standards

8.77 The applicants supporting statement confirms that all new homes will be built to Lifetime Homes standard. The detailed element includes 10% wheelchair accessible homes and future phases will also achieve the 10% provision. It is recommended that the application is conditioned to ensure this.

8.78 As such, it is considered that the proposal is acceptable in accordance with Policy 3.8 of the London Plan (2011), Policy HSG9 of Tower Hamlets IPG (2007), and Policy SP02 of the Core Strategy (2010).

Design

Bulk, scale, massing, principle of Tall Buildings:

8.79 Chapter 7 of the LP places an emphasis on robust design in new development. Policy 7.4 specifically seeks high quality urban design having regard to the pattern and grain of the existing spaces and streets. Policy 7.6 seeks highest architectural quality, enhanced public realm, materials that compliment the local character, quality adaptable space and optimisation of the potential of the site.

8.80 Policy SP10 of the CS and DM23 and DM24 of the MD DPD, seek to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds. Saved UDP policies DEV1, DEV2 and DEV3 seek to ensure that all new developments are sensitive to the character of their surroundings in terms of design, bulk, scale and use of materials.

8.81 Policy 7.7 of the LP deals with tall and large buildings, setting out criteria including appropriate locations such as the CAZ and opportunity areas with good access to public transport, that such buildings do not affect the character of the surrounding area in terms of its scale, mass or bulk; relates to the urban grain of the surrounding area; as a group of buildings improve the legibility of an area; incorporates the highest standards of architecture and materials; have ground floor uses that provide a positive experience to the surrounding streets; and makes a significant contribution to local regeneration.

8.82 Policy SP10 (5) of the Core Strategy seeks to manage the location of tall buildings and considers that Canary Wharf and Aldgate are appropriate locations. Policy DM26 of the MD DPD provides further guidance in respect of the management of building heights across the borough. Proposals for tall buildings will be required to satisfy the criteria listed below:

- Be of a height and scale that is proportionate to its location within the town centre hierarchy and sensitive to the context of its surroundings;
- Achieve high quality architectural quality and innovation in design through demonstration of consideration of a range of criteria;
- Provide a positive contribution to the skyline;
- Not adversely affect heritage assets or views;
- Present a human scale at street level;
- For residential uses include a high quality hierarchy of private, communal and open space;
- Not adversely affect microclimate;
- Not adversely affect biodiversity;
- Provide positive social and economic benefits;
- Comply with aviation requirements; and
- Demonstrate consideration of public safety.

Proposal:

8.83 The NW block comprises a single perimeter courtyard block with ‘podium buildings’ or ‘wings’ between 6 and 10 storeys and two towers between 19 and 23 storeys.

8.84 The residential uses are arranged around the south wing (facing Main Piazza) and west wing (facing Leman Street) of the block which range in height between six and ten storeys. The residential uses are also contained within the two towers located at the south-west and south-east corners of the courtyard block and range in height between 19 and 23 storeys.

8.85 The hotel use is arranged around the north wing (facing Alie Street) and east wing (facing Northern Green Finger) of the courtyard block and range in height between six and seven storeys.

8.86 The proportions of the towers would be slender and elegant and the proposed material palette includes a metal frame, glazing and pre-case concrete.

8.87 The outline phases, relate to the NE block, SE block and the Gower's Walk houses.

8.88 The NE block is laid out similarly to the NW block and is a courtyard perimeter block with four 'podium buildings' or 'wings' and two towers. The residential uses are arranged around all of the wings, the northern wing (facing Alie Street) rises to a maximum of 39.925 metres AOD (7 storeys), the eastern wing (facing proposed Park Square) rises to a maximum of 36.85 metres AOD (6 storeys), the southern wing (facing the proposed SW block) and the western wing (facing the proposed NW block) rise to a maximum of 43 metres AOD (8 storeys). The towers are located at the north-eastern and south-eastern corner of the NE courtyard perimeter block and rise to a maximum of 79.325 metres AOD (20 storeys) and 85.425 metres AOD (22 storeys) respectively.

8.89 The SE block is a 'U' shaped perimeter block located with three 'podium buildings' or wings' and two towers. The residential uses are arranged around all of the wings, the northern wing (facing proposed NE block) rises to a maximum of 43 metres AOD (8 storeys), the southern wing (facing City Quarter) rises to a maximum of 43 metres AOD (8 storeys), the western wing (facing SW block – extant permission) rises to a maximum of 46.075 metres AOD (9 storeys). The towers are located at the north-west and south-west corner of the SE courtyard perimeter block and rise to a maximum of 82.4 metres AOD (21 storeys) and 73.175 metres AOD (18 storeys) respectively.

8.90 The Gower's Walk houses are located to the east of the SE block and face onto Gower's Walk. They rise to a maximum of 24.75 metres AOD (3 storeys).

Assessment:

8.91 A tall building is described as one which is significantly taller than their surroundings and /or having a significant impact on the skyline. The proposed detailed and outline phases of development include six towers between 18 and 23 storeys and are considered to fall within the definition of tall buildings.

8.92 With regards to appropriateness of the development for tall buildings, this has been considered in the context of national policy, the London Plan and local plan policies and the extant permission.

8.93 The detailed element proposes two tall towers which form part of a courtyard block and the outline element proposes four tall towers which form part of a courtyard block and a 'U' Shaped block. The proposed heights, massing, bulk and scales are in keeping with the extant permission which has established the principle of tall buildings in this location. Figure 4 shows the massing of the extant permission and figure 5 shows the massing of the proposal.

Figure 4: Massing of extant permission

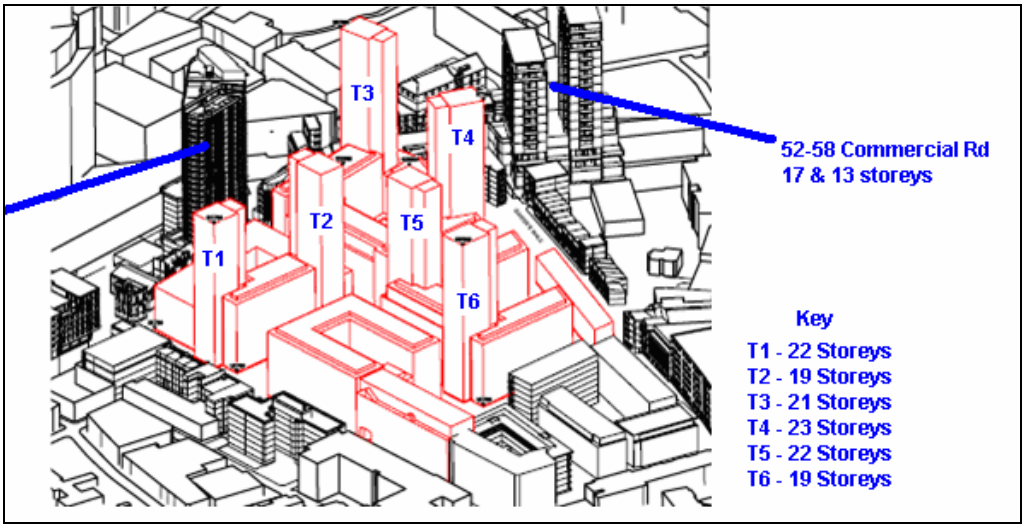
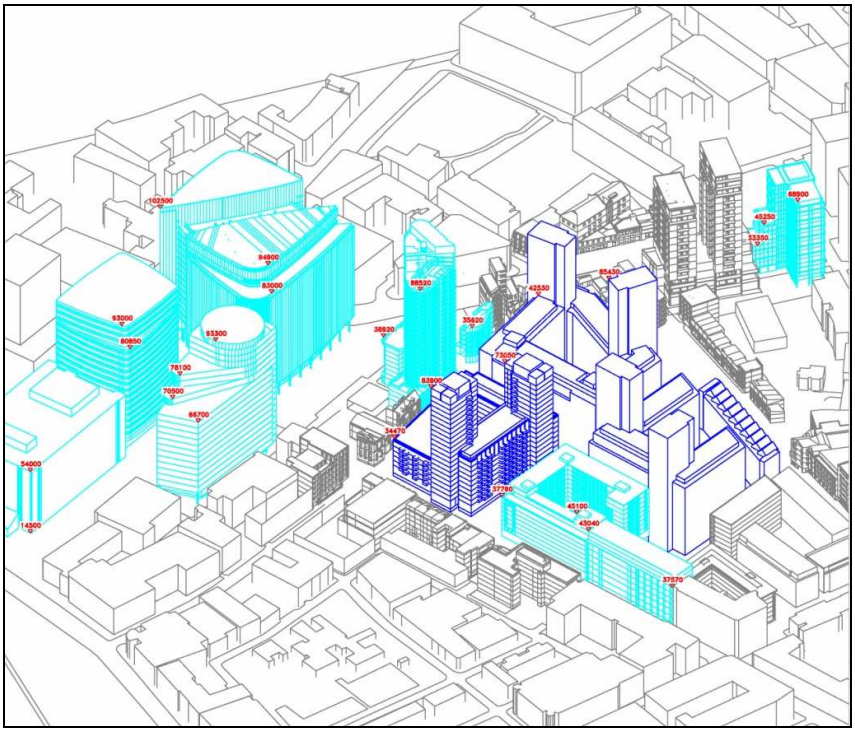


Figure 5: Massing of proposals



8.94 The application site is located within a CAZ opportunity area in Aldgate with excellent accessibility. As such, this is a location considered suitable for tall buildings and accords with LP policies and local policies.

8.95 In respect of the NW block (see artists impression figure 6) it is considered that the proposed towers and courtyard block meet the range of tall building criteria of LP policy and local policy in the following key ways:

- The height, bulk, scale is appropriate to the CAZ location and is sensitive to the context of the surrounding site;
- The scheme is considered to be of high architectural and design quality and has demonstrated full consideration of scale, form, massing, footprint, proportion,

silhouette, facing materials, relationship to other buildings and structures, the street network, public and private open spaces, or other townscape elements;

- The site is identified within an emerging cluster of tall buildings and provides a positive contribution to the skyline;
- There is no adverse impact upon heritage assets including the Tower of London, listed buildings in the vicinity, surrounding conservation areas and strategic views;
- The scheme is considered to be of a human scale with active commercial uses at street level;
- The scheme includes high quality public realm strategy including adequate provision of open space, communal amenity space, child playspace and private amenity space;
- In terms of microclimate the detailed management will be controlled via condition;
- In terms of biodiversity, areas of living roofs have been incorporated into the design and the through the landscaping condition appropriate planting to enhance biodiversity will be secured;
- The proposal will contribute positively to vitality in the area with an active ground floor frontages;
- It Is not considered to conflict with aviation requirements having been referred to the relevant authorities for consideration; and
- The scheme demonstrates consideration of public safety.

Figure 6: Artists Impression of NW Block

8.96 In respect of the NE and SE blocks which form part of the outline phases of the development, it is considered that the principle of tall towers including bulk, scale and massing are appropriate. The heights are in keeping with the extant permission and are considered acceptable in this location. It is noted that given, this element is in outline only the heights and siting have been established and as such whilst the proposal meets the majority of the criteria listed at paragraph 8.95 above, the actual appearance of the buildings would be a reserved matter and at this stage, the architectural and design quality of the scheme cannot be assessed. As such, the detailed design will be secured via reserved matters. However, it is noted that the high quality design of the NW block establish a design code for the site and any future phases would need to consider these earlier phases and comply with the requirements and specifications outlined in the Design

Code

8.97 Overall, the scheme satisfies the criteria for consideration of tall buildings, is located within a location where tall buildings are considered acceptable and is in keeping with the extant consent which established the principle of tall buildings. As such the scheme is considered acceptable and accords with the abovementioned policies.

8.98 In respect of bulk, scale and massing the proposed NW block is in keeping with the extant permission and no increase in height is proposed. As such, it is considered that the principle of the NW block has been established by the extant permission. The proposal remains acceptable in respect of bulk, scale and massing in the context of the local area and the wider site and accords with policy.

Appearance:

8.99 The proposed material palette for the NW block towers includes glazing, dark metal infill panels, metal panelled cladding, light pre-cast concrete cladding and bronze coloured metal panels.

8.100 The material palette for the residential wings of the NW block (fronting Leman Street and the Main Piazza) includes blue-grey brick work whilst the hotel wing proposed white glazed brick work. In respect of window details the different uses have different details design and the residential wings include private amenity space in the form of balconies.

8.101 The majority of the accommodation at the ground floor level of the podium buildings is commercial. A standardised glazing detail ensures a consistent appearance along the base of the podium. The glazing incorporates a bronze-coloured metal surround that matches the surround, balcony edge and panel detailing throughout the NW block. A zone is provided above the glazing that accommodates bronze coloured louvers to serve the ventilation requirements. This zone also doubles up as a signage area.

8.102 The appearance of the NW block has altered from the extant consent in that the proposed material palette has changed. However, it is considered that in principle the proposed material palette is acceptable subject to the submission of samples which will be controlled via condition.

8.103 The Design Council do not support the amended appearance of the tall towers. However, the design evolution of the appearance of the building has developed to ensure the identity of the towers to be expressed through lightness and subtlety, rather than the material heaviness of the Cor-Ten proposed in the extant permission.

8.104 Furthermore, in respect of the Design Council's comments regarding verticality, the applicant's architect has noted that the gesture of 'splitting' the metal framing of the tower into two thinner, taller elements is intended to increase the verticality and slenderness of the overall tower form. The tower facade is not intended to be read as a single vertical division, but rather as two slender framing elements – a device which is accentuated by the infilling of the frames with the bronze coloured balcony fascias and the winter garden screens.

8.105 Finally, in respect of their comments regarding the flank walls, the applicants architect has noted that the towers are designed as principally forward-facing elements, with distinct fronts and backs. It is important that these specific elements are expressed individually and in materials that befit the accommodation. The massing of the core is intended to be expressed as the fixed, grounded element in the composition of the tower, while the front-facing accommodation is expressed with a covering of finely scaled metal panels. The

honest expression of these elements will complement each other in the visual tonality of the materials (the white pre-cast concrete and the reflective metal cladding) as well as the material quality and precision of the panels themselves and the jointing details.

8.106 The Borough Urban Design Officer has not raised objections to the changed material palette subject to the submission of samples and detailed drawings. Furthermore, English Heritage has not objected to the changed material palette subject to the submission of samples. To conclude officers, feel that the amended appearance is in fact more in keeping with the surrounding context than the Cor-Tem previously proposed.

8.107 It is noted that it is intended to use pre-cast concrete as part of the tower design and a sample has been submitted. The detailed design of the pre-case concrete panels will be controlled via condition in order to ensure that their mass is broken up.

8.108 In order to ensure that the proposed shop fronts will enhance the streetscape, their detailing will be controlled via condition. This will include ensuring that shop fronts will be fitted out as part of the initial construction and that signage across the site is of a high quality.

8.109 In respect of the outline phases, the detailed design and appearance of the blocks and towers will be a reserved matter. The quality of materials secured as part of the detailed phase will act as a benchmark to ensure that the remaining phases will be in keeping with the appearance of the earlier phases in order to ensure a high quality exemplar scheme across the site. A design code has not been submitted for this application. However, this will be required as a reserved matter for the outline phases in order to ensure that the design ethos is carried through to the latter phases.

Layout:

8.110 The layout of the site is considered to be successful, incorporating courtyard blocks which successful address the street frontages of Alie and Leman Street and the new internal frontages. Active frontages are provided overlooking the public realm across the site. Access to the residential uses is from the public realm. This creates a welcome mix and distribution of activity across the site. The detailed landscaping plan demonstrates that the proposal will provide an improved public realm compared with the extant permission. Also, the scheme will successfully integrate with the Berkeley Homes scheme to the south (City Quarter). Overall, this will positively contribute to the evolving residential character of the area, thereby contributing to a sense of place and identity. The layout is also in accordance with the Aldgate Masterplan in the way that it improves connectivity and permeability.

Views:

8.111 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 (May 2009). 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.

8.112 The site falls within the background assessment area of protected vista 25A.1 and 25A.3. The submitted Heritage, Townscape and Visual Impact Assessment concludes that the small scale change arising from the proposed development is seen in the context of very substantial changes to London's skyline including towers in the City of London and the development of further tall buildings in the vicinity of the site which consents have already been granted. The GLA have advised that whilst it is noted that there is an extant consent

for tall buildings proposed on the site, from the verified images submitted it is not possible to determine whether the proposals will impact on the protected vista in the kinetic views. The GLA have requested that the images should be submitted with clearer wire lines and an indicator of where the proposal appears in the rendered views.

8.113 This information has been submitted and has been sent to both the GLA and English Heritage for review. Further comments will be reported in the update report to committee. In light of the extant consent and the fact that the siting of the towers and their height has not changed it is considered the submission of this additional information will resolve these concerns. Essentially, from the current images it is not possible to identify the site given it is barely visible and officers at the GLA and English Heritage have requested updated views which show the site in outline irrespective of the fact that the majority of the buildings would not be visible due to recent consents such as Royal Mint Street which are located nearer the Tower.

<u>World Heritage Sites – Tower of London (TOL):</u>

8.114 The proposed development site is located within the setting of the Tower of London World Heritage Site. Circular 07/2009 provides guidance on the protection of World Heritage Sites (WHS) and establishes the Governments objective to protect each heritage site through conservation and preservation of its outstanding universal value (OUV). It sets out that WHS and their setting, including any buffer zone should be protected from inappropriate development.

8.115 PPS5 includes WHS in the definition of designated heritage assets. Policy HE10 states that authorities should treat favourably applications that preserve those elements of the setting that make a positive contribution to or better reveal the significance of an asset.

8.116 The LP also has a number of new and enhanced policies in relation to WHS. Particularly, 7.10 which states that

"*Development should not cause adverse impacts on World Heritage Sites or their setting (including any buffer zone). In particular, it should not compromise a viewer's ability to appreciate its Outstanding Universal Value, integrity, authenticity or significance. In considering planning applications, appropriate weight should be given to implementing the provisions of the World Heritage Site Management Plans."*

8.117 Policy 7.11, also stresses the need to identify and protect aspects of views that contribute to a viewer's ability to recognise and to appreciate a WHS's authenticity, integrity, significance and OUV.

8.118 The GLA notes that the application has been supported by a Heritage, Townscape and Visual Impact Assessment and while this references the Tower of London and notes that there is a negligible effect on the monument as a result of the proposals, it does not carry out a full assessment of the impact of the WHS authenticity, integrity, significance and OUV as required by policy. The assessment of the OUV of the Tower is an emerging priority and the applicant has now carried out a further assessment making specific reference to the OUV of the Tower. This has been submitted to the GLA and English Heritage for review.

8.119 In light of the extant consent and the fact that the siting of the towers and their height has not changed it is considered the submission of this additional information will resolve these concerns, which will be the subject of an update report.

Impact to setting of other designated heritage assets:

8.120 The statutory requirement to consider proposal's upon the impact to the setting of listed buildings and conservation areas is contained in central, regional and local policy and guidance. It includes PPS5, LP, the CS, the UDP, MD DPD, IPG and Aldgate Masterplan.

8.121 The ES is supported by a Heritage, Townscape and Visual Assessment which considers the historic features in the surrounding area. It is not considered that the proposed development will have an adverse impact on designated heritage assets including the setting of listed buildings along Alie Street and Leman Street. It is noted that English Heritage raised concerns about the setting of listed buildings in respect of the extant consent. However, officers at the time did not consider this to be the case. Given, the massing is similar the impact is also similar and officers agree with the previous assessment in respect of impact on the local context and setting of listed buildings.. Furthermore, it is not considered that the proposed tall building would affect the setting of the surrounding conservation areas.

Design Conclusions:

8.122 In conclusion, the proposed scheme is broadly in keeping with the extant consent in respect of bulk, scale, massing, height, siting and layout. The main alteration has been in respect of materials and it is considered that the amended palette is acceptable in this location. Subject, to the additional information submitted to address the GLA's queries regarding the Tower of London, the design is acceptable, in accordance with policy. Further commentary on the World Heritage Site issues will be included in an update report. The detailed design of the outline phases will be secured by reserved matters.

Amenity

8.123 Part 4 a and b of policy SP10 of the CS, saved policy DEV2 of the UDP and policy DM25 of the MD DPD seek to protect the residential amenity of the residents of the borough. These polices seek to ensure that existing residents adjacent to the site are not detrimentally affected by loss of privacy or overlooking of adjoining habitable rooms or have a material deterioration of daylight and sunlight conditions.

Daylight, Sunlight and Overshadowing:

8.124 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight - A Guide to Good Practice - Second Edition' (2011).

8.125 In respect of daylight, there are three methods of calculating the level of daylight received known as Vertical Sky Component (VSC), No Sky Line (NSL) and Average Daylight Factor (ADF). BRE guidance sets out that the first test applied should be VSC and if this fails consideration of the NSL test may also be taken into account.

8.126 BRE guidance in relation to VSC requires an assessment of the amount of daylight striking the face of a window. The VSC should be at least 27%, or should not be reduced by more than 20% of the former value, to ensure sufficient light is still reaching windows. The NSL calculation takes into account the distribution of daylight within the room, and again, figures should not exhibit a reduction beyond 20% of the former value.

8.127 In respect of sunlight, BRE guidance states that a window facing within 90 degrees of due south receives adequate sunlight if it receives 25% of annual probable sunlight hours including at least 5% of annual probable hours during the winter months.

8.128 In terms of permanent overshadowing, the BRE guidance in relation to new gardens and amenity areas states that *"it is recommended that for it to appear adequately sunlit throughout the year, at least half of a garden or amenity space should receive at least 2 hours of sunlight on 21st March".*

8.129 Section 15 of Volume 6 of the Environmental Statement Addendum considers the impacts of the development with respect to daylight, sunlight and overshadowing.

8.130 Daylight, sunlight and overshadowing were fully assessed as part of the extant consent and it is considered appropriate to take the impact of that consented scheme as a benchmark and to assess the impact of the current application in comparison to that consented scheme.

8.131 In other words, whilst the existing baseline conditions (the impact of the demolished RBS buildings) are relevant in measuring the level of impact, the acceptability of the current proposals should be measured against its performance in comparison to the consented scheme, as the extent of the impact of that consented scheme was deemed acceptable.

8.132 The submitted ES has identified those neighbouring properties where they believe that residential accommodation to exist. Essentially, those properties can be grouped into four categories. First, the properties on the opposite (west) side of the Gower's Walk including 63 Gower's Walk; second the recently completed Berkeley Homes City Quarter development to the south of the site including Hoopers Yard; third, three residential properties on the opposite (west) side of Leman Street comprising 52, 56 and 58 Leman Street, and third, the existing dwellings in 55-57 Alie Street to the north of the site.

8.133 The impact on these dwellings is comparable to the consented scheme and there are no material differences between the two schemes in respect of massing.

8.134 It is noted that significant impacts were identified for properties especially residential properties in Alie Street and Gower's Walk when assessing the consented scheme.

8.135 In considering the significance of this impact, the following matters were considered to offer a case to balance this impact:

- Some relief afforded the affected neighbours by virtue of them being dual aspect properties
- The benefits of the scheme coming forward as identified throughout the report and as summarised in other sections of this report
- An awareness of the viability issues in bringing the scheme forward which necessitate the development potential of the site to be maximised.
- An appreciation that this brownfield site is a challenging and highly constrained site to entertain redevelopment, being in a built up area on the edge of the city fringe which has a range of landuse priorities, not just housing. Invariably then, realising development on this site will involve a compromise

8.136 On balance, it is considered that the benefits of the scheme coming forward are considered to outweigh the loss of light to neighbours. Furthermore, it is noted that the consented scheme has set a benchmark and this baseline has been used in assessing this scheme. Given, that the proposed scheme does not result in a greater impact and in fact has the same level of impact as the consented scheme, the impact in respect of daylight, sunlight and overshadowing is considered acceptable.

Sense of Enclosure, Outlook and Privacy:

8.137 In respect of siting, layout and massing the proposed scheme is similar to the consented scheme and the level of impact is therefore similar.

8.138 The separation distance between the blocks and the surrounding area are between 12 metres along Alie Street and a maximum of 21 metres along Leman Street and Gower's Walk. These separation distances are considered acceptable within this City Fringe location.

8.139 The massing of the courtyard blocks are in keeping with the surrounding context and in this dense urban location would not have an undue impact in respect of sense of enclosure when consideration is given to the separation distances between buildings and the location of the taller elements.

8.140 The massing of the proposed scheme is in keeping with the consented scheme and as such there would be no increase in impact over the consented scheme. Furthermore, the massing is acceptable in this dense urban location at the City Fringe. As such, in respect of sense of enclosure, outlook and privacy it is considered that the level of impact is in keeping with the consented scheme and is acceptable.

Proposed Development:

8.141 In respect of daylight and sunlight, the level of amenity that will be enjoyed by the future occupants of the proposed scheme will be comparable to the conditions of the consented scheme.

8.142 In keeping with the consented scheme, the proposed blocks have incorporated dual aspect units where possible to improve the quality of living and outlook for occupiers.

8.143 The proposed buildings have been set around courtyards and open spaces which will provide an attractive outlook. The proposal also provides acceptable separation distances between buildings, thereby ensuring no adverse impacts on outlook from the proposed buildings. Minimum separation distances measure approximately 12-15m which is considered acceptable given the dense urban context and the consented scheme.

8.144 It is considered that the NW block affords acceptable levels of amenity for residential occupiers. Future phases should be assessed at reserved matters stage when the layout of residential units is known.

Transport and Highways

8.145 PPG 13 and policy 6.1 of the LP seek to promote sustainable modes of transport, accessibility, and reduce the need to travel by car. Policy 6.3 also requires transport demand generated by new development to be within capacity.

8.146 CS policies SP08 and SP09, saved UDP policies T16, T18, T19 and T21, and policy DM20 of the MD DPD, together seek to deliver accessible, efficient and sustainable transport network, ensuring new development has no adverse impact on the safety and road network capacity, requires the assessment of traffic generation impacts and also seeks to prioritise and encourage improvements to the pedestrian environment.

8.147 The hybrid application seeks approval for detailed access arrangements. In respect to this section sufficient detail has been provided to discuss highways impacts for detailed and outline elements of the scheme.

8.148 The proposed development has been designed with smaller urban blocks to increase the sites accessibility and permeability which is welcome. The introduction of internal green fingers and open spaces between the blocks will in fact increase permeability of the area considerably.

8.149 These green fingers have been structured taking account of 'Manual for Streets' 1, focusing on the concept of 'liveable streets'. The proposed network of pedestrian spaces connects well with the existing semi-pedestrian areas on the periphery of the site.

8.150 An improvement of this scheme over the extant consent is the enlargement of the basement level which has meant all servicing is now provided in the basement at basement level. This has meant that ground floor public realm is set aside for pedestrian and cycle access and open space only (aside from emergency vehicles and disabled access) and will not be dominated by servicing vehicles. This adaptation should be welcomed.

8.151 Approval is sought for three points of access from Gower's Walk, Alie Street and Leman Street. Vehicular access to the basement car park is via Gower's Walk and a ramp to the rear of 75 Leman Street.

8.152 At-grade access for emergency vehicles will be provided from Alie Street, through the green fingers to Gower's Walk and Hooper Street.

Car, Cycle and Coach Parking Arrangements:

8.153 Policies 6.13 of the LP, policy SP09 of the Core Strategy, saved policy T16 of the UDP and policy DM22 of the MD DPD seek to encourage sustainable non-car modes of transport and to limit car use by restricting car parking provision.

8.154 Vehicular access to and from the basement parking area will be located on the eastern side of the development, using the existing access ramp currently serving the City Quarter development from Gower's Walk.

8.155 A total of 253 car parking spaces will be provided in the basement, including 25 disabled spaces (10%). In addition, two disabled parking bays will be provided within the public realm adjacent to the Southern Garden.

8.156 The car parking spaces will be allocated as follows:

- 243 basement parking spaces for the residential units, including 24 disabled parking spaces,
- 10 basement parking spaces for the health centre unit, including one disabled parking space,
- One disabled parking space for the hotel at-grade, and;
- One disabled parking space for the commercial unit's at-grade.

8.157 Residents of 75 Leman Street will also have access to the basement car park. Any assessment of car parking standards, therefore, needs to take account of the 56 units in this block.

8.158 Across the site there will be 920 new residential units and this equates to 0.26 spaces per residential unit. Whilst, this is within the maximum parking standard of the IPG which is 0.5 car parking spaces per dwelling it is above the new standards within the MD DDP which sets the standard at 0.1 parking spaces per 3 bedroom dwelling and one for smaller

dwellings given this is within the clear zone. It is noted that level of car parking is in compliance with LP maximum parking standards within chapter 6.

8.159 Both TfL and Highway's Officers have raised concern about the level of car parking proposed for this site given it's highly accessible location.

8.160 In this location, officers consider that a lower provision of on-site car parking would be acceptable. However, the MD DPD currently carries limited weight and the LP parking standards are adopted. As such, officers do not consider that the level of car parking merits refusal of the scheme in this instance.

8.161 In respect of commercial car parking, the level of provision is considered acceptable.

8.162 In respect of cycle parking, 1,398 spaces are proposed. This includes provision for private residential use, visitor cycle parking and commercial visitor car parking. The cycle parking is located within the basement and within the public realm. Initially the level of visitor cycle parking at-grade included 70 spaces which was an over provision. This has been reduced to 30 spaces at grade which still accords with policy.

8.163 The applicant has agreed to the provision of land for a 25 point docking station within Central Square which is welcome. This has meant the reduction in the number of visitor cycle parking stands. However, given that there is still an over provision of visitor cycle parking the level of overall cycle parking provision accords with policy.

8.164 A coach parking and disembarkation point within the basement has been identified for hotel usage. Protected access is provided from this point to the lift core. It is noted that it is intended that the coach parking area may be overrun by other service vehicles manoeuvring into service bays Nos. 1 and 2 when a coach is not occupying the parking area.

Servicing and Deliveries:

8.165 Servicing and delivery requirements for all uses are provided within the basement. Access is from Gower's Walk. This application also makes provision for links into the existing basements under the SW block and 75 Leman Street.

8.166 This approach has significant benefits over the extant scheme in terms of facilitating the delivery of an enhanced area of public realm / open space at ground floor.

8.167 The Highway's Officer has reviewed the submitted plans and documents and is broadly satisfied with the servicing plan subject to clarifications which have now been provided and will be reviewed. An update will be provided in an update report to committee to confirm the additional information is satisfactory.

8.168 Notwithstanding the information submitted a Service Management Plan will be secured via condition.

Waste/Refuse:

8.169 The servicing and waste management plan provides detail of how commercial and residential waste will be stored and collected.

8.170 Residents will be responsible for disposing of their bagged waste into the basement via refuse chutes located at each floor. The applicant advised that sufficient bin capacity is provided in the refuse storage areas to accommodate the amount of waste that is likely to

be generated in any one day from each block. The on-site facilities management team will transfer the bins from the refuse storage area to a centralised refuse store on a daily basis.

8.171 On waste collection days, residential waste bins will be transferred by the on-site facilities management team from the centralised storage area in the basement via a lift to a storage point at grade where it will be collected by LBTH. A 14 metre lay-by is proposed on the north side of the access road into the site from Gower's Walk (opposite the existing lay-by which serves City Quarter).

8.172 Commercial and hotel waste will be dealt with in a similar way aside from the fact it will be collected by a private contractor.

8.173 The Borough Waste officer has noted that currently refuse vehicles need to reverse onto Gower's Walk in light of the fact that access to Commercial Road from Gower's Walk is restricted because of construction works. A turning circle may be required to mitigate the impact during construction. There are ongoing discussion between officers and the application and the conclusions of this discussion will be reported in an update report.

Inclusive Environments and Pedestrian Access:

8.174 Policy 7.2 of the LP, policy SP10 of the Core Strategy and policy DEV1 of the UDP, seek to ensure that developments are accessible, usable and permeable for all users and that developments can be used easily by as many people as possible without undue effort, separation or special treatment.

8.175 The public realm proposed will provide a clear and inclusive environment suitable and safe for everyone, including people with disabilities, the elderly, and children in pushchairs. All areas of the site will be open and accessible to the general public. It is noted that both the Sensory Garden and the Southern Garden will be gated. However, they will be open to the public from dawn till dusk.

8.176 Gradients across the site will be less than 1:21 and have a landing for every 500mm rise where possible or following the existing site topography and where practicable slopes will be employed in lieu of steps. Where steps are necessary, it is intended to use them as a positive feature of the design and comply with part M of Building Regulations.

8.177 The principal pedestrian access points into the site through the Main Piazza from Leman Street, Alie Street and through the Park Square from Gower's Walk. Pedestrian access is also provided into Garden Square from Hooper Street. The public realm is designed to facilitate pedestrian access through the site and provide public amenity spaces within the site in the form of the Main Piazza, Park Square, Garden Square and the Green Fingers.

8.178 It is considered that the pedestrian environment created will improve permeability of the scheme and this is a major benefit of the scheme for the wider area. In order to ensure that the public realm is publicly accessible this will be controlled via the S106. Furthermore, full details of layout and landscaping of the public realm including aspects of inclusive design will be controlled via condition.

Conclusion:

8.179 In conclusion it is considered that in respect of highways impacts the proposed development is acceptable and accords with policy.

Energy and Sustainability

8.180 At a national level, PPS22 and PPS1 encourage developments to incorporate renewable energy and to promote energy efficiency. At a strategic level, the climate change policies as set out in Chapter 5 of the London Plan and Core Strategy (SO24 and SP11) collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.

8.181 The London Plan sets out the Mayor of London's energy hierarchy which is to:

- Use Less Energy (Be Lean);
- Supply Energy Efficiently (Be Clean); and
- Use Renewable Energy (Be Green).

8.182 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).

8.183 Policy SO3 of the CS seeks to incorporate the principle of sustainable development, including limiting carbon emissions from development, delivering decentralised energy and renewable energy technologies and minimising the use of natural resources. The London Borough of Tower Hamlets Core Strategy Policy SP11 requires all new developments to provide a 20% reduction of carbon dioxide emissions through on-site renewable energy generation.

8.184 Policy DM29 of the draft MD DPD requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. At present the current interpretation of this policy is to require all residential developments to achieve a Code for Sustainable Homes Level 4 rating and all non-residential schemes to achieve a BREEAM Excellent rating.

8.185 The proposed energy strategy has been developed following the Mayor's energy hierarchy and includes:

- A range of passive design and energy efficiency measures ('be lean'),
- Energy efficient supply of services by providing a single energy centre with on-site Combined Heat and Power (CHP) plant and to allow for possible future connection to district heating networks ('be clean'), and;
- On-site renewable energy technologies to provide energy by providing photovoltaics (PVs) and Air Source Heat Pumps (ASHP) ('be green').

8.186 The incorporation of the above measures would result in approximately a 30.1% savings in the CO2 emissions over the regulated baseline Part L 2010 compliant scheme.

8.187 The extant scheme had a site wide energy strategy which was considered acceptable. The hybrid application does not include the SW block (student housing). Through the discharge of conditions on the extant consent the applicant is proposing an amended energy strategy which results in the SW block having a stand-alone energy supply. This is partly because of the phasing of the development and the requirements of the operator for the Student Housing.

8.188 Through officer discussion, the proposed energy strategy has been amended to increase the load of the proposed Combined Heat and Power (CHP) located within the basement of the NW block to allow future connection to the student block. It is considered that this is a

pragmatic solution as it allows for the whole site to have one energy centre in the future should this be feasible.

8.189 The anticipated 30.1% 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 November 2011.

8.190 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 non-residential 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 DM29 of the London Borough of Tower Hamlets Draft Managing Development DPD.

8.191 The submitted Energy Statement details how the development will achieve a Code for Sustainable Homes Level 4 rating for the residential elements and BREEAM Excellent ratings for the non-residential uses. It is recommended that the strategy is secured by condition and delivered in accordance with the submitted Sustainability Statement dated November 2011.

Other Planning Considerations:

Air Quality

8.192 PPS23 and Policy 7.14 of the LP seek to ensure design solutions are incorporated into new developments to minimise exposure to poor air quality. Saved Policy DEV2 of the UDP, policy SP02 of the CS and Policy DM9 of the MD DPD seek to protect the Borough from the effect of air pollution, requiring the submission of air quality assessments demonstrating how it will prevent or reduce air pollution in line with Clear Zone objectives.

8.193 The development is located within the Tower Hamlets Air Quality Management Area (AQMA). The main sources of pollution impacting air quality at the site are traffic emissions from the surrounding road network. The submitted Environmental Statement advises that the building envelope on-site has been designed with the aim of improving permeability and accessibility of the site and the surrounding area. Accordingly, the perimeter blocks have been placed on the boundaries of the site, creating internal communal courtyard space and internal pedestrian friendly street-scape. This will provide a more attractive environment for pedestrians accessing both on-site and off-site addresses, where air quality will be improved in contrast to the existing pavements on Alie Street and Leman Street.

8.194 Non-residential uses are directed towards ground floor accommodation where pollutant concentrations would be greatest. Residential uses start at first floor level aside from Gower's Walk. Balconies and winter gardens have been provided at part of the development in order to meet amenity space requirements, but have been mindful of the prevailing AQMA status.

8.195 In the longer term, the main air quality impacts are associated with increase in vehicle movements along the adjacent road network, in particular along Gower's Walk and Hooper Street and the on-site energy centre.

8.196 As a result it is predicted the development will result in an increase in nitrogen dioxide concentrations and therefore will have a slight adverse impact on local air quality within the vicinity of the site. Mitigation for the residential properties along Leman Street which will be

worst affected has been proposed and will be secured via condition.

8.197 The submission of a Construction Environmental Management Plan to be conditioned prior to commencement to limit impact during construction. Furthermore, air quality mitigation for the properties along Leman Street will also be controlled via condition.

Noise and Vibration

8.198 Planning Policy Guidance Note 24 is the principal guidance adopted England for assessing the impact of noise. The guidance uses noise categories ranging from NEC A (where noise doesn't normally need to be considered) through to NEC D (where planning permission should normally be refused on noise grounds).

8.199 Policy 7.15 of the LP, saved policies DEV2 and DEV50 of the UDP, policies SP03 and SP10 of the CS and policy DM25 of the MD DPD seek to ensure that development proposals reduce noise by minimising the existing and potential adverse impact and separate noise sensitive development from major noise sources.

8.200 The submitted Environmental Statement advises that the site falls within Category C. The Boroughs EHO has advised that they consider the site lies within Category D. Whilst the numerical figures put forward by both technical experts are broadly the same, the methods used do differ which result in the different conclusions. The authors of the Environmental Statement have rounded down and consider the site is within Category C whilst the EHO has rounded up and consider the site is within Category D.

8.201 Firstly, it is noted that the Environmental Statement is in keeping with the conclusions of the Environmental Statement which supported the extant consent. When planning permission was granted the site was deemed by both the applicant and the EHO to be in Category C. Furthermore, the extant consent establishes a baseline which was previously considered acceptable. This application is comparable to the extant consent in this respect.

8.202 Secondly, the level of mitigation required to ensure future residents will have acceptable standard of amenity is based on similar figures.

8.203 In conclusion, officers have taken a balanced view, taking consideration of the extant consent and the mitigation that can be secured via condition and are satisfied with the submitted Environmental Statement.

8.204 Environmental Health will be consulted regarding the required sound insulation to the external and internal elements of the building and any mechanical or electrical plant to be installed, including ventilation, air conditioning, and commercial kitchen extract plant.

8.205 Conditions are also recommended which restrict construction hours and noise emissions and requesting the submission of a Construction Management Plan which will further assist in ensuring noise reductions and address concerns of local residents.

Biodiversity

8.206 The London Biodiversity Action Plan (2008), Policy 7.19 of the LP, policy SP04 of the CS and policy DM11 of the MD DPD seek to protect and enhance biodiversity value through the design of open space and buildings and by ensuring that development protects and enhances areas of biodiversity value in order to achieve a net gain in biodiversity. Policy DM11 of the MD DPD also requires elements of living buildings.

8.207 It is proposed to include living roofs including sedum and green roofs across the site. The

detailed provision within the NW block and the outline phase will be controlled via condition to ensure the enhancement of the biodiversity within and surrounding the site by linking the green spaces.

Environmental Impact Assessment

8.208 The proposed development falls within the category of developments referred to in paragraph 10(b) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011.

8.209 As the proposal is likely to have significant effects on the environment, it is required to be subject to environmental impact assessment before planning permission is granted. Regulation 3 of the EIA Regulations precludes the grant of planning permission unless prior to doing so, the Council has taken the 'environmental information' into account. The environmental information comprises the applicant's Environmental Statement (ES), any further information submitted following request under Regulation 22 of the EIA Regulations, any other substantive information relating to the ES and provided by the applicant and any representations received from consultation bodies or duly made by any person about the environmental effects of the development.

8.210 The Council appointed consultants, Land Use Consultants (LUC) to examine the applicant's ES and to confirm whether it satisfied the requirements of the EIA Regulations. Following that exercise, LUC confirmed their view that whilst a Regulation 22 request was not required, further clarification was sought in respect of a number of issues.

8.211 Furthermore, as a result of changes to the proposed delivery of affordable housing from off-site to on-site, an addendum to the ES was provided to address this change to the socio-economic chapter.

8.212 The applicant advertised the addendum to the ES in East End Life on 13 February 2012 allowing 21 days to comment. Officers following a further review of the EIA regulations consider that the local planning authority should also place an advert in the local press. This will be published on the 27 February 2012 allowing 21 days to comments.

8.213 This will mean that the consultation phase for the amended ES will conclude on 18 March 2012 which is after the date of the Strategic Development Committee. Officers consider that in the event of any responses being received relating to the outstanding Environmental Statement Consultation prior to the decision being issued, the Corporate Director, Development and Renewal is delegated authority to assess if any such response raises issues which substantively exceed the nature of the Committee's decision, subject to this being the case the Corporate Director, Development and Renewal is delegated authority to issue the decision.

8.214 Finally, it is noted that all statutory consultees were re-consulted on the 20 February and allowed 14 days to provide comments. Any comments received will be presented in an update report to Committee.

8.215 With the submission of further information the application is considered to meet the EIA Regulations and provide a satisfactory level of information to allow a proper assessment of the development proposals. The ES is considered to provide a comprehensive assessment of the environmental impacts of the proposed development.

8.216 As part of the application is in outline, for the purposes of the assessment of environmental impacts and to comply with the requirements of the EIA Regulations and associated European Directive, the applicant has submitted parameter plans and other information to

prescribe key aspects of the development. These include, for example, quantum of floorspace and heights, widths and lengths of building to create 'building envelopes'. Further details of access are submitted for determination at this stage. Should the scheme be approved, the parameters will be fixed in order to keep the development within those assessed in the ES and ensure that the scheme does not give rise to significant environmental impacts which have not been assessed through the EIA process. Should the applicant then bring forward proposals which alter the range of impacts identified and assessed in the ES, they may need to be reassessed and/or the submission of a new planning application.

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

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

9. Planning Contributions

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

- Relevant to planning;
- Necessary to make the proposed development acceptable in planning terms;
- Directly related to the proposed development;
- Fairly and reasonably related in scale and kind to the proposed development; and
- Reasonable in all other respects.

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

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

9.3 This is further supported by policy SP13 of the CS, saved policy DEV4 of the UDP and policy IMP1 of the IPG which seek to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development.

9.4 The Council's Supplementary Planning Document on Planning Obligations was adopted in January 2012. This SPD provides the Council's guidance on the policy concerning planning obligations set out in policy SP13 of the adopted Core Strategy. The document also set out the Borough's key priorities being:

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

The Borough's other priorities include:

- Health
- Sustainable Transport
- Environmental Sustainability
- Public Realm

9.5 The general purpose of S106 contributions is to ensure that development is appropriately mitigated in terms of impacts on existing social infrastructure such as health, community facilities and open space and that appropriate infrastructure to facilitate the development i.e. public realm improvements, are secured.

9.6 To mitigate for the impact of this development on local infrastructure, education and community facilities the following contributions accord with the Regulations and have been agreed. The total financial contribution would be **£6,286,859.63.**

9.7 The proposed heads of terms are:

9.8 Financial contributions:

- A contribution of **£431,811.14** towards **employment, skills, training and enterprise** to create employment opportunities.
- A contribution of **£1,117,119.10** towards **community facilities** including Idea Stores Libraries and Leisure facilities, to mitigate the impact of the additional population upon existing leisure and community facilities within the immediate vicinity of the site.
- A contribution of **£2,815,691** towards **education** including primary and secondary school places, to mitigate the impact of the additional population upon existing education facilities within the immediate vicinity of the site.
- A contribution of **£80,802.76** towards **health**, to facilitate the fit out of the health centre proposed within the site.
- A contribution of **£26,280** towards sustainable transport improvements within the area to mitigate the impact of the additional population upon the highway network within the vicinity of the site.
- A contribution of **£339,300** requested by Transport for London (TfL) towards **highway improvements** and bus capacity improvements within the area to mitigate the impact of the additional population upon the highway network within the vicinity of the site.
- A contribution of **£938,319.84** toward the **public space** within the area to mitigate the impact of the additional population upon existing open space within the vicinity of the site.
- A contribution of **£414,264** towards **streetscene and the built environment** within the area to mitigate the impact of the additional population upon the existing streetscene and built environment.
- A contribution of **£123,271.76** towards monitoring and implementation.

9.9 Non-financial contributions:

- **28% affordable housing** across the site by habitable room with a review mechanism proposed to assess the capacity of the site to deliver a surplus level of affordable housing through the submission of a pre-assessment viability toolkit prior to the commencement of the SE block and Gower's Walk and the NE block.

- The provision of a **health centre** up to 1,581 square metres including shell and fit, peppercorn rent for the first three years after occupation but otherwise usual market

terms to mitigate the impact of the increased population on healthcare facilities within the area.

- The provision of land for a **Barclays Cycle Hire Docking Station** for up to 25 bikes within the site to mitigate the impact of the increased population upon the existing provision of the cycle hire scheme within the area.

- A commitment to 20% **local procurement during construction phase** and end user phase to address the above average unemployment rate within the borough.

- The provision of a **Travel Plan** framework and monitoring for commercial and residential users of the development to encourage sustainable modes of transport and mitigate the impact of the additional population upon the existing highway network.

- Secure a **permit free agreement** to prevent future residential occupiers from applying for on-street parking permits to mitigate the impact of the additional population on the surrounding highway network.

- The provision of a car club on-site.

- TV reception mitigation measures.

- Air quality monitoring during construction to mitigate the impact of the construction works on the surrounding population.

- Secure access to public open space within the site.

9.10 The applicant has already implemented the extant scheme in respect of 75 Leman Street and the SW block and paid £1,668,160 in line with the triggers for the S106 agreement. In considering how to deal with the S106 for the extant scheme officers calculated the required financial contribution for the SW block and 75 Leman Street which is £1,221,501.37. It is noted that the applicant intends to implement only 75 Leman Street and the SW Block as part of the extant permission and implement the remaining phases under the new hybrid consent.

9.11 When consideration is given to the hybrid site area the applicant has agreed to meet all the required financial contributions required by the SPD of £6,286,859.63 and when this is added to the required financial contribution for 75 Leman Street and the SW block of £1,221,501.37 it totals £7,508,361. This is essentially the same as the extant scheme.

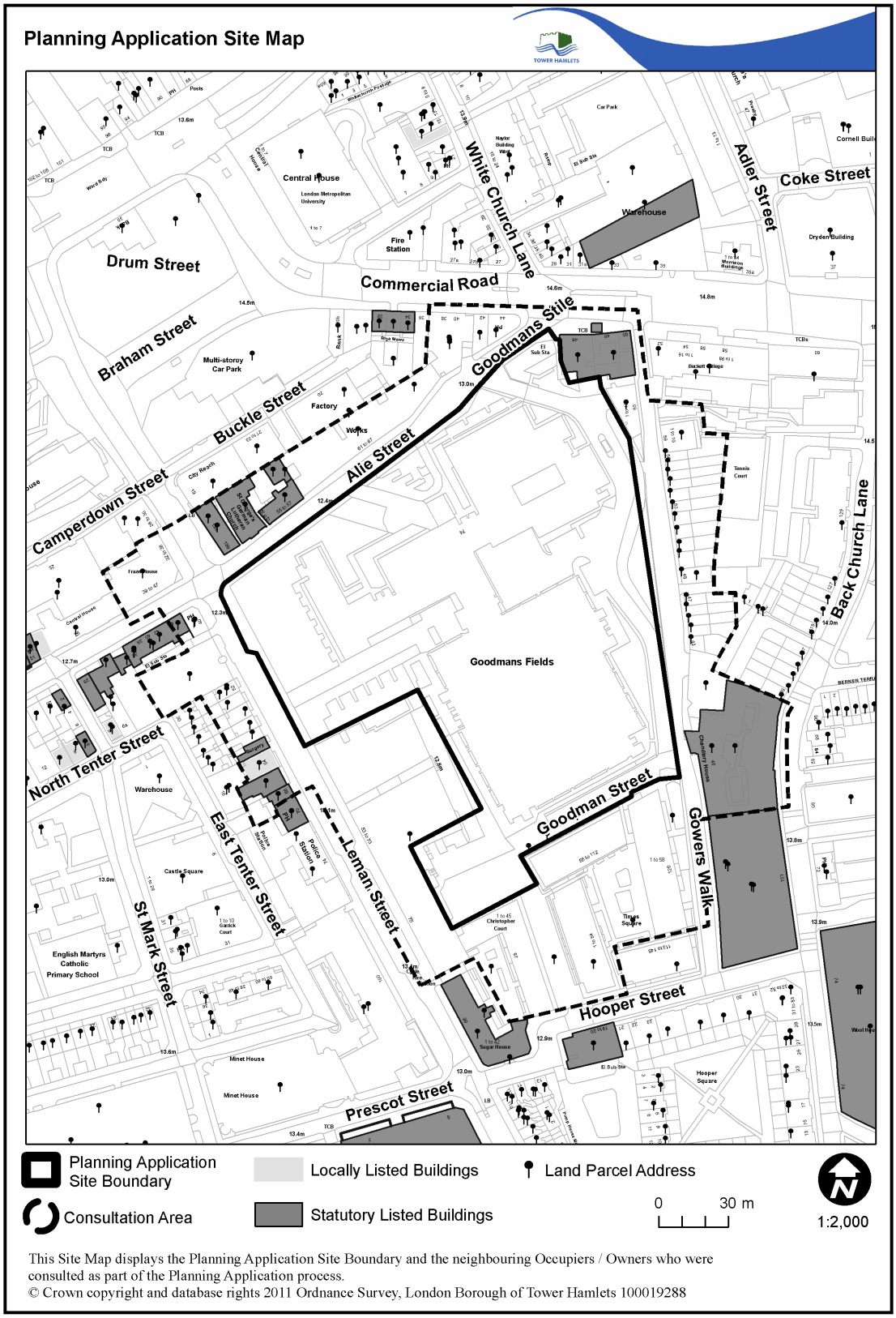
9.12 Officers note that whilst there has been an increase in the number of units there has not been an increase in the required financial contribution. However, as part of the negotiations for this S106, officers only secured the provision of a health centre on site and the previous sum of £1,060,786.00 towards health has been reduced to £80,802 and the rest of the monies attributed towards ensuring compliance with the S106 SPD.

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

10. Conclusion

10.1 All other relevant policies and considerations have been taken into account. Planning

permission should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.



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Committee: Strategic Development	Date: 6th March 2012	Classification: Unrestricted	Agenda Item No: 6.5
Report of: Corporate Director of Development and Renewal **Case Officer:** Nasser Farooq		**Title:** Planning Application for Decision **Ref No:** PA/11/3765 **Ward(s):** Limehouse	

1. APPLICATION DETAILS

Location: Former Blessed John Roche Secondary School, Upper North Street, London E14 6ER

Existing Use: Formally a vacant school – currently a building site relating to a planning permission reference PA/10/00161

Proposal: Construction of 239 dwellings within two buildings extending to between five and ten storeys with landscaping and 92 car parking spaces.

(This application is a revision of Blocks C and D as approved within planning permission dated 21st September 2010, reference PA/10/161, and comprises an additional 12 residential units upon the 227 previously approved within these blocks)

Drawing Nos: PL(B)005 A, PL(4)009, PL(4)010, PL(4)011, PL(4)012, PL(4)013, PL(4)014, PL(4)015, PL(4)016, PL(4)017, PL(4)018, PL(4)019, PL(4)020, PL(4)021, PL(4)021, PL(4)022, PL(4)023, PL(4)026, PL(4)059, PL(4)060, PL(4)061, PL(4)062, PL(4)063, PL(4)064, PL(4)065, PL(4)069, PL(4)070, PL(4)071, PL(4)072, PL(4)073, PL(4)074, PL(4)075, PL(4)076, PL(4)077, PL(4)078, PL(4)101, PL(4)102, PL(4)103, PL(4)104, PL(4)105, PL(4)110, PL(4)112, PL(4)113, PL(4)115 and PL(4)117.

Documents:

- Energy & Sustainability Statement dated December 2011
- Addendum Design and Access statement, dated December 2011
- Environmental Statement dated December 2011
- Environmental Statement: Non Technical Summary dated December 2011.
- Planning Statement dated December 2011.
- Highways & Transport Technical Note December 2011

Applicant: Bellway Homes Ltd and Family Mosaic Developments Ltd
Owner: Bellway Homes Ltd and EDF Energy Networks Ltd
Historic Building: N/A
Conservation Area: Lansbury Conservation Area

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. Adopted Core Strategy, IPG, London Plan, MD DPD.		Nasser Farooq 020 7364 1098

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1 Officers have considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan 1998 (saved policies); associated Supplementary Planning Guidance, the London Borough of Tower Hamlets adopted Core Strategy (2010), Managing Development DPD (Proposed Submission Version 2012); as well as the London Plan (2011) and the relevant Government Planning Policy Guidance including draft National Planning Policy Framework, and has found that:

- Following the closure of the former Blessed John Roche Secondary School in 2005, the school has been deemed surplus to education requirements. As such, the principle of a residentially-led mixed use scheme is considered to be appropriate and in accordance with policy 3.3 of the London Plan (2011) saved policy DEV3 of the Unitary Development Plan (1998), policy SP02 of the Core Strategy (2010) and policy DM3 of the Managing Development DPD (proposed submission version 2012) which seek to deliver new housing and the creation of sustainable places.

- The proposal is in line with the Mayor of London and Council's policy, as well as Government guidance which seek to maximise the development potential of sites. As such, the development complies with policy 3.4 of the London Plan (2011), policy SP02 of the Core Strategy (2010) and policy DM3 of the Managing Development DPD (proposed submission version 2012) which seeks to ensure the use of land is appropriately optimised.

- The building height, scale, bulk and design is acceptable and in line with the Council's design policies and regional and local criteria for tall buildings. As such, the scheme is in line with policies 7.1, 7.6, 7.7 and 7.9 of the London Plan 2011, Policy SP10 of the adopted Core Strategy (2010), policies DM24 and DM26 of the Managing Development DPD (proposed submission version 2012), and saved policies DEV1 and DEV2 of the Council's Unitary Development Plan 1998, which seek to ensure buildings are of a high quality design and suitably located.

- Subject to conditions requiring the submission of full details and samples materials and elevation treatments, the scheme is considered to enhance the street scene and local context, posing no significant adverse impact on the character, appearance and setting of the nearby Grade II listed building nor the character and appearance of the Lansbury Conservation Area, in accordance with PPS5, Policies 7.8 and 7.9 of the Mayor's London Plan (2011) as well as Policy SP10 of the adopted Core Strategy (2010), saved policy DEV1 of the LBTH UDP (1998) and policies DM23, DM24 and DM27 of the Managing Development DPD (proposed submission version 2012), and policy which seek to protect the appearance and setting of listed buildings and conservation areas.

- On balance the proposal provides an acceptable amount of affordable housing and mix of units. As such, the proposal is in line with policies 3.9, 3.10, 3.11, 3.13 of the London Plan (2011), policy SP02 of the adopted Core Strategy (2010), saved policy HSG7 of the Council's Unitary Development Plan 1998 and policy DM3 of the Managing Development DPD (proposed submission version 2012), which seek to ensure that new developments offer a range of housing choices.

- The scheme provides acceptable space standards and layout. As such, the scheme is in line with policy 3.5 of the London Plan (2011), policy SP02 of the Core Strategy (2010), saved policies DEV1 and DEV2 of the Council's Unitary Development Plan 1998 and policy DM4 of the Managing Development DPD proposed submission version (2012), which seek to provide an acceptable standard of accommodation.

- The public amenity space within the scheme is considered to be fully accessible and also improves the permeability of the immediate area. As such, it complies with policy SP10 of the adopted Core Strategy (2010), saved policy DEV1 of the Unitary Development Plan (1998) and DM23 and DM24 of the Managing Development (DPD proposed submission version 2012) which seek to maximise safety and security for those using the development and ensure public open spaces incorporate inclusive design principles.

- It is not considered that the proposal would give rise to any undue impacts in terms of privacy, overlooking, sunlight and daylight, and noise upon the surrounding residents. As such, the proposal is considered to satisfy the relevant criteria of policy SP10 of the adopted Core Strategy, saved policy DEV2 of the Council's Unitary Development Plan (1998) and policy DM25 of the Managing Development DPD proposed submission version (2012), which seek to protect residential amenity.

- Transport matters, including parking, access and servicing, are acceptable and in line with London Plan policies 6.1, 6.3, 6.9 and 6.13 of the London Plan (2011), policy SP09 of the adopted Core Strategy (2010), policies T16 and T19 of the Council's Unitary Development Plan 1998 and policies DM20 and DM22 of the Managing Development DPD (proposed submission version 2012), which seek to ensure developments minimise parking and promote sustainable transport options.

- Sustainability matters, including energy, are acceptable and in line with policies 5.1, - 5.7 (inclusive), 5.10, 5.11 of the London Plan, policy SP11 of the adopted Core Strategy (2010) and policy DM29 of the Managing Development DPD (proposed Submission version (2012), which seek to promote sustainable development practices.

- Financial contributions have been secured towards the provision of open space, sports and recreation, leisure, highways and transportation, tree replacements, education, health and cycle route improvements**,** in line with Community Infrastructure Levy Regulations (2010), Government Circular 05/05, policy 8.2 of the London Plan (2011), policy SP13 of the adopted Core Strategy and saved policy DEV4 of the Council's Unitary Development Plan 1998, which seek to secure contributions toward infrastructure and services required to facilitate proposed development.

3. BACKGROUND

3.1 The subject site, which measures 1.77 hectares, originally comprised of the former Blessed John Roche Catholic Secondary School.

3.2 This was gradually closed from 2001 until the summer of 2005, following the redevelopment of the Bishop Challoner Boys School in Whitechapel. The site has since been declared surplus to educational requirements.

3.3 On 21st September 2011 planning permission was granted for the demolition of existing buildings and redevelopment of the site to provide: 490 residential units (Use Class C3) in six separate blocks ranging from 3-storey mews to buildings with maximum heights of 5, 6, 7, 9 and 14 storeys; a community centre (Use Class D1) retail floorspace (Use Class A1), restaurant and cafe floorspace (Use Class A3), crèche (Use Class D1) and leisure facilities (Use Class D2). The application proposed 174 car parking spaces at a partially subterranean lower ground floor level, the formation of vehicular crossovers and entrances into the site together with associated hard and soft landscaping (Planning reference PA/10/00161).

3.4 Given the size of the scheme, its implementation was set in phases and the site divided into four parts labelled A, B, C and D.

3.5 Following the grant of this planning permission all the former school buildings have now been demolished and work is currently being undertaken to implement the above planning

consent with the buildings located at A and B almost completed.

3.6 The provision of 12 additional units proposed in this scheme was not considered as a minor material amendment. As such, the applicant is re-applying for planning permission on Blocks C and D with the additional 12 units. The total number of units applied for in this scheme is 239. Of these, 227 have been approved under planning application PA/10/00161.

4. RECOMMENDATION

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

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

4.3 B. **A** The prior completion of a **legal agreement**, to the satisfaction of the Chief Legal Officer, to secure the additional planning contributions to mitigate against the spatial impacts of the proposed 12 units. The following is a breakdown of the contributions sought.

Financial Contributions

a) Open Space: Provide £18,456 towards open space improvements
b) Sports and Recreation: Provide £9,381 towards the provision of and upgrade of sports and recreation facilities.
c) Health: Provide £16,484 towards improving health within the Borough
d) Sustainable Transport: Provide £347 towards cycle route and infrastructure provision.
e) Construction Phase Skills and Training: £2,073
f) Idea Stores: Provide £2,918 to Idea Stores, Libraries and Archives.

Total: **£49,659**

Non-Financial Contributions:

g) Affordable housing contribution – of an additional 2 shared ownership units consisting of 1 x one bedroom unit and 1 x two bedroom unit.
h) Car-free agreement
i) Code of Construction Practice - To mitigate against environmental impacts of construction
j) Access to employment - To promote employment of local people during and post construction, including an employment and training strategy
k) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal.

4.4 **B.** That the Committee note that the section 106 agreement which the Applicant has indicated includes additional contributions and obligations as detailed in paragraphs 9.133 - 9.138 of this report ("the Additional Contributions and Obligations"). The Additional Contributions and Obligations are as follows:

a) Education: Provide £18,739 towards the provision of additional school places in the Borough
b) Construction Phase Skills and Training: £2,367
c) Open Space: Provide £1,645 towards the Bartlett Park Master Plan.
d) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

Total financial contribution: up to **£22,751**

4.5 It is considered that the proposed planning obligations identified at **(A)** above are:

(a) necessary to make the development acceptable in planning terms;

(b) directly related to the development; and

(c) fairly and reasonably related in scale and kind to the development.

And that they constitute reasons to grant planning permission and should be taken into account when determining the planning application.

4.6 As explained at paragraph 9.133 – 9.138 of this Committee Report it is considered that the proposed Additional Contributions and Obligations identified at **(B)** above are not:

(a) necessary to make the development acceptable in planning terms;and

(b) that they do not constitute reasons to grant planning permission and should not be taken into account when determining the planning application.

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

4.8 **N.B-** These contributions are in addition to the following contributions already secured under PA/10/00161, for the 490 units.

4.9 <u>Financial Contributions secured under PA/10/00161</u>

e) Open Space: Provide £665,691 towards improvements to Bartlett Park
f) Sports and Recreation: Provide £467,245 towards the provision of and upgrade of sports and recreation facilities within Barlett Park
g) Highways and Transportation: Provide £255,000 towards local traffic calming measures, street lighting and footway improvement works
h) Tree Replacements: Provide a sum of £43,500 to re-provide felled matures trees within the vicinity of the application site
i) Education: Provide £765,204 towards the provision of additional primary school places in the Borough
j) Health: Provide £707,115 towards improving health within the Borough
k) Travel Plan monitoring: Provide £3,000 towards the monitoring of a sustainable travel plan
l) Cycle Route improvements: Provide £50,000 towards cycle route and infrastructure provision as identified within Tower Hamlets' Cycle Route Implementation and Stakeholder Plan
m) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

Total - £2,956,755

<u>Non-financial contributions secured under PA/10/00161.</u>

n) Affordable housing contribution – 35%
o) Car-free agreement
p) Delivery of Church Green landscaped area as approved under planning permission reference PA/09/01354
q) Unrestricted access to open space and through routes within application site, including Church Green
r) Code of Construction Practice - To mitigate against environmental impacts of construction
s) Access to employment - To promote employment of local people during and post construction, including an employment and training strategy
t) TV reception monitoring
u) Any other planning obligation(s) considered necessary by the Corporate Director

Development & Renewal

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

Conditions

1) Permission valid for 3 years
2) Hours of Construction (8.00am to 6.00pm Monday to Friday 9.00am to 5.00pm on Saturdays and not at all on Sunday or Bank holidays)
3) Power/hammer driven piling/breaking (10am – 4pm Monday – Friday)
4) Submission of samples / details / full particulars of materials, glazing, landscaping & external lighting
5) Compliance with a Delivery and Service Plan (DSP)/Service Management Plan
6) Submission of a Construction Management and Logistics Plan
7) Submission of full Travel Plan
8) Development to be carried out in accordance with Flood Risk Assessment
9) Compliance of a contamination risk assessment
10) Submission of a contamination verification report
11) Submission of remediation strategy if contamination not previously identified is found
12) Car park access ramps and car park layouts to be constructed in accordance with approved plan MBSK100603-1
13) Cycle parking provision to be provided and retained as detailed on submitted plans
14) No infiltration of surface water drainage into the ground is permitted
15) Piling or any other foundation designs using penetrative methods not permitted unless consent obtained from LPA
16) Compliance with a drainage strategy
17) Compliance with impact studies of the existing water supply infrastructure
18) Compliance with ecological enhancement measures as detailed in Environmental Statement
19) Lifetimes Homes standards and 10% should be wheelchair accessible
20) Energy efficiency and renewable energy – heat network installed in accordance with submitted Energy Strategy
21) Sustainable design and construction measures shall be implemented in accordance with the submitted Sustainability Statement
22) Nineteen disabled parking spaces to be provided
23) Compliance with Wayfinding signage strategy to be submitted
24) Compliance with child play space
25) 20% of vehicle parking spaces to incorporate electric car charging points
26) Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal

Informatives

1) Section 106 agreement required
2) Section 278 highways agreement required
3) Contact Thames Water regarding installation of a non-return valve, petrol/oil-interceptors, water efficiency measures and storm flows
4) Changes to the current licensing exemption on dewatering
5) Contact LBTH Building Control
6) Contact LBTH Environmental Health
7) Contact Environment Agency
8) Contact TfL regarding requirements of Traffic Management Act 2004
9) Section 61 Agreement (Control of Pollution Act 1974) required
10) Contact London Fire & Emergency Planning Authority
11) Advert consent required for all signage
12) Contact Natural England regarding specifications for ecological enhancements

13) Notify HSE of any work on asbestos
14) Any other informative(s) considered necessary by the Corporate Director Development & Renewal

4.11 That, if within 3 months of the date of this committee meeting the legal agreement has not been completed to the satisfaction of the Chief Legal Officer, the Head of Development Decisions is delegated power to refuse planning permission.

5. PROPOSAL AND LOCATION DETAILS

Proposal

5.1 The application proposes the construction of 239 dwellings within two buildings extending to between five and ten storeys, with associated landscaping and 92 car parking spaces. The proposed buildings are arranged around a network of public open spaces, with routes through the site linking Canton Street to the south to Lindfield Street and Bartlett Park to the north, and Hind Grove to the west with Upper North Street to the east.

5.2 The approved development PA/10/00161 known as New Festival Quarter, comprises 490 residential units, together with 684sq.m of flexible floorspace comprising of a mix of retail (Use Class A1), restaurant and café (Use Class A3), crèche (Use Class D1) and leisure facilities (Use Class D2) and a 214sq.m community centre (Use Class D1). The community centre is located on the west of the application site and is accessed via Hind Grove, whilst the commercial units are located around the approved 'Church Green' landscaped area in the south eastern corner of the site.

5.3 As a result of this application the total number of residential units across the entire site rises to 502, with 239 dwellings located at blocks C and D within this application.

5.4 The approved development including Blocks A and B propose a total of 167 vehicular parking spaces, 17 of which are for disabled purposes and 2 are allocated for an on site car club. 92 of these parking spaces are proposed in Blocks C and D within this application.

5.5 Also proposed are 711 cycle parking spaces and 36 motorcycle spaces.

5.6 The following illustrations show the building heights as approved in 2010 and as proposed within this application.

5.7

Illustration 1: Scheme as approved in 2010 (PA/10/00161)

5.8

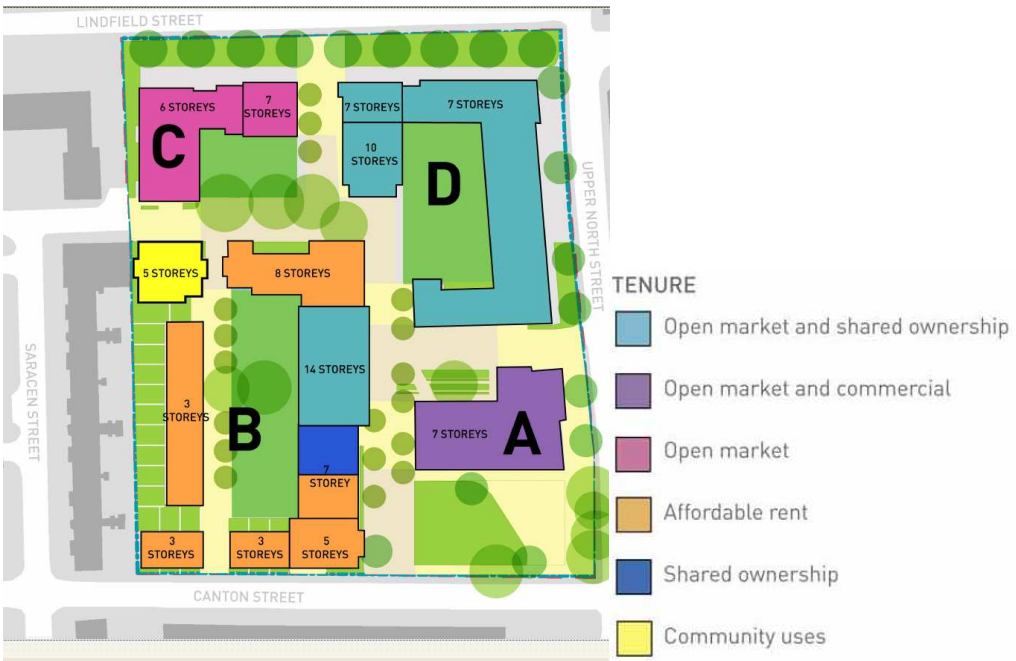


Illustration 2: Scheme as proposed under current application.

Site and Surroundings

5.9 The entire site is bound to the north by Lindfield Street and Bartlett Park beyond; to the east by Upper North Street; and to the south by Canton Street. The western boundary is formed by three storey housing, which fronts onto Saracen Street. The neighbouring buildings to the south and west typically range from 2-3 storey terraces, with 4 storey residential blocks to the east on Upper North Street.

5.10 The site is located within the Lansbury Conservation Area. The Grade II listed St Mary and St Joseph Roman Catholic Church is located directly opposite the application site to the south.

5.11 The site is relatively well served by public transport, with the southern half of the site having a Public Transport Accessibility Level (PTAL) of '4' and northern half that of '3'. Langdon Park and All Saints DLR stations are located approximately 675m from the site to the north east and south east respectively. The nearest Underground Station is Canary Wharf, which lies approximately 1.2km to the south. A major bus route runs along East India Dock Road (A13) to the south and additional services are available from Cordelia Street to the east of the site and from Burdett Road to the west.

Relevant Planning History

5.12 The following planning decisions are relevant to the application:

PA/09/01351 Application for full planning permission, proposing the demolition of the existing school buildings and redevelopment of the site to provide: 535 residential units (Use Class C3) in six separate blocks ranging from 3-storey mews to buildings with maximum heights of 5, 6, 7, 12 and 16 storeys respectively; retail floorspace (Use Classes A1), restaurant and cafe floorspace (Use Class A3), community centre (Use Class D1) and leisure facilities (Use Class D2). The application also proposes 174 car parking spaces at a partially subterranean lower ground floor level, the formation of vehicular crossovers and entrances into the site together with associated hard and soft landscaping. This application was withdrawn on 20th October 2009.

PA/09/01352 Application for Conservation Area Consent for the demolition of existing

school buildings to enable to enable redevelopment of site by erection of buildings from 3 to 16 storeys in height to provide 535 residential units with retail, restaurant/cafe, community centre and leisure floorspace. This application was withdrawn by the applicant on 22nd September 2009.

PA/09/01353 This application was for Tree Works within a Conservation Area and proposed the removal of 37 trees across the school site including the removal of one Swedish Whitebeam, two Cherry 'Kanzan', one Laburnum, one Wild Cherry, two Rowans, one Apple, ten London Planes, one Cockspur Thorn, six Birches, one Elder Sycamore, one Fig, two Japanese Cherries, four Black Locusts, two Hybrid Black Poplars and two Hollies and the pruning of five London Planes. The applicant withdrew this application on 3rd September 2009.

PA/09/01354 The application sought planning permission for soft and hard landscaping works to the "existing Church Green" area at the junction of Upper North Street and Canton Street. This application was approved on 22nd September 2009.

PA/09/02612 Conservation Area Consent for the demolition of the existing former school buildings was granted on 27th January 2010 subject to conditions.

PA/10/00261 This application was for tree works within a Conservation Area including removal of 37 trees, comprising one Swedish Whitebeam, two Cherry 'Kanzan', one Laburnum, one Wild Cherry, two Rowans, one Apple, ten London Planes, one Cockspur Thorn, six Birches, one Elder Sycamore, one Fig, two Japanese Cherries, four Black Locusts, two Hybrid Black Poplars and two Hollies and pruning of five London Planes (in association with planning application ref. PA/10/00261). The applicant withdrew this application on 18th March 2010.

PA/10/00161 Demolition of existing buildings and redevelopment of the site to provide: 490 residential units (Use Class C3) in six separate blocks ranging from 3-storey mews to buildings with maximum heights of 5, 6, 7, 9 and 14 storeys; a community centre (Use Class D1) retail floorspace (Use Class A1), restaurant and cafe floorspace (Use Class A3), crèche (Use Class D1) and leisure facilities (Use Class D2). The application also proposes 174 car parking spaces at a partially subterranean lower ground floor level, the formation of vehicular crossovers and entrances into the site together with associated hard and soft landscaping. Approved on 21/09/2010.

6. POLICY FRAMEWORK

6.1 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:

Spatial Development Strategy for Greater London (London Plan 2011)

3.2	Improving health and addressing health qualities
3.3	Increasing housing supply
3.4	Optimising housing potential
3.5	Quality and design of housing
3.6	Children and young people’s play and informal facilities
3.7	Large residential developments
3.8	Housing choice
3.9	Mixed and balance communities
3.10	Definition of affordable housing

3.11	Affordable housing targets
3.12	Negotiating affordable housing on individual private and residential and mixed use schemes
3.13	Affordable housing thresholds
5.1	Climate change mitigation
5.2	Minimising carbon dioxide emissions
5.3	Sustainable design and construction
5.5	Decentralised energy networks
5.6	Decentralised energy in development proposal
5.7	Renewable energy
5.9	Overheating and cooling
5.10	Urban greening
5.11	Green roofs and development
5.12	Flood risk management
5.13	Sustainable drainage
5.21	Contaminated land
6.1	Strategic approach to transport
6.3	Assessing effects of development on transport capacity
6.9	Cycling
6.10	Walking
6.13	Parking
7.1	Building London's neighbourhoods and communities
7.2	An inclusive environment
7.3	Designing out crime
7.4	Local character
7.5	Public realm
7.6	architecture
7.7	Tall buildings
7.8	Heritage assets and archaeology
7.9	Heritage-led regeneration
7.19	Biodiversity and access to nature
8.2	Planning obligations

Core Strategy Development Plan Document (adopted 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 – Poplar Vision, Priorities and Principles

Unitary Development Plan 1998 (as saved, 2007)

Proposals:		Flood Protection Area
		Within 200m of East West Crossrail
Policies:		
	DEV1	Design requirements
	DEV2	Environmental requirements
	DEV3	Mixed use developments
	DEV4	Planning obligations
	DEV8	Protection of local views

DEV9	Control of minor works
DEV12	Provision of landscaping in development
DEV43	Protection of archaeological heritage
DEV44	Preservation of archaeological remains
DEV50	Noise
DEV51	Contaminated soil
DEV55	Development and waste disposal
DEV56	Waste recycling
DEV69	Efficient use of water
EMP6	Employing local people
HSG7	Dwelling mix and type
HSG13	Internal space standards
HSG15	Development affecting residential amenity
HSG16	Housing amenity space
T10	Priorities for strategic management
T16	Traffic priorities for new development
T18	Pedestrians and the road network
T21	Pedestrians needs in new development
OS9	Children's Playspace
U2	Development in Areas at Risk from Flooding
U3	Flood Protection Measures

Managing Development DPD (proposed submission version 2012)

DM3	Delivering Homes
DM4	Housing Standards and Amenity Space
DM8	Community Infrastructure
DM9	Improving Air Quality
DM10	Delivering Open Space
DM11	Living Buildings and Biodiversity
DM13	Sustainable Drainage
DM14	Managing Waste
DM20	Supporting a Sustainable Transport Network
DM22	Parking
DM23	Streets and the public realm
DM24	Place sensitive design
DM25	Amenity
DM27	Heritage and the historic environment
DM29	Achieving a zero carbon borough and addressing climate change
DM30	Contaminated Land

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

Proposals:		Flood Risk Zone 2 and 3
Policies:	DEV1	Amenity
	DEV2	Character and Design
	DEV3	Accessibility and Inclusive Design
	DEV4	Safety and Security
	DEV5	Sustainable Design
	DEV6	Energy Efficiency
	DEV7	Water Quality and Conservation
	DEV8	Sustainable Drainage
	DEV9	Sustainable Construction Materials
	DEV10	Disturbance from Noise Pollution
	DEV11	Air Pollution and Air Quality
	DEV12	Management of Demolition and Construction

DEV13	Landscaping and Tree Preservation
DEV15	Waste and Recyclables Storage
DEV16	Walking and Cycling Routes and Facilities
DEV17	Transport Assessments
DEV18	Travel Plans
DEV19	Parking for Motor Vehicles
DEV20	Capacity of Utility Infrastructure
DEV21	Flood Risk Management
DEV22	Contaminated Land
DEV25	Social Impact Assessment
DEV27	Tall Buildings Assessment
HSG1	Determining Housing Density
HSG2	Housing Mix
HSG3	Affordable Housing
HSG7	Housing Amenity Space
HSG9	Accessible and Adaptable Homes
HSG10	Calculating Provision of Affordable Housing

Supplementary Planning Guidance/Documents

Residential Space Standards
Designing out Crime

Government Planning Policy Guidance/Statements

PPS1	Delivering Sustainable Development
PPS3	Housing
PPS5	Planning and the Historic Environment
PPG9	Biodiversity and Nature Conservation
PPS22	Renewable Energy
PPS23	Planning and Pollution Control
PPS25	Flood Risk

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

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

7. CONSULTATION RESPONSE

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

LBTH Access to Employment

7.2 The developer should exercise best endeavours to ensure that 20% of the construction phase workforce will be local residents of Tower Hamlets.

7.3 20% goods/services procured during the construction phase should be achieved by businesses in Tower Hamlets.

7.4 Sought a financial contribution of **£2,073** to support and/or provide the training and skills needs of local residents in accessing the job opportunities created through the construction phase of all new development. This contribution will be used by the Council to provide and procure the support necessary for local people who have been out of employment and/or do not have the skills set required for the jobs created.

7.5 *Officer comment: The final s106 package includes the £2,073 contribution, and an access to employment agreement.*

LBTH Biodiversity

7.6 The revised plans do not significantly alter impacts on or benefits to biodiversity compared with the permitted scheme. The proposed green roofs should be secured by condition

7.7 *Officer comment: this will be secured via condition as per PA/10/00161.*

LBTH Crime Prevention Officer

7.8 The Crime prevention officer has made some minor suggestions with regards to the security of the scheme, however consider the proposal acceptable.

LBTH Communities, Localities and Culture (CLC)

7.9 CLC have requested the following contributions are sought based on the Planning Obligations SPD:

7.10
- An additional contribution of £2,918 is required towards Idea Stores, Libraries and Archives.
- A contribution of £9,381 is required towards Leisure Facilities.
- An additional contribution of £18,456 is required towards Public Open Space.
- Smarter Travel Contribution An additional contribution of £347 is required towards Smarter Travel.

7.11 *Officer comment: these have been incorporated into the s106.*

LBTH Education Development

7.12 No comments received.

7.13 *Officer comment: Please refer to paragraphs 9.133 – 9.138.*

LBTH Environmental Health

<u>Contaminated Land</u>

7.14 No Comment

7.15 *Officer Comment: As detailed above, a condition requiring a site investigation has been added.*

<u>Health and Safety</u>

7.16 No comments received

7.17 *Officer Comment: Informatives will be attached accordingly, as detailed above.*

<u>Noise and Vibration</u>

7.18 No comments received.

7.19 *Officer comment:The conditions attached to PA/10/00161 controlling construction, servicing and plant equipment will be reproduced for this application.*

LBTH Highways

7.20 No objections on Highway grounds to the additional 12 units. If planning permission is granted then please retain/reproduce the conditions and informatives attached to PA/10/00161

7.21 *Officer comment:Tthis is noted and the conditions/ informatives are proposed to be reproduced.*

LBTH Landscape Section

7.22 No comments received

7.23 *Officer comment: the final landscaping will be controlled via the imposition of a condition.*

LBTH Parks & Open Spaces (Arboricultural Officer)

7.24 Due to the increase in residential units, a corresponding increase in tree planting is requested at a rate of one extra tree per extra unit. Trees may be planted at Parks locations, funded by developer.

7.25 *Officer comment: Significant landscape works were approved under PA/09/01354 and a contribution to replace 10 existing trees were secured under planning application PA/10/00161. Furthermore, a significant contribution has been secured towards public open space, which can be used for tree planting. Accordingly, it is not considered necessary to secure the planting of further trees.*

LBTH Waste Policy and Development

7.26 The impact on waste storage and collection is considered minimal. Bin capacity for both recycling and domestic refuse acceptable.

Tower Hamlets Primary Care Trust (PCT)

7.27 A total Capital Planning Contribution of £16,484 is sought for the development.

7.28 *Officer comment: Given the scale of the development, the total capital planning contribution of £16,484, is considered to meet the tests required under Regulation 122 of CIL Regulations 2010.*

English Heritage (Statutory Consultee)

7.29 No objections raised.

Environment Agency (Statutory Consultee)

7.30 No objections subject to conditions.

7.31 *Officer comments: these conditions are the same as those previously requested and will be reproduced onto this scheme.*

Greater London Authority (GLA - Statutory Consultee)

7.32 The GLA have advised that this application has no strategic issues.

London Development Agency (Statutory Consultee)

7.33 No comments received

London City Airport (Statutory Consultee)

7.34 No comments received.

7.35 *Officer comment: Given the maximum height of the buildings is 10 storeys, it is lower than the 14 storeys agreed in the original application and as a result is not envisaged to disrupt flight paths to London City Airport.*

London Fire and Emergency Planning Authority (LFEPA - Statutory Consultee)

7.36 No comments received

National Air Traffic Services (NATS - Statutory Consultee)

7.37 No comments received

Natural England (Statutory Consultee)

7.38 This proposal does not appear to affect any statutorily protected sites or landscapes, or have significant impacts on the conservation of soils.

Protected species

7.39 Natural England are broadly satisfied with the survey and assessment, though note the length of time that has elapsed since the surveys were undertaken. They support the Mitigation Measures and Enhancements in Chapter 9. Ecology, found in the Environmental Statement Volume 1: Main Report dated January 2010.

Biodiversity enhancements

7.40 Recommended securing measures to enhance the biodiversity of the site.

7.41 *Officer comment: The application is proposing a number of biodiversity measures across the site including green roofs and bat bricks, the details of which will be conditioned as par PA/10/00161.*

Olympic Delivery Authority (Statutory Consultee)

7.42 No comments received

Transport for London (Statutory Consultee)

7.43 TfL have no objections to the application.

Commission for Architecture and the Built Environment (CABE) received

7.44 No comments received.

EDF Energy Networks Ltd

7.45 No comments received.

London Wildlife Trust

7.46 No comments received.

National Grid

7.47 No comments received.

Thames Water

7.48 No comments received.

7.49 *Officer Comment: Whilst no comments have been received from Thames Water, conditions have been attached requiring the submission of an impact study, and a drainage strategy, to be submitted and approved prior to the commencement of any development.*

8. LOCAL REPRESENTATION

8.1 A total of 377 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: 2 Objecting: 2 Supporting: 0
No of petitions received: 0

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

Land Use

- The proposal would overcrowd the area

(Officer comment: As discussed within section 9 of this report, the proposed density is considered acceptable)

- The proposal would put pressure on local schools and medical facilities

(Officer comment: Appropriate contributions have been secured for the scheme as a whole toward health and education facilities within the borough)

Amenity

8.3
- The implementation of the existing consent creates noise, dust and air pollution during demolition and construction

(Officer comment: Disturbance throughout the course of construction is addressed via a Construction Management Plan. This will be required for the phase of development being considered, which would be addressed via condition)

9. MATERIAL PLANNING CONSIDERATIONS

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

1. Land Use
2. Design and Conservation
3. Housing
4. Amenity
5. Transport
6. Energy Efficiency and Sustainability
7. Section 106 Agreement

Land Use

9.2 National, regional and local policy promotes a mixed use development approach on this site,

subject to the following considerations.

9.3 In respect of national policy, PPS 1 'Creating Sustainable Development', it 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'.

9.4 Core Strategy 2010 (Core Strategy) policy SP02 sets Tower Hamlets a target to deliver 43,275 new homes (2,885 a year) from 2010 to 2025. An important mechanism for the achievement of this target is reflected in London Plan 2011 (London Plan) policies 3.3 and 3.4 which seek to maximise the development of sites and thereby the provision of family housing to ensure targets are achieved.

9.5 Policy SP12 of the Core Strategy details the vision for Poplar. With specific regard to Bartlett Park, Principle 2 seeks to provide for low to medium density family housing around the park, whilst Priority 2 seeks to expand and improve the size, usability and quality of Bartlett Park to reinforce its role as a large neighbourhood park, alongside providing new green spaces to support housing growth.

9.6 There are no specific land use designations in the adopted Unitary Development Plan 1998 (UDP) or Interim Planning Guidance October 2007 (IPG). The application proposes housing, the principle of which has been considered acceptable under PA/10/00161. The provision of an additional 12 units does not change this position and is in accordance with the above mentioned policies.

9.7 The proposal, which would deliver 239 homes within a residentially-led mixed use development and would result in a total of 502 new homes across the entire site, is therefore considered to be appropriate and in accordance with the aims of the abovementioned London Plan policies and policies SP02 and SP12 of the Core Strategy. As such the proposed development is considered acceptable in principle.

Density

9.8 The London Plan density matrix within policy 3.4 suggests that densities within urban sites with good transport links should be within the range of 450-700 habitable rooms per hectare. This is reinforced by policy HSG1 of the Interim Planning Guidance and policy SP02 (2) of the Core Strategy (2010) which seek to correspond housing density to public transport accessibility and proximity town centres.

9.9 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.

9.10 The approved density of the site (under PA/10/00161) is 794 habitable rooms per hectare, however this falls to 728 habitable rooms per hectare when taking into account the adjoining 'Church Green' landscaped area (as approved under planning permission reference PA/09/01354) which is to be delivered alongside that scheme.

9.11 The addition of 12 units takes the density up to 750 habitable rooms per hectares. Whilst this is marginally over the density range for an urban site, density only serves an indication of the likely impact of development. Typically high density schemes may have an unacceptable impact on the following areas:

- Access to sunlight and daylight;
- Lack of open space and amenity space;
- Increased sense of enclosure;
- Loss of outlook;
- Increased traffic generation; and
- Impacts on social and physical infrastructure.

9.12 As discussed further below, it is not considered that the proposed scheme gives rise to any of the abovementioned symptoms of overdevelopment. As such, the density is considered acceptable given that the proposal poses no significant adverse impacts and is appropriate to the area context.

Design and Conservation

9.13 Good design is central to all objective of the London Plan and is specifically promoted by the policies contained in Chapter 7. Saved policy DEV1 in the UDP and Policy DEV2 of the Interim Planning Guidance (October 2007) states that developments are required to be of the highest quality design, incorporating the principles of good design.

9.14 These principles are further supported by policy SP10 in the Core Strategy (2010) and policy DM24 of the Managing Development DPD (proposed submission version 2012).

9.15 London Plan policies 7.6 and 7.7 seek to ensure tall buildings are of an appropriate design and located to help create an attractive landmarks and a catalyst for regeneration. These aims are further supported by policy SP10 of the adopted Core Strategy, policy DM26 of the Managing Development DPD (proposed submission version 2012), and DEV27 in Interim Planning Guidance (October 2007)

9.16 Planning Policy Statement 5, London Plan policy 7.9 and policies CON1 and CON2 in the Interim Planning Guidance (October 2007) seek to preserve the character and appearance of conservation areas and the setting of heritage assets. These policies are reinforced by the aims of policy SP10 in the Core Strategy (adopted 2010).

<u>The Proposed Scheme</u>

9.17 The application proposes the erection of two buildings, of up to 10 and 7 storeys in height respectively. This is an increase in height from the consented scheme as outlined in the following diagrams/ plans

9.18

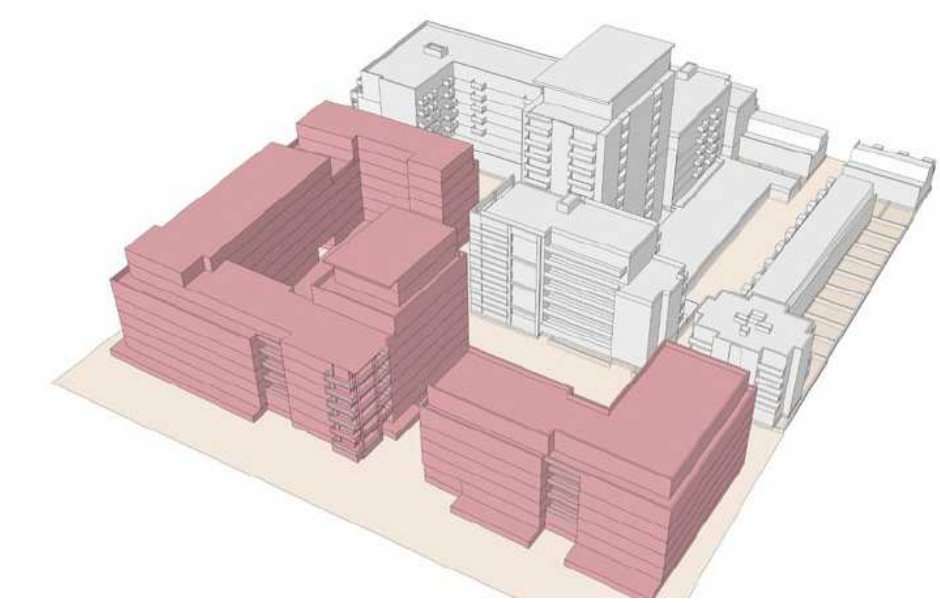


Diagram 1: Showing the massing of the consented scheme.

9.19

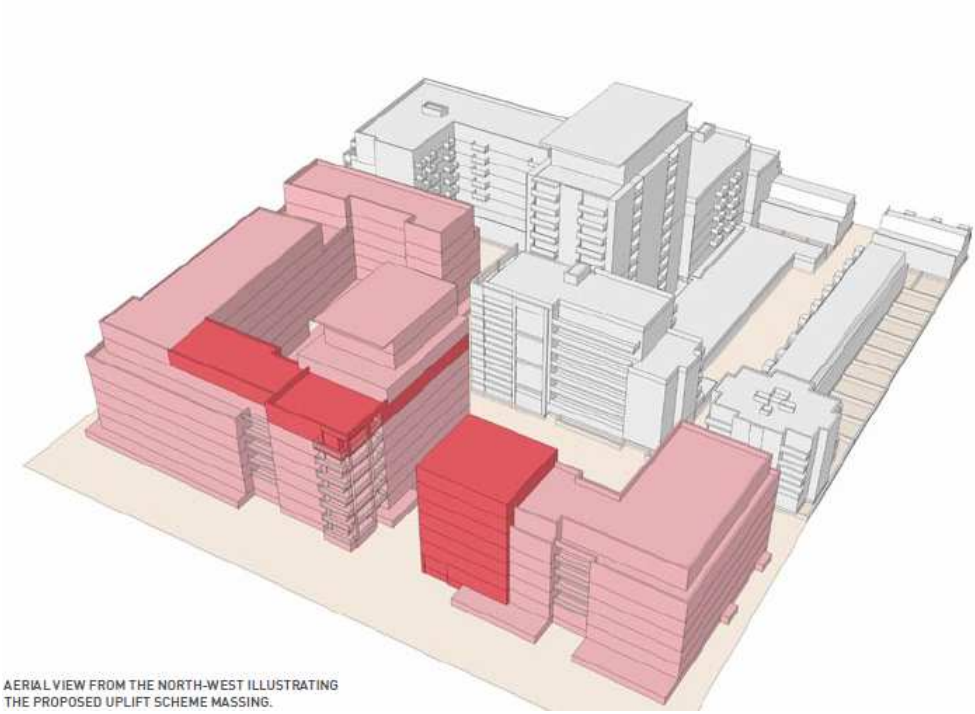


Diagram 2: Showing the additional massing of the proposed scheme.

Elevation 1: Showing the Bartlett Park (Lindfield Street elevation) as proposed. The red line outlines the height of the consented scheme.

9.20 The proposed scheme has been designed to respect the context of the surrounding area, which comprises a wide variety of housing typologies, such as the three-storey terraced housing on Saracen Street, 2-3 storeys terraced housing on Canton Street, the 14-storey Anglesea House residential block on Lindfield Street, and 4 storey residential blocks to the east on Upper North Street. The site's relationship with the adjacent Bartlett Park is an important consideration. The setting of the park is characterised by low to mid-rise housing immediately adjacent to it, with a number of taller buildings further a field.

9.21 The proposed scheme follows the consented site layout which was considered to contribute generously to the existing public open space in the area, and establishes routes through the site to improve permeability in all directions. The proposed areas described as Festival Avenue and Central Square would be publicly accessible open spaces, well overlooked by

new residential accommodation. In addition, there will be series of semi private open spaces contributing to residential amenity. The building entrances are well positioned and the proposed ground floor units have adequate defensible space. The level of amenity space provision is discussed in greater detail within the Amenity section of this report.

9.22 Block D has been moved forward by approximately 0.7m to align it with the rest of the site. Similarly Block C has been brought forward by approximately 1.6 metres to provide more space for the existing London Plane trees.

9.23 In terms of built form, the siting, mass and bulk of the development is considered to be an appropriate response to the park setting, and the scale of the adjoining development. With regard to the setting of Bartlett Park, the building line has also been set back by between 12 and 17 metres from the site's boundary with Lindfield Street. This provides a green buffer zone between the site and the park whilst also continuing the building line created by the adjacent residential blocks to the east.

9.24 The perimeter buildings within blocks C and D are proposed to be of a red brick construction with a uniform parapet line and consistent frontage, in keeping with adjacent block in Hind Grove. The upper storey is proposed to be set back, whilst the parapet line on the corner of block D rises by one storey to provide architectural detailing and assist in marking this corner as the location of the main thoroughfare through the site. The proposed park frontage can be seen in diagrams 3 and 4 below and is considered to be in keeping with the setting of Bartlett Park.

9.25

Diagram 3: CGI view of consented scheme from Bartlett Park.

9.26

Diagram 4: CGI view of proposed scheme from Bartlett Park.

Conservation

9.27 The application site is located within the Lansbury Conservation Area. In 1948, Lansbury was chosen as the site of the 'Live Architecture' Exhibition of the 1951 Festival of Britain. The idea was to create a 'live' exhibition that used real building projects as exhibits of the latest ideas in architecture, town planning and building science. Lansbury was the first comprehensive post-war housing redevelopment in the east-end of London. The plan was to redevelop an initial 30 acres of war damaged and derelict property in order to regenerate the area and to create opportunities for new public housing "fit for heroes". Lansbury was very much a planning-led project. The plan included a cross section of different types of development, comprising of housing, a shopping centre, a market place, schools, churches, church hall and a small amenity park.

9.28 The Lansbury Estate remains a notable showcase of the ideas of early post-war development which resulted in the orderly arrangement of community buildings and dwellings. It demonstrates a different trend in post-war council house design and lay out, from that which existed pre-war. The Lansbury Conservation Area Character Appraisal and Management Guidelines document (LBTH, 2007), notes the character of the conservation area as *"The houses and flats are grouped into closes and squares of different sizes in Lansbury and are linked with open and landscaped land. This adds to the visual interest and distinct uniform character of Lansbury".*

9.29 With regard to height and massing, the Character Appraisal and Management Guidelines document states: *"The residential buildings are predominantly low-rise in scale and range between 2 to 4 storeys throughout the Lansbury Conservation Area. The occasional higher flats exist to the west of the Conservation Area, but generally do not rise above 6 storeys, as restricted by the LCC at the initial stages of planning Lansbury. Yet, the first post-Festival developments at Lansbury, built in the mid-late 1950s are high-rise mixed developments, with a prevalence of 11 storey blocks and 4 storey maisonettes".*

9.30 With particular regard to the former Blessed John Roche School site, the Character Appraisal and Management Guidelines document states: *"There is potential for*

redevelopment to the north-western part of the Lansbury Conservation Area, namely The Blessed John Roche Catholic School site and its immediate surrounds. A high quality, sensitive new building could restore a sense of pride to the junction at Canton Street, Upper North Street and Grundy Street, opposite to the St Mary and St Joseph Roman Catholic Church. The site's current unkempt condition is unsatisfactory. An appropriate development which is consistent and respectful to the historic character of the area is desirable".

9.31 As discussed above, the proposed additional mass is considered to be an appropriate response to the park setting and the scale of the adjoining development. The scheme adds to the variety of building typologies and massing found in the conservation area, whilst respecting the immediate context. The scheme also continues the use of open and landscaped areas, by providing significant public realm improvements, such as Church Green, set-back building lines and extensive landscaping and tree planting in and around the site.

9.32 It is therefore considered that the proposal preserves the character of the Lansbury Conservation Area and provides an appropriate high-quality, sensitive new development as required within the Council's Lansbury Conservation Area Character Appraisal and Management Guidelines document (LBTH, 2007). Conditions have been attached requiring full details of all external materials, landscaping treatments and elevation details of each building to ensure the highest possible and the most appropriate level of design quality.

Setting of adjacent listed building

9.33 The application site is also located directly to the north of the Grade II listed Church of St Mary and St Joseph. The consented scheme was considered in relation to the setting of the Grade II listed Church and was considered to preserve the setting of this building. Given the additional height and massing is located furthest from the Church, it is considered that this remains the case.

9.34 It is therefore considered that the proposal preserves the setting of the Grade II listed Church of St Mary and Joseph.

Design Conclusion

9.35 Overall, the proposal is acceptable in design terms. The proposal provides a high quality development that would contribute to housing need. The design approach is considered to be an appropriate response to the park setting and the character of the surrounding area and the quality of the area and the proposed open space and access routes through the development are considered to be a positive feature. The varied built form within the proposal, together with the extensive communal open spaces and landscaping would preserve the character and appearance of the surrounding Lansbury Conservation Area, whilst the retained Church Green and sensitive design of the perimeter buildings would preserve the setting of the adjacent Grade II listed church.

Housing

9.36 Under planning permission PA/10/00161, planning permission has been granted for 490 dwellings on the entire site, divided into four blocks A, B, C and D.

9.37 A total of 263 dwellings are approved in Blocks A and B, and a total of 227 dwellings have been approved on Blocks C and D.

9.38 The proposed scheme seeks to increase the number of units on Blocks C and D by 12.

9.39 Given that building works on Blocks C and D have not commenced, the applicant is reapplying for the 227 dwellings already approved, as well as the proposed uplift of 12

dwellings. This takes the total number of units proposed on Blocks C and D to 239 and takes the total number of dwellings on the entire site to 502.

9.40 Policy 3.3 of the London Plan (2011) seeks to increase London's supply of housing, requiring Boroughs to exceed housing targets, and for new developments offer a range of housing choices, in terms of the mix of housing sizes and types and provide better quality accommodation for Londoners.

9.41 Policy SP02 of the LBTH Core Strategy (2010) seeks to deliver 43,275 new homes (equating to 2,885 per year) from 2010 to 2025 in line with the housing targets set out in the London Plan. The aim is to focus the majority of new housing in the eastern part of the borough, in a number of identified places and '*Poplar Riverside'* is identified as one of such places.

Affordable Housing

9.42 Policies 3.10, 3.11 and 3.12 of the London Plan (2011) define Affordable Housing, and seek the maximum reasonable amount of affordable housing taking into account site specific circumstances and the need to have regard to financial viability assessments, public subsidy and potential for phased re-appraisals.

9.43 Policy SP02 of LBTH's Core Strategy (2010) seeks 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.

9.44 The scheme as consented (PA/10/00161) provided a total of 148 affordable units, which equated to 35% by habitable room.

9.45 When taking to account the additional uplift of twelve units and the provision of two additional shared ownership units, the overall provision of affordable housing falls to 34.5%. Given the high number of affordable units which are to be delivered upfront (in Blocks A and B), and the submitted viability assessment which demonstrates that additional affordable housing is unviable, it is considered that this provision is acceptable.

Housing Mix

9.46 Pursuant to policy 3.8 of the London Plan, new residential development should offer genuine housing choice, in particular a range of housing size and type.

9.47 Saved Policy HSG7 of LBTH's Unitary Development Plan (1998) requires new housing to provide a mix of unit sizes where appropriate, including a substantial proportion of family dwellings of between 3 and 6 bedrooms.

9.48 Policy DM3 (part 7) of the Managing Development DPD (2012) requires a balance of housing types including family homes. Specific guidance in provided on particular housing types and is based on the Councils most up to date Strategic Housing Market Assessment (2009).

9.49 The following table outlines the total number of units and their breakdown within the Affordable and Private Housing sections. Given, the majority of affordable housing is to be delivered up front in Blocks A and B, the table outlines all the units across the site.

9.50

		Affordable Housing						**Private Housing**		
		Social Rent			**Intermediate**			**Market Sale**		
Unit size	**Total units**	**units**	**%**	**LBTH target %**	**units**	**%**	**LBTH target**	**Units**	**%**	**LBTH Target**

							%			%
Studio	22	0			0			22		
1 bed	162	19	20%	30%	26	46%	25%	117	34% *	50%
2 bed	220	33	35%	25%	20	36%	50%	167	47%	30%
3 bed	83	27	28%	30%	10	18%	25%	46	13%	20%
4+ bed	15	15	15%	15%	0			0		
TOTAL	**502**	**94**	**100**	**100**	**56**	**100**		**352**	**100**	**100**

Table 1: Unit Mix
* The figure Includes the 22 market sale studios.

9.51 The fundamental nature of the scheme is as approved in 2010, with the introduction of the additional uplift units. The mix for the uplift is as follows:

9.52
- 2 x studios;
- 3 x 1 Bedroom units;
- 4 x 2 Bedroom units; and
- 3 x 3 Bedroom units.

9.53 Pursuant to Policy HSG7 of the LBTH UDP (1998), new housing developments should provide a mix of unit sizes where appropriate, including a substantial proportion of family dwellings of between 3 and 6 bedrooms. On developments of 30 dwellings or more, family dwellings should normally be in the form of family houses with private gardens.

9.54 According to policy HSG2 of the IPG, the family housing provision in the social rented, intermediate and private sale components should be 45%, 25% and 25% respectively. As detailed above within Table 1, the scheme is proposing 44%, 18% and 13% family housing in the social rented, intermediate and private sale units respectively.

9.55 Policy SP02 of the Core Strategy (2010) also seek to secure a mixture of small and large housing, requiring an overall target of 30% of *all* new housing to be of a size suitable for families (three-bed plus), including 45% of new social rented homes to be for families.

9.56 The scheme proposes 44% family housing within the social rent tenure. However the amount of family housing for private and intermediate does not meet the IPG target of 25% (proposed 12%). Nevertheless, the level of social rented family units meets policy, and the majority of the housing remains as approved in the 2010 consent. The proposal makes a significant contribution towards the provision of family housing within the Borough and on balance, is therefore considered acceptable.

<u>Social Rented/ Intermediate Shared Ownership and Housing Mix</u>

9.57 The following table summarises the affordable housing social rented/intermediate split proposed against the London Plan, Core Strategy and Managing Development DPD.

Tenure	The Proposal	London Plan	CS 2010	MD DPD 2012
Social Rent	69%	70%	70%	70%
Intermediate	31%	30%	30%	30%
Total	100%	100%	100%	100%

Table 2: Social Rent/Intermediate Split

9.58 The proposed tenure split is therefore broadly complaint with the London Plan, Managing Development DPD and the Core Strategy, and is considered to be acceptable.

Wheelchair Housing and Lifetime Homes

9.59 Policy HSG9 'Accessible and Adaptable Homes' 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. A total of 10% will be provided in the proposed scheme, in compliance with this policy.

Floorspace Standards

9.60 Policy HSG13 in the Unitary Development Plan 1998 requires all new development to provide adequate internal space. This is further supported by policy SP02 in the Core Strategy (2010). Policy 3.5 of the London Plan (2011) sets the minimum standards that should be applied to new residential dwellings. This is reinforced by policy DM4 of the Managing Development DPD (proposed submission version 2012).

9.61 Whilst some minor changes are proposed to the existing units (to facilitate access to the additional units), they are broadly as per the standards approved in 2010 and are considered acceptable.

9.62 Table 3 below sets out the floorspace for the proposed additional 12 units

Unit	Unit Type	Proposed Unit Size (sqm)	Mayor's Minimum Standards (sqm)	Conform
C2-17:	Studio	**38**	37	Yes
C2-18	1 bed 2 people	**49**	50	No – 1sqm short
C2-14:	Studio	**38**	37	Yes
C2-15	1 bed 2 people	**49**	50	No – 1sqm short
D1-46	3 bed 5 people	**88**	86	Yes
D1-52	3 bed 5 people	**86**	86	Yes
D1-47	2 bed 4 people	**81**	70	Yes
D2-29	2 bed 4 people	**74**	70	Yes
D2-32	3 bed 5 people	**94**	86	Yes
D2-31	1 bed 2 people	**47**	50	No – 3sqm short
D1-53	2 bed 4 people	**79**	70	Yes
D1-56	2 bed 4 people	**73**	70	Yes

Table 3: uplift space standards

9.63 The majority of units meet and in some cases exceed the Mayor's Minimum standards, and although three units exhibit minor shortfalls.

9.64 Given the overall benefits of the scheme, and that the units proposed are similar in size to those approved under the 2010 application, on balance it is considered that they are acceptable.

Amenity Space

9.65 Policy HSG7 in the Interim Planning Guidance (2007), SP02 (6) in the Core Strategy (2010) and DM4 of the Managing Development DPD (proposed submission version 2012) seek adequate external amenity space for new dwellings.

9.66 Table 4, below, indicates the amenity space required is in accordance with policy DM4 of the Managing Development DPD (proposed submission version 2012). This is based on the amenity space proposed in Blocks C and D.

Units	Total	Minimum Standard (sqm)	Required Provision (sqm)
Studio	9	5	75
1 Bed	44	5	335
2 Bed 3 people	23	6	174
2 Bed 4 people	60	7	581
3 Bed 5/6 people	39	8	360
TOTAL	239		**1525**
Communal amenity		50sqm for the first 10 units, plus a further 1sqm for every additional 1 units	**279 sqm.**
Total Housing Amenity Space Requirement			**1804**

Table 4: Managing Development DPD (proposed submission version 2012), Blocks C and D

9.67 The proposed development provides private amenity space for all but one unit, a one-bedroom unit in Block D. This equates to 99.5% of units having adequate private amenity space in the form of balconies and decks. Private communal amenity space is provided in the form of landscaped podiums and roof gardens. As detailed below in table 5, the private and communal amenity space provision exceeds policy requirements.

	LBTH Policy Requirement	London Plan Policy Req't	Proposed within scheme
Private Amenity Space	1512 sq.m	N/A	
Communal Open Space	279 sq.m	N/A	**1712s q.m** of private communal podiums and roof terraces and **411sq.m** of designated child play space. The proposal also includes **1618sq.m** of landscaped public realm
Child Play Space	328sq.m	328sq.m	

Table 5: Proposed Amenity Space

9.68 Policy DM4 of the Managing Development also requires 328sq.m of child play space for this development. This is in accordance with the requirements set out in policy 3.6 of the London Plan (2011) As detailed above in table 5, the application proposes 411sq.m of designated child play space in this phase which exceeds this requirement. A condition on the design and specification of the play space/equipment is recommended.

9.69 It should also be noted that the earlier scheme (PA/10/00161) also included 6,470sq.m of landscaped public realm, being the central square, the large green buffer zone to the north between the building edge and Lindfield Street, and pedestrianised spaces between buildings. Furthermore, as detailed above within the relevant planning history, planning permission has been granted for the landscaping of 'Church Green' in the south-east corner of the site which was previously located within the school grounds and inaccessible to the public. The delivery of this area alongside the proposed development will be secured within the s106 agreement and will provide a further 1,603sq.m of public amenity space. It is therefore considered that the proposal satisfies the requirements of both the London Plan and the Managing Development DPD.

Transport

9.70 Pursuant to regional policy, The London Plan (2011), 6.1 'Strategic Approach to Transport', and 6.3 'Assessing effects of development on transport capacity', seek to ensure developments are located in areas of high public transport accessibility. In addition also seeks to promote patterns and forms of development that reduce the need for travel by car.

9.71 Policy 6.9 of the London Plan (2011) seeks to significantly increase cycling in London, whilst policy 6.10 encourages walking, and policy 6.11 seeks to tackle congestion. Policy 6.13 seeks to ensure an appropriate balance is struck between promoting new development and preventing excessive parking provision that can undermine cycling, walking and public use.

9.72 Both the Unitary Development Plan and the Interim Planning Guidance contain a number of policies which encourage the creation of a sustainable transport network which minimises the need for car travel, and supports movements by walking, cycling and public transport.. Policies SP08 and SP09 of the adopted Core Strategy (2011) broadly seek to deliver an accessible, efficient and sustainable transport network.

9.73 The site is relatively well served by public transport, with the southern half of the site having a Public Transport Accessibility Level (PTAL) of '4' and northern half that of '3' (1 being the

lowest and 6 being the highest). Langdon Park and All Saints DLR stations are located approximately 675m from the site to the north east and south east respectively. The nearest Underground Station is Canary Wharf, which lies approximately 1.2km to the south. A major bus route runs along East India Dock Road (A13) to the south and additional services are available from Cordelia Street to the east of the site and from Burdett Road to the west.

Vehicular Parking

9.74 The proposal includes a total of 92 car parking spaces in these phases, with a total of 169 across the entire site, 2 of which are allocated for car club usage (located in Block A) and 19 allocated for disabled vehicle users. No additional parking is proposed as a result of the uplift of 12 units. Also proposed are 36 motorcycle spaces across the site. The car parking is located within basement and surface level car parks underneath the proposed buildings. Access to the car parks will be gained from Upper North Street, Canton Street and Hind Grove, with access through the site from Hind Grove to Upper North Street being restricted to refuse vehicles and emergency service vehicles controlled through the use of collapsible bollards.

9.75 The proposed quantum of parking overall on site exceeds DM22 (and Appendix 2) of the Managing Development DPD proposed submission version which suggests a maximum of 110 parking spaces across the site. However, neither TfL nor the Council's Highways department objected to the level of parking proposed in this or the previous application.

9.76 Furthermore, when the car parking proposed is taken into account with the additional 12 residential units, the parking levels per unit reduce from the approved scheme.

9.77 A car-free agreement would prevent future residents from applying for on-street parking permits. There are also parking restrictions in place on the surrounding highway network.

9.78 Considering that the proposed uplift of 12 units will not increase the level of parking beyond that of the approved 2010 consent, officers are satisfied that the development will not have an unduly detrimental impact upon the freeflow of traffic.

Cycle Parking

9.79 The 2010 scheme included a total of 756 cycle parking spaces (720 residential and 36 publically accessible).

9.80 This application proposes a reduction in the cycle parking from 720 residential spaces to 711. This has arisen from the need to increase the size of the refuse store on the ground floor to Block C.

9.81 The 711 residential spaces proposed overall exceed the 600 required under policy 6.9 (and table 6.3) of the London Plan (2011) and are therefore considered acceptable.

Servicing and Refuse Collection

9.82 Under PA/10/00161 a detailed refuse strategy was submitted, which proposed that refuse collection will take place on site, with the exception of Block D, which will be serviced on-street from Upper North Street. Refuse vehicle entry to the site from the public highway is limited to the existing cross-over on Hind Grove, the relocated cross-over on Upper North Street and the southern entrance 'mews' off Canton Street. The Council's waste section raised no objections to this arrangement. The proposed uplift is not altering this requirement and as such, servicing and refuse is collection is acceptable.

S106 Contributions

9.83 Under PA/10/00161, £255,000 has been secured for transport infrastructure and public realm improvements via the s106 agreement to ensure that the development can be accommodated within the existing transport network. This is broken down as follows:

- £105,000 towards footway improvements
- £135,000 towards traffic calming measures
- £15,000 towards street lighting and street furniture improvements in the area

The proposed uplift is not envisaged to have a further impact on the transport infrastructure to require further mitigation.

Trip Generation

9.84 The submitted Environmental Statement includes a transport and access section, which details the trip generation of the proposed development. TfL (under the previous scheme) and the Council's Highways department have analysed the methods of assessment and deemed them acceptable. Furthermore, the proposed traffic generation would not have a detrimental effect on the existing highway network, public transport networks or traffic movements within the area.

Conclusions

9.85 The proposals are considered acceptable in highways terms in accordance with policies 6.1, 6.3, 6.9, 6.10, 6.13 of the London Plan (2011), saved policies DEV1 and T16 in the Unitary Development Plan 1998, policies DEV17, DEV18 and DEV19 of the Council's Interim Planning Guidance (2007) policy SP08 in the Core Strategy (2010) and policies DM20 and DM22 of the Managing Development DPD (proposed submission version 2012). A Travel Plan, Servicing Management Strategy, Construction Logistics Plan and the car free agreement are to be secure by planning conditions and via the S.106 agreement if planning permission is approved.

Amenity

Daylight and Sunlight

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

9.87 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 (2010) and policy DM25 of the Managing Development DPD (proposed submission version 2012).

9.88 The main bulk of the proposal has been assessed by the Councils Environmental Health daylight and sunlight officer under PA/10/00161.

9.89 The physical alterations to the proposal constitute minor additions on the northernmost elements of the scheme

9.90 The applicants updated ES demonstrates that the additional mass would not have an unduly detrimental impact upon surrounding residential occupants, nor upon future occupiers of the development in terms of daylight and sunlight impacts, and the proposal

would satisfy the standards in the BRE guidelines 2011.

9.91 It is therefore considered that the proposed development would not have an unduly detrimental impact upon the sunlight or daylight received by the proposed, or surrounding residential developments. Additionally, the proposed development would not result in an unduly detrimental impact upon surrounding areas of amenity space in terms of overshadowing.

Air Quality

9.92 Environmental Health made no representations during consultation, however it is considered that the uplift of 12 units will not give rise to any additional concerns. A condition requiring the submission and approval of a Construction Management Plan, which should detail measures to reduce dust escape from the site during construction is recommended.

Noise and Vibration

9.93 Appropriate and reasonable mitigation measures have been identified to safeguard internal living areas from unacceptable levels of noise, these were agreed by the Environmental Health Team under PA/10/00161.

9.94 In terms of noise emitted by the proposed development and its impact upon nearby and future residents, conditions have been attached to ensure any plant, machinery or extraction systems to be installed incorporates adequate noise attenuation measures. A condition limiting the maximum amount of noise during construction has also been attached.

Overlooking

9.95 Whilst it is acknowledged that the taller elements of the proposal are a number of storeys higher than both existing properties in the area, and other buildings within the proposed development, the separation distances are significant and therefore would not result in a loss of amenity for existing or future occupiers by way of overlooking.

Micro-Climate

9.96 Planning guidance contained within the London Plan 2011 places great importance on the creation and maintenance of a high quality environment for London. Policy 7.6 (Architecture) of the London Plan 2011, requires that *"*development 'not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate. This is particularly important for tall buildings*".* Wind microclimate is therefore an important factor in achieving the desired planning policy objective.

9.97 Under PA/10/00161, 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 users on the roof gardens, major entrances, walkways, public amenity areas and other wind sensitive locations. The conclusion of the wind tunnel assessment is that all locations within the site will experience wind conditions appropriate to their proposed use and that no mitigation is required. There will also be negligible impact on wind conditions surrounding the site. The Council's Environmental Health department have raised no objections on the grounds of microclimate. The proposed additional massing to the development will not give rise to any additional microclimate concerns.

9.98 It is therefore considered that the proposed development would be acceptable in terms of the impact on microclimate conditions surrounding the development and would not

significantly impact on the pedestrian amenity on the site in accordance with London Plan policy 7.6, policy SP10 (Creating distinct and durable places) of the Core Strategy DPD (2010) and policy DEV1 (Amenity) of the Interim Planning Guidance.

Energy Efficiency and Sustainability

9.99 At a strategic level, the climate change policies as set out in Chapter 5 of the London Plan 2011 and London Borough of Tower Hamlets Core Strategy (SO24 and SP11) collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.

9.100 The London Plan sets out the Mayor of London's energy hierarchy which is to:
- Use Less Energy (Be Lean);
- Supply Energy Efficiently (Be Clean); and
- Use Renewable Energy (Be Green).

9.101 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).

9.102 Policy SO3 of the Core Strategy (2010) seeks to incorporate the principle of sustainable development, including limiting carbon emissions from development, delivering decentralised energy and renewable energy technologies and minimising the use of natural resources. The London Borough of Tower Hamlets Core Strategy Policy SP11 requires all new developments to provide a 20% reduction of carbon dioxide emissions through on-site renewable energy generation.

9.103 Policy DM29 of the draft Managing Development DPD (2012) requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. At present the current interpretation of this policy is to require all residential developments to achieve a Code for Sustainable Homes Level 4 rating.

9.104 The following is the Energy Efficiency approach to the entire site (including phases C and D of this application)

Approaches		**Reduction in Carbon Dioxide Emissions**
"Be Lean" - Energy Efficiency Measures		11%
"Be Clean"	CHP	21.5%
"Be Green"	Solar collectors and air source heat pumps	0.3%
TOTAL		**32.8%**

Table 6: Energy Efficiency

Be lean

9.105 As detailed above in table 6, the scheme has been designed in accordance with Policies 5.2 and 5.3 of the London Plan in seeking to minimise energy use through passive design measures to achieve approximately 11% CO_2 savings.

Be Clean

9.106 Decentralised energy is proposed through the provision of a site wide community heating system. The system will be fed by a gas fired CHP unit in the communal energy centre located in the basement plant area of Block B. The unit is proposed with a 200kW electrical power output and 233 kW heat output. The CHP community system is anticipated to reduce CO2 emissions by approximately 21.5% over the enhanced baseline scheme. In addition, a single energy centre has been approved in Block B with an internal area of 220sq.m to supply the communal heat network.

Be Green

9.107 Technically, this scheme does not propose any renewable Energy and as such, would be not be policy compliant. However, the Renewable Energy proposed for this development overall has already been secured for the 15 affordable houses in Block B. Given this is an uplift scheme, it is not considered reasonable to renegotiate the Energy Strategy which is already under implementation.

Sustainability

9.108 Policy 5.3 of the London Plan seeks development to meet the highest standards of sustainable design and construction. A minimum of Code for Sustainable Homes Level 3 rating is proposed for all of the units in the development.

9.109 A condition will be imposed requesting the developer to target Code Level 4, with a minimum of 12 units designed to achieve this target. This has been agreed by the applicant and will ensure that the additional units are policy DM29 (Managing Development DPD) compliant.

Climate Change adaptation

9.110 The London Plan promotes five principles in Chapter 5 to promote and support the most effective adaptation to climate change. These are to minimise overheating and contribute to heat island effects; minimise solar gain in summer; contribute to flood risk reduction, including applying sustainable drainage; minimising water use; and protect and enhance green infrastructure.

9.111 The proposal includes green roofs, a rainwater harvesting system, sustainable urban drainage and water efficient and low flow fittings.

Conclusion

9.112 The Council's Energy Efficiency team have reviewed the proposed energy strategy and are satisfied, subject to the attachment of conditions to secure its implementation.

9.113 In light of the above, it is considered that the proposed energy strategy is acceptable.

S106 Agreement

Planning obligations/S106

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

(i) Relevant to planning;
(ii) Necessary to make the proposed development acceptable in planning terms;
(iii) Directly related to the proposed development;

(iv) Fairly and reasonably related in scale and kind to the proposed development; and
(v) Reasonable in all other respects.

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

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

9.116 This is further supported by Saved Policy DEV4 of the UDP (1998) and Policy IMP1 of the Council's IPG (2007) policy SP13 in the Core Strategy (2010) which seek to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development.

9.117 The Council's Supplementary Planning Document on Planning Obligations was adopted in January 2012. This SPD provides the Council's guidance on the policy concerning planning obligations set out in policy SP13 of the adopted Core Strategy. The document also set out the Borough's key priorities being:

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

The Borough's other priorities include:

- Health
- Sustainable Transport
- Environmental Sustainability
- Public Realm

9.118 As outlined in section 4 of this report, the mitigation for the spatial constraints of the development have already been agreed under planning application PA/10/00161. Given this scheme is currently in the process of being implemented, it is not considered necessary nor reasonable to re-negotiate an alternative approach to the section 106 already secured.

9.119 The following financial obligations have been agreed in principle with the applicant. They have also been agreed by Planning Contributions Overview Panel.

<u>Open Space</u>

9.120 An additional contribution of £18,456 towards the provision of and improvement of open space has been requested in line with the Planning Obligations Supplementary Planning Document.

<u>Sports and Recreation</u>

9.121 In line with the Planning Obligations SPD a contribution of £9,381 is sought alleviate any additional pressures on local leisure facilities as a result of the additional population increase.

<u>Community Facilities</u>

9.122 With respect to the Idea Stores/Archives and Libraries and Leisure – a contribution of

£2,918 is sought based on the SPD.

Highways and Transportation

9.123 Given a contribution £255,000 has already been secured towards traffic calming measures, street lighting and footway improvement works, under the site wide scheme (PA/10/00161), it is considered that no further mitigation is required.

9.124 This is also the case for the Travel Plan monitoring.

Tree Replacements

9.125 A sum of £43,500 to re-provide the 10 felled mature London Planes within the vicinity of the application site has already been secured. Given the proposal is for 12 new units, it is considered that no further contribution is required.

Education

9.126 According to the Planning Obligations SPD the proposed mix of 12 units consisting of only two intermediate units, does not give rise to any additional primary or secondary school places. As such, no further education contribution has been sought for.

Health

9.127 The SPD requires all major developments to contribute towards health facilities. Contributions will be calculated using HUDU model which calculates the cost of increased demand on local facilities based on the proposed increase in population.

9.128 A contribution of £145,346 is sought, to contribute towards health facilities, this includes £16,484 towards the cost of a health centre and a revenue contribution of £128,863. It is considered that the revenue contribution is not justified given the number of new units proposed (12) and as such a contribution of £16,484 is proposed.

Sustainable Travel

9.129 In line with the SPD an additional contribution of £347 is sought towards cycle route and infrastructure. The sum will facilitate cycle route / cycle infrastructure improvements which have been identified as part of Tower Hamlet's Cycle Route Implementation and Stakeholder Plan (CRISP).

9.130 It is considered that the above obligations, which have been agreed in principle with the applicant, satisfy the three tests set out in the Community Infrastructure Regulations 2010.

Enterprise and Employment

9.131 The SPD requires developments to exercise reasonable endeavours to ensure that 20% of the construction phase workforce will be for local residents of Tower Hamlets, to be supported through the Skillsmatch Construction Services. In addition, the SPD requires that 20% of the goods/services procured during the construction phase should be achieved by businesses in Tower Hamlets.

9.132 A contribution of £2073 is also secured towards the training and skills needs of local residents in accessing job opportunities created through the construction phase of all new development and a contribution towards end use phase of commercial developments.

The Additional Contributions and Obligations

9.133 The applicant has proposed a 'pro-rata' contribution of £72,410 which is based on the total contribution secured on PA/10/000161. After taking the £49,659 based on the Planning Obligations SPD there is a surplus of £22,751.

9.134 Given the contributions sought are line with the adopted SPD, this surplus is considered 'In-Kind' as it is not necessary to make the development acceptable in planning terms.

9.135 Officer's consider that this surplus should be allocated for Education first based on the pro rata amount secured under PA/10/00161, with the remaining sum dividend on a pro-rata amount between Construction Phase Skills & Training and towards the Bartlett Park Master Plan as requested by CLC in line with the Councils Priorities. This is shown in the following table:

9.136

Priorities	In kind contribution
Education	£18,739
Open Space	£2,367
Employment & Enterprise: (41%)	£1,645

Table showing 'In Kind' contributions.

9.137 Education is one of the Mayor key priorities as outlined in the adopted Core Strategy. The 'In kind' contribution could go towards secondary school places, given these were not secured in the site wide s106.

9.138 In the 2010 scheme there was no financial contribution to Employment and Enterprise. Therefore, given a contribution towards Employment and Enterprise is required for 12 units, it seems logical that a contribution would have been required for the rest of the units. Therefore, it seems reasonable that this additional contribution is allocated towards this area and mitigate any additional impact.

Other Planning Issues

Biodiversity

9.139 The scheme incorporates a number of biodiversity enhancement measures. A number of green roofs are proposed which will incorporate planting of species that attract insects which provide a food source for bats. Bat bricks and boxes are also proposed. A condition is attached which will ensure that biodiversity measures are maximised.

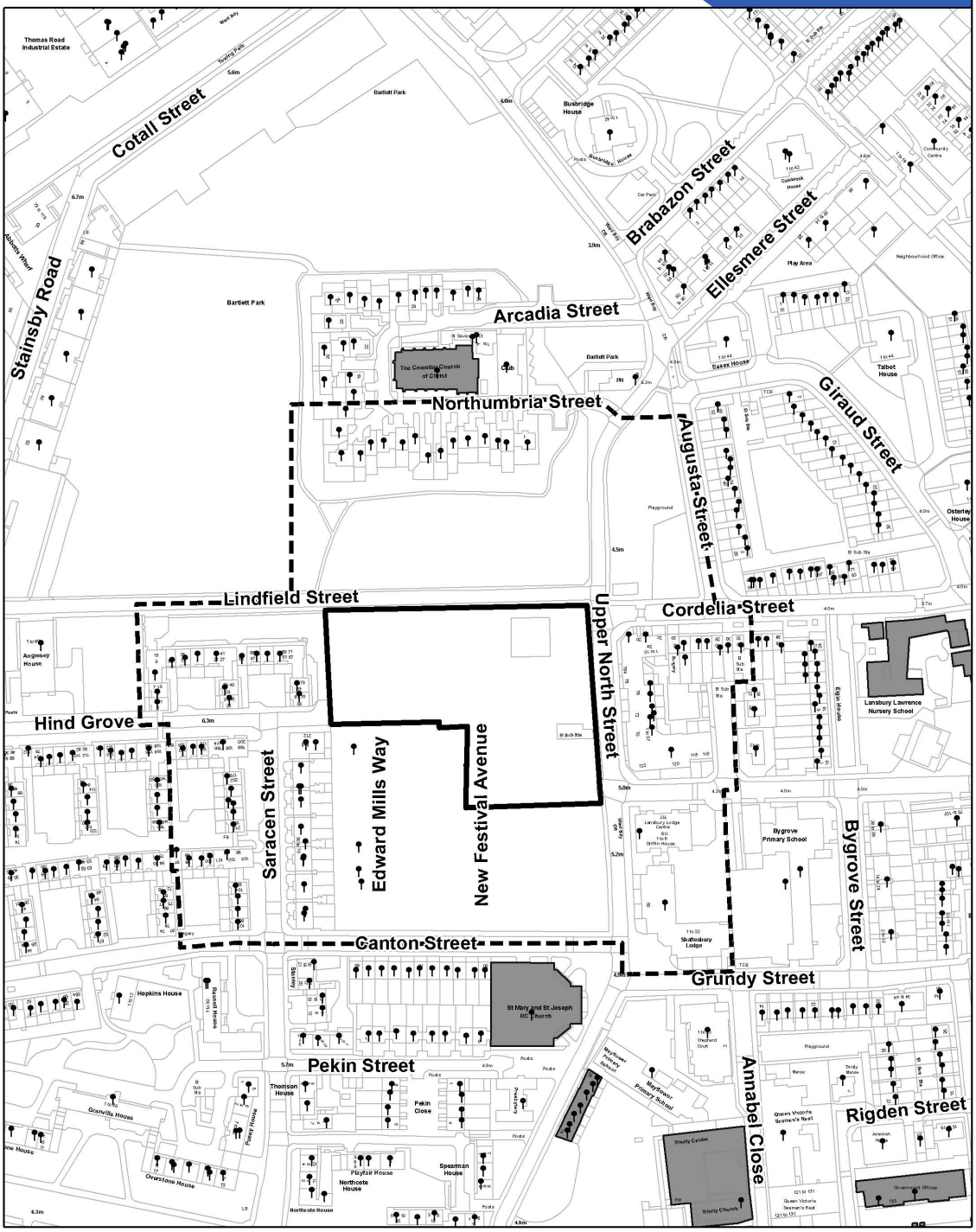
Environmental Statement

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

Conclusions

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

Planning Application Site Map



Planning Application Site Boundary

Consultation Area

Locally Listed Buildings

Statutory Listed Buildings

Land Parcel Address

0 30 m

1:2,500

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

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Committee:	Date:	Classification:	Agenda Item No:
Strategic Development	6th Match 2012	Unrestricted	7

Report of: Corporate Director Development and Renewal **Originating Officer:** Owen Whalley	**Title:** Other Planning Matters **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:	Tick if copy supplied for register:	Name and telephone no. of holder:
See individual reports		See individual reports

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Committee: Strategic Development	Date: 6thMarch 2012	Classification: Unrestricted	Agenda Item No: 7.1
Report of: Director of Development and Renewal **Case Officer:** Elaine Bailey		**Title:** Application for Planning Permission **Ref No:** PA/11/02716 **Ward:** East India and Lansbury	

1.

APPLICATION DETAILS

The application site falls wholly within the planning functions of the London Thames Gateway Development Corporation (LTGDC). London Borough of Tower Hamlets is a statutory consultee on this application.

This report therefore provides an officer recommendation which is intended to form the basis for the Borough's observations to LTGDC. The Strategic Development Committee is requested to consider the endorsement of this recommendation only.

Location: Aberfeldy Estate, Abbott Road, London, E14

Existing use: Existing residential development including parade of shops, health centre, community centre and associated uses along Aberfeldy High Street.

Site also includes a partly cleared site in the south eastern corner of the site (referred to as former Currie and Dunkeld Site)

Proposal: Outline planning application (all matters reserved) for the mixed-use redevelopment of the existing Aberfeldy estate comprising:

- Demolition of 297 existing residential units and 1,990 sqm of non-residential floorspace, including shops (use class A1), professional services (use class A2), food and drink (use class A3 and A5), residential institution (use class C2), storage (use class B8), community, education and cultural (use class D1); and
- Creation of up to 1,176 residential units (Use Class C3) in 15 new blocks between 2 and 10 storeys in height plus 1,743sqm retail space (Use Class A1), professional services (Use Class A2), food and drink (Use Classes A3 and A5) and 1,786 community and cultural uses (Use Class D1) together with a temporary marketing suite (407sqm),

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

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

energy centre, new and improved public open space and public realm, semi-basement, ground and on-street vehicular and cycle parking and temporary works or structures and associated utilities/services.

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

The application seeks approval (with all matters reserved).

Drawing Nos: Location Plan 001; AVO2 Site Boundary 002 P2; Existing Car Park Layout 003; Demolition Plan 004; Development Zones and Building Dimensions 005; Development Zones and FFLs 006; Elevations 007; Elevations 008; Elevations 009; Principal Public Realm Areas 010; Street Sections – Main Streets 011; Street Sections – Side Streets 012; Street Sections – Squares 013;
Street Sections – Linear Park 014; Locations of Semi – Private Communal Courtyards and Private gardens 015;
Development Zone Car park level 016; Predominant Land Use at Ground Level 017; Predominant Land Use at Typical Upper Level 018; Ground Level Road/Route Network 019; Pedestrian &Vehicular Access 020;
P2 (Outline Planning Application)

Documents:

AVO1	Application Form
AVO2	Scale Site Plan
AVO3	Development Specification
AVO3a	The Design Code
AVO4a	Design and Access Statement
AVO4b	Masterplan Access Statement
AVO5	Regulatory Plans
AVO6	Planning and Regeneration Statement
AVO7	Statement of Community Involvement
AVO8a	Environmental Statement Non-Technical Summary
AVO8b	Environmental Statement
AVO8c	Environmental Statement Annexes
AVO9	Transport Assessment
AVO10	Gas Holder Risk Assessment
AVO11	Energy Statement
AVO12	Financial Statement and S106 Heads of Terms
AVO13	Sustainability Statement
AVO14	Retail Statement

Design Code - dated 19 Jan 12
Waste & Refuse Strategy submitted 19 Jan 12

AVO10 and AVO10B OPA Risk Assessment (dated 26th Oct + update

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

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dated 19th Jan);
AV07 Copy of OPA Statement of Community Involvement; AV09 Annex P Transport Assessment;

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

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

Applicant: Poplar HARCA and Willmott Dixon Homes Ltd

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

Historic buildings: None within application site, however Balfron Tower (listed) is situated opposite the application site to the west.

Conservation areas: None.

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1 Officers have considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan 1998, (Saved policies); associated Supplementary Planning Guidance, the London Borough of Tower Hamlets adopted Core Strategy (2010), Managing Development DPD (proposed submission version) 2012; as well as the London Plan (2011) and the relevant Government Planning Policy Guidance, and has found that:

2.2 The scheme will provide for the regeneration of Aberfeldy estate through the provision of a new residential led mixed use development. The scheme maximises the use of previously developed land, ensures that there will be no net loss of housing (including affordable housing) and will significantly contribute towards creating a sustainable residential environment in Poplar Riverside in accordance with the objectives Policy 3.4 the London Plan (2011) the Lower Lea Valley Opportunity Area Planning Framework (2007); Leaside Action Area Plan (2007), LAP 7 & 8 of the Core Strategy and Policies SP02 of Core Strategy (2010); DEV3 of the Unitary Development Plan 1998; and DM3 of Managing Development DPD (proposed submission version) 2012.

2.3 On balance, the benefits of regenerating Aberfeldy to create additional homes for the Borough including affordable family homes and new improved community and social infrastructure is considered to outweigh the potential risk associated with the proximity of the site to the existing Poplar gasholders at Leven Road. As such, the development is considered acceptable on balance in accordance with Saved Policies DEV53 and DEV54 of the UDP and Policy DM30 of the Managing Development DPD (proposed submission version) (2012) which seeks to resist new developments in close proximity to hazardous installations where it would be a significant threat to health and the environment.

2.4 The relocation of Aberfeldy's Neighbourhood Centre, together with the consolidation and enhancement of the existing retail provision is considered acceptable and in line with Policy 2.14 of the London Plan (2011), SP01 of the Core Strategy (2010) and Policy DM2 of the Managing Development DPD (proposed submission version) 2012 which together seek to protect and enhance the Boroughs retail hierarchy and ensure adequate provision of supporting retail activity.

2.5 The proposed replacement and upgrading of existing social and community facilities are supported in line with Policy SP03 of the Council's Core Strategy (2010) and Policy DM8 of the Managing Development DPD (proposed submission version) 2012 which together seek to protect existing community facilities and deliver new high quality facilities in accessible locations.

2.6 On balance, transport matters, including parking, access and servicing, are considered acceptable and in line with policies T16 and T19 of the Council's Unitary Development Plan (1998), policy SP08 and SP09 of the Core Strategy (2010) and DM20 and DM22 of the Managing Development DPD (proposed submission version) 2012, which seek to ensure developments minimise parking and promote sustainable transport options.

2.7 The indicative layout, building height, scale and bulk as set out in the parameter plans are acceptable and in accordance with Chapter 7 of the London Plan (2011); saved policies DEV1, DEV2 and DEV3 of the Council's UDP (1998), Policies SP10 and SP12 of the Core Strategy (2010) and Policy DM23 and DM24 of the Managing Development DPD (proposed submission version) 2012 which seek to ensure buildings and places are of a high quality of design and suitably located.

2.8 In light of the overall site constraints, particularly the proximity of the site to the existing gasholders and the tested viability constraints, the proposed affordable housing offer (at 26% and including a phased review mechanism) and mix of units is considered acceptable, as it will contribute towards the delivery of new and replacement affordable homes to a better quality and standard and will also contribute towards achieving an improved mix in tenure across Aberfeldy, in line with Policies 3.8-3.12 of the London Plan (2011) and Policies SP02 of the Core Strategy (2010) and Policy DM3 of the Managing Development DPD (proposed submission version (2012) which seek to maximise the delivery of affordable homes in line with strategic targets whilst having regards to site constraints and viability.

2.9 On balance the indicative plans indicate that the proposal can provide acceptable space standards and layout. As such, the scheme is in line with the London Housing Design Guide (Interim Edition, 2010), Policies 3.5 of the London Plan (2011), saved Policy HSG13 of the UDP (1998) and Policy SP02 of the Core Strategy (2010), Policy DM4 of the Managing Development DPD (proposed submission version) 2012 and the Council's Residential Standards SPG (1998).

2.10 The quantity and quality of housing amenity space, communal space, child play space and open space is considered acceptable and in line with saved policy HSG16 of the Council's Unitary Development Plan (1998), policy SP02 of the Core Strategy Development Plan Document (2010), and of DM4 of the Managing Development DPD (proposed submission version) 2012 which seek to improve amenity and liveability for residents.

2.11 On balance, and considering the site constraints and urban context, it is not considered that the proposal will give rise to any significant adverse impacts in terms of loss of privacy, overlooking, over shadowing, loss of 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 SP10 of the of the Core Strategy (2010) and DM25 of the Managing Development DPD (proposed submission version) 2012, which seek to protect residential amenity.

2.12 Sustainability matters, including energy, are acceptable and accord with policies 5.2 and 5.7 to 4A.7 of the London Plan (2011), policy SP11 of the Core Strategy (2010), policy DM29 of the Managing Development DPD (proposed submission version) 2012 which seek to promote sustainable development practices.

2.13 Whilst S106 package fall significantly short of the required amount for a development of this scale, officers accept the applicants offer in light of the viability constraints identified in this proposal. The provision of 26% affordable housing across the site, (including appropriate review mechanisms to capture future surplus affordable housing) alongside the onsite provision of new health facilities, the package is considerable acceptable. Furthermore and in consideration of the wider benefits that this application will deliver in terms of creating a much improved community for Aberfeldy, the proposed S106 package is considered acceptable 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), 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.

3.0 RECOMMENDATION

3.1 That Committee resolve to **formally support** the application for the reasons set out above, subject to:

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

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

3.3 a) To provide a minimum of 26% of the residential accommodation across the site as affordable housing measured by habitable rooms including replacement and comprising a minimum 5-10% on the uplift alone, with necessary review mechanism to assess the capacity of each phase to provide additional affordable housing prior to construction).

b) A commitment to utilising employment and enterprise, training and skills initiatives to maximise employment of local residents *(not yet resolved at the time of writing this report but officers are aiming to resolved this by Feb 16th Committee).*

c) A commitment to the provision of a new replacement Community Centre on site or the payment of a £380k financial contribution to Council if not delivered by completion of Phase 4/specific date.

d) A contribution of £311k to mitigate against the demand of the additional population on educational facilities.

e) A commitment to the provision of a new Health Centre on site or a payment financial contribution if facility is not delivered by completion of Phase 4/specific date.

f) A commitment to the streetscene, environmental improvements and general public realm enhancements through to the value of £416k

g) A commitment to the provision of public art on site to the value of £50k.

h) £3k towards Travel Plan monitoring.

i) A commitment towards wayfinding (schedule of works to be submitted).

j) The completion of a car-free agreement (existing tenants not subject to car and permit free agreement).

k) S106 Monitoring fee (3%)

l) 20% skills match

m) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal.

3.4 **C**. A 21-day consultation period with the Health and Safety Executive.

3.5 That the Corporate Director Development & Renewal is delegated power to engage with LTGDC and the applicant to negotiate the legal agreement indicated above.

3.6 That the Corporate Director Development & Renewal is delegated authority to recommend the following conditions and informatives in relation to the following matters:

Wide 'Compliance' Conditions –

- Timing – within 3yrs
- In accordance with approved plans
- Phasing plan
- Maximum floor areas
- Maximum no. of units (1176)
- Minimum playable space
- Min amount of private amenity space
- Min amount of communal amenity space per phase
- Minimum floor areas for Community Centre
- Min floor area for Health Centre
- Min floor area for faith centres
- Lifetime Homes Standards
- Maximum building heights
- 10% Wheelchair units
- Code for Sustain Homes Level 4
- BREEAM Excellent
- Secured by Design standards
- Compliance with Mayor's internal space standards
- Maximum parking ratio and no. of spaces (356)
- Min no. of car club spaces
- Min. No of disabled
- Min no. electric charging spaces.
- Min no. of cycle spaces
- In accordance with approved FRA
- Hours of construction
- Bird nesting (City Airport)
- Flight path, cranage height, lighting (City Airport)
- Consultation with National Grid
- Tree replacement
- Compliance with site wide energy strategy
- Compliance with plan submitted to London Fire and Emergency Planning Authority.
- Highway works to include incorporation of cycle path

Site Wide 'Prior to Construction' Conditions:

- Drainage Strategy
- Contamination – investigation and remediation
- Archaeology
- Green roof plan
- Access strategy including details of all public access ramps
- Landscape and public realm masterplan
- Construction Environment Management Plan
- Construction Logistics Plan
- Waste Management Strategy
- Air Quality Management Plan
- Site Flood Emergency Plan
- Fire and Emergency detail (travel distance)
- Thames water foundation and piling details (Thames Tunnel)

- Thames water (minimum pressure head and flow rates)
- Thames water (drainage plans for all phases)
- Car park Management Plan
- Tree survey and protection plan
- PV plan
- Ground surface materials and boundary treatment details
- Wind assessment and mitigation
- Shop front and signage detail (Phase 1, 3, 4)
- Details of public realm, lighting and street furniture proposed around A12 subway entrance in Phase 4.

Site Wide 'Prior to Occupation' Conditions::

- Delivery and Servicing Plan
- Hours of Operation for non residential uses.

Individual Phase Conditions:

- Temp use ground floor of Phase 1 for marketing suite
- Limit over size of retail floorspace in Phase 1
- Details of retail floorspace for units in Phase 3/4
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- Daylight and Sunlight compliance (Phase 1-6)
- Noise insulation and ventilation measures (Phase 1-6)
- Detail of Plant extract equipment (Phase 1, 3, 4)
- Updated retail impact statement to assessment (Phase 4)
- Details of all brown and green roofs including biodiversity measures (Phase 1-6)
- Lighting scheme and CCTV details (Phase 1-6)
- Hours of operation for faith uses (Phase 3)
- Details of Playable space, play equipment and street furniture (Phase 1-6)
- Storage of waste and recycling (Phase 1-6)

Reserved Matters Applications for Each Phase:

- Compliance with Outline Application
- Approval of Reserved Matters relating to (i) Layout, (ii) Scale, (iii) Access, (iv) Appearance, (v) Landscaping.

Informatives:

- S106 required
- S278 required
- Consultation with Building Control
- Thames Water Advice

3.7 The application is considered to contain sufficient information in relation to the above.

4. BACKGROUND

4.1 A report covering this proposed development was included on the agenda for the 16 February 2012 Strategic Development Committee, with a recommendation to formally support the application for the reasons set out above, subject to any direction by the Mayor of London, the prior completion of a legal agreement, the 21 day consultation period with the Health and Safety Executive (HSE) and the imposition of various planning conditions.

4.2 Immediately after finalising the 16 February 2012 Strategic Development Committee agenda, a meeting with the HSE was finally confirmed (scheduled for 21 February 2012) to discuss its initial comments on the proposed development and in particular, its concern over the proximity of the proposed development to the existing gasholders. Your officers considered it prudent to withdraw the report from the 16 February 2012 agenda, so that officers might report back to Members on the outcome of this 21 February meeting.

4.3 Since the finalisation of the 16 February 2012 report, Employment and Enterprise have undertaken further discussions with the applicant regarding its commitment to utilise employment and enterprise, training and skills to maximise employment opportunities for local residents. The outcome of these discussions is outlined below.

4.4 As indicated above, officer's recommendation is as previously confirmed to formally support the application (which will need to be formally determined by the London Thames Gateway Development Corporation). It is understood that the case is due to be considered by the LTGDC Planning Committee on the 8 March 2012. It is clearly important for the Council to makes its views known, so they can be formally reported to the LTGDC (as the determining authority).

4.5 A copy of the previous 16 February 2012 Committee Report is attached as Appendix 1.

5.0 ADDITIONAL LETTERS OF REPRESENTATION/SUBSEQUENT HSE MEETING

5.1 Since the publication of the previous report, the Council has received a formal response from the HSE. The Poplar Gasholder site on Leven Road contains three gasholders and is designated as a major hazard site by virtue of the storage of hazardous substances. Since the earliest iterations of these proposals. LTGDC, the GLA and the Council have identified the schemes proximity to the gasholders as being a significant constraint to development in this area and that the design of the development should take this into account.

5.2 The letter from the HSE (dated 16 February 2012) provides further views on the health and safety risks associated with the proximity of the development to the existing gasholders. It also deals with potential mechanisms to deal with the health and safety risks through the use of "Grampian" conditions. The letter requests that officers reconsider their recommendations in the light of comments contained within the 16 February letter (which is attached to this report as Appendix 2). The most recent letter re-iterates that both applications (outline and detailed applications) should be refused on grounds that there are sufficient safety grounds for planning permission to be refused. The HSE goes on to advise that the level of risk to occupants of the proposed development would be a serious concern.

5.3 The letter then refers to the potential use of "Grampian" conditions – relating to the potential decommissioning of the gasholders. The letter refers to the Ofgem Website on which National Grid Gas has published a business base for supplying gas over future

years, which states that they initially intend to decommission all their gasholders before April 2013 and then demolish them over the next 13 years (2026). The HSE had previously required the use of Grampian conditions to be attached to both planning permissions, which would have prevented occupation of any part of the development until the Hazardous Substances Consent (HSC) for the Poplar Gasholder Station had been formally revoked by the Council as the Hazardous Substances Authority. The letter advises that if Grampian conditions, which would prevent the occupation until the Hazardous Substances Consent has been revoked, were attached to any planning permission, the HSE would withdraw its formal advice against the applications.

5.4 The letter then comments on relevant sections of the 16 February 2012 Strategic Development Committee report. The letter raises disappointment that officers did not seek an explanation of the HSE advice for these cases before preparing these important aspects of these reports. There is also concern raised that the applicant's safety consultant applied the Case Societal Risk (SRI) methodology in a way which was misleading and incompatible with HSE's Comparison Values. The HSE concludes that the consultant's reports do not provide a sound basis for informed decision-making by the Council.

5.5 The letter also confirms that the HSE does not accept an occupancy rate of only 2 people per unit – and advises that over 3 people per unit should be taken as the level of occupation appropriate for Phase 1 (the detailed planning application). The letter also goes onto say that an HSE request to "call in" the application for consideration by the Secretary of State should not be treated as a material planning consideration – as this will be considered if/when the planning authority has resolved to grant planning permission. The letter emphasises that the HSE's formal representations, as delivered through PADHI, is a matter which the Council is legally required to take into account. This response requires the most careful consideration; not merely the Council officers' interpretation of the HSE's call-in criteria. Depending on the exact nature and type of development involved, HSE advises against development with an SRI value exceeding 2,500 (significant risk) but advises against almost all proposed development with an SRI value exceeding 35,000 (substantial risk). The proposed SRI would significantly exceed these levels.

5.6 The letter also refers to previous case law which determined that on technical matters, local planning authorities, whilst not bound to follow the advice from statutory bodies such as the HSE, should nevertheless give great weight to a statutory body's advice when determining a planning application. Finally the letter questions the reliance given to the third party assessments of risk (provided by Renaissance Risk) which relied on work undertaken by Atkins. The letter refers to public inquiries which questioned the work undertaken by these organisations and whether the recognised HSE zones should be revised. The letter re-affirms the view that the applicants' consultant has applied the HSE Case Societal Risk (SRI) methodology in a way that is misleading and incompatible with the HSE Comparison Values and do not provide a sound basis for informed decision making.

5.7 The 21 February meeting with the HSE went ahead as planned and it was made clear by the HSE that it will not modify its position in respect of the health risks associated with both the outline and detailed planning applications. The HSE also advised that if the Council/LTGDC was minded to grant planning permission, it would hold an officers case conference with a decision made on whether to report the matter to the HSE Board recommending that the HSE seek to request a "call-in".

5.8 There was discussion on the occupancy assumptions (which feed into the eventual SRI calculation) and there was some HSE acceptance that the 2001 census provided a lower occupancy level (which resulted in a SRI of around 650,000 for Phase 1). The HSE did not agree with the applicant's phased calculation approach – which was included in the

16 February Report.

5.9 At this meeting, the applicant advised that the HSE's suggestion of a Grampian condition to be imposed on Phase 1 would not be acceptable (in terms of development risk). HSE suggested that negotiation takes place with National Grid to negotiate a variation or revocation of the existing Hazardous Substances Consent. Only then will the HSE consider removing their objection to the applications on health and safety grounds. Members should be made aware that any change or revocation of a Hazardous Substances Consent could leave the Council liable for compensation. Efforts are being made to meet up with National Grid, prior to the application being determined by the LTGDC (scheduled for the 8th March 2012).

6.0 FURTHER DISCUSSIONS ON EMPLOYMENT AND TRAINING

6.1 Paragraph 9.257-9.261 of the 16 February 2012 Strategic Development Committee report outlines the various "in kind" obligations to ensure that a proportion of local residents of Tower Hamlets benefit from the construction jobs and that a proportion of the goods and services procured during the development should be achieved by businesses in Tower Hamlets. Since that time, officers of Employment and Enterprise have been in further dialogue with the applicant and agreement has now reached in terms of the form of the "in kind" employment and training opportunities/measures. Specific heads of terms are attached to this report (as Appendix 3).

7.0 RECOMMENDATION

7.1 It is recommended, save for the more detailed heads of terms in respect of the employment and training clauses of the S.106 Agreement, that the Council should continue to support the application.

7.2 Whilst It is appreciated that the HSE objections (serious health and safety risks associated with the close proximity of the Leven Road gas holders to the proposed development) represent a significant material consideration, your officers are satisfied that they have adopted a robust and balanced assessment of the various planning merits associated with the proposed Estate Regeneration scheme. On the basis of the information provided by all parties, it is your officers' view that the various benefits presented by this scheme outweigh the potential risk associated with the gasholder proximity.

Appendix 1

Committee: Strategic Development	Date: 16th Feb 2012	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director of Development and Renewal **Case Officer:** Elaine Bailey	**Title:** Application for planning permission **Ref:** 11/02716 **Ward:** East India and Lansbury		

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 <u>observations</u> to LTGDC. The Strategic Development Committee is requested to consider the endorsement of this recommendation only.

Location: Aberfeldy Estate, Abbott Road, London, E14

Existing use: Existing residential development including parade of shops, health centre, community centre and associated uses along Aberfeldy High Street.
Site also includes a partly cleared site in the south eastern corner of the site (referred to as former Currie and Dunkeld Site)

Proposal: Outline planning application (all matters reserved) for the mixed-use redevelopment of the existing Aberfeldy estate comprising:

- Demolition of 297 existing residential units and 1,990 sqm of non-residential floorspace, including shops

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

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

(use class A1), professional services (use class A2), food and drink (use class A3 and A5), residential institution (use class C2), storage (use class B8), community, education and cultural (use class D1); and

- Creation of up to 1,176 residential units (Use Class C3) in 15 new blocks between 2 and 10 storeys in height plus 1,743sqm retail space (Use Class A1), professional services (Use Class A2), food and drink (Use Classes A3 and A5) and 1,786 community and cultural uses (Use Class D1) together with a temporary marketing suite (407sqm), energy centre, new and improved public open space and public realm, semi-basement, ground and on-street vehicular and cycle parking and temporary works or structures and associated utilities/services.

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

The application seeks approval (with all matters reserved).

Drawing Nos: Location Plan 001; Planning Application Boundary 002; Existing Car Park Layout 003; Demolition Plan 004; Development Zones and Building Dimensions 005; Development Zones and FFLs 006; Elevations 007; Elevations 008; Elevations 009; Principal Public Realm Areas 010; Street Sections – Main Streets 011; Street Sections – Side Streets 012; Street Sections – Squares 013; Street Sections – Linear Park 014; Locations of Semi – Private Communal Courtyards and Private gardens 015; Development Zone Car park level 016; Predominant Land Use at Ground Level 017; Predominant Land Use at Typical Upper Level 018; Ground Level Road/Route Network 019; Pedestrian &Vehicular Access 020;

Documents:

AVO1	Application Form
AVO2	Scale Site Plan
AVO3	Development Specification
AVO3a	The Design Code
AVO4a	Design and Access Statement

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AVO4b Masterplan Access Statement
AVO5 Regulatory Plans
AVO6 Planning and Regeneration Statement
AVO7 Statement of Community Involvement
AVO8a Environmental Statement Non-Technical Summary
AVO8b Environmental Statement
AVO8c Environmental Statement Annexes
AVO9 Transport Assessment
AVO10 Gas Holder Risk Assessment
AVO11 Energy Statement
AVO12 Financial Statement and S106 Heads of Terms
AVO13 Sustainability Statement
AVO14 Retail Statement

Design Code - dated 19 Jan 12
Waste & Refuse Strategy submitted 19 Jan 12

AVO10 and AVO10B OPA Risk Assessment (dated 26th Oct + update dated 19th Jan);
AV07 Copy of OPA Statement of Community Involvement;
AV09 Annex P Transport Assessment;

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Applicant:	Poplar HARCA and Willmott Dixon Homes Ltd
Owners:	Schedule attached to Cert B of planning application form.
Historic buildings:	None within application site, however Balfron Tower (listed) is situated opposite the application site to the west.
Conservation areas:	None.

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1. Officers have considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan 1998, (Saved policies); associated Supplementary Planning Guidance, the London Borough of Tower Hamlets adopted Core Strategy (2010), Development Management DPD (2012); as well as the London Plan (2011) and the relevant Government Planning Policy Guidance, and has found that:

2.2 The scheme will provide for the regeneration of Aberfeldy estate through the provision of a new residential led mixed use development. The scheme maximises the use of previously developed land, ensures that there will be no net loss of housing (including affordable housing) and will significantly contribute towards creating a sustainable residential environment in Poplar Riverside in accordance with the objectives Policy 3.4 the London Plan (2011) the Lower Lea Valley Opportunity Area Planning Framework (2007); Leaside Action Area Plan (2007), LAP 7 & 8 of the Core Strategy and Policies SP02 of Core Strategy (2010); DEV3 of the Unitary Development Plan 1998; and DM3 of Draft Managing Development DPD (2012).

2.3 On balance, the benefits of regenerating Aberfeldy to create additional homes for the Borough including affordable family homes and new improved community and social infrastructure is considered to outweigh the potential risk associated with the proximity of the site to the existing Poplar gasholders at Leven Road. As such, the development is considered acceptable on balance in accordance with Saved Policies DEV53 and DEV54 of the UDP and Policy DM30 of the draft Managing Development DPD (2012) which seeks to resist new developments in close proximity to hazardous installations where it would be a significant threat to health and the environment.

2.4 The relocation of Aberfeldy's Neighbourhood Centre, together with the consolidation and enhancement of the existing retail provision is considered acceptable and in line with Policy 2.14 of the London Plan (2011), SP01 of the Core Strategy (2010) and Policy DM2 of the draft Managing Development DPD (2012) which together seek to protect and enhance the Boroughs retail hierarchy and ensure adequate provision of supporting retail activity.

2.5 The proposed replacement and upgrading of existing social and community facilities are supported in line with Policy SP03 of the Council's Core Strategy (2010) and Policy DM8 of the draft Managing Development DPD (2012) which together seek to protect existing community facilities and

deliver new high quality facilities in accessible locations.

2.6 On balance, transport matters, including parking, access and servicing, are considered acceptable and in line with policies T16 and T19 of the Council's Unitary Development Plan (1998), policy SP08 and SP09 of the Core Strategy (2010) and DM20 and DM22 of the Draft Managing Development DPD (2012), which seek to ensure developments minimise parking and promote sustainable transport options.

2.7 The indicative layout, building height, scale and bulk as set out in the parameter plans are acceptable and in accordance with Chapter 7 of the London Plan (2011); saved policies DEV1, DEV2 and DEV3 of the Council's UDP (1998), Policies SP10 and SP12 of the Core Strategy (2010) and Policy DM23 and DM24 of the Managing Development DPD (2012) which seek to ensure buildings and places are of a high quality of design and suitably located.

2.8 In light of the overall site constraints, particularly the proximity of the site to the existing gasholders and the tested viability constraints, the proposed affordable housing offer (at 26% and including a phased review mechanism) and mix of units is considered acceptable, as it will contribute towards the delivery of new and replacement affordable homes to a better quality and standard and will also contribute towards achieving an improved mix in tenure across Aberfeldy, in line with Policies 3.8-3.12 of the London Plan (2011) and Policies SP02 of the Core Strategy (2010) and Policy DM3 of the draft Managing Development DPD (2012) which seek to maximise the delivery of affordable homes in line with strategic targets whilst having regards to site constraints and viability.

2.9 On balance the indicative plans indicate that the proposal can provide acceptable space standards and layout. As such, the scheme is in line with the London Housing Design Guide (Interim Edition, 2010), Policies 3.5 of the London Plan (2011), saved Policy HSG13 of the UDP (1998) and Policy SP02 of the Core Strategy (2010), Policy DM4 of the draft Managing Development DPD (2012) and the Council's Residential Standards SPG (1998).

2.10 The quantity and quality of housing amenity space, communal space, child play space and open space which is considered acceptable and in line with saved policy HSG16 of the Council's Unitary Development Plan (1998), policy SP02 of the Core Strategy Development Plan Document (2010), and of DM4 of the Draft Managing Development DPD (2012) which seek to improve amenity and liveability for residents.

2.11 On balance, and considering the site constraints and urban context, it is not considered that the proposal will give rise to any significant adverse impacts in terms of loss of privacy, overlooking, over shadowing, loss of 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 SP10 of the of the Core Strategy (2010) and DM25 of the Draft Managing Development DPD (2012), which seek to protect residential amenity.

Sustainability matters, including energy, are acceptable and accord with policies 5.2 and 5.7 to 4A.7 of the London Plan (2011), policy SP11 of the Core Strategy (2010), policy DM29 of the Managing Development DPD (2012) which seek to promote sustainable development practices.

2.12 Whilst S106 package fall significantly short of the required amount for a development of this scale, officers accept the applicants offer in light of the viability constraints identified in this proposal. The provision of 26% affordable housing across the site, (including appropriate review mechanisms to capture future surplus affordable housing) alongside the onsite provision of new health facilities, the package is considerable acceptable. Furthermore and in consideration of the wider benefits that this application will deliver in terms of creating a much improved community for Aberfeldy, the proposed S106 package is considered acceptable 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), 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 Committee resolve to **formally support** the application for the reasons set out above, subject to:

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

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

3.3

a) To provide a minimum of 26% of the residential accommodation across the site as affordable housing measured by habitable rooms including replacement and comprising a minimum 5-10% on the uplift alone, with necessary review mechanism to assess the capacity of each phase to provide additional affordable housing prior to construction).

b) A commitment to utilising employment and enterprise, training and skills initiatives to maximise employment of local residents *(not yet resolved at the time of writing this report but officers are aiming to resolved this by Feb 16th Committee).*

c) A commitment to the provision of a new replacement Community Centre on site or the payment of a £380k financial contribution to Council if not delivered by completion of Phase 4/specific date.

d) A contribution of £311k to mitigate against the demand of the additional population on educational facilities.

e) A commitment to the provision of a new Health Centre on site or a payment financial contribution if facility is not delivered by completion of Phase 4/specific date.

f) A commitment to the streetscene, environmental improvements and

general public realm enhancements through to the value of £416k

g) A commitment to the provision of public art on site to the value of £50k.

h) £3k towards Travel Plan monitoring.

i) A commitment towards wayfinding (schedule of works to be submitted).

j) The completion of a car-free agreement (existing tenants not subject to car and permit free agreement).

k) S106 Monitoring fee (3%)

l) 20% skills match

m) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal.

3.4 **C**. A 21-day consultation period with the Health and Safety Executive.

That the Corporate Director Development & Renewal is delegated power to engage with LTGDC and the applicant to negotiate the legal agreement indicated above.

3.5 That the Corporate Director Development & Renewal is delegated authority to recommend the following conditions and informatives in relation to the following matters:

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- Code for Sustain Homes Level 4
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- Delivery and Servicing Plan
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Reserved Matters Applications for Each Phase:

- Compliance with Outline Application
- Approval of Reserved Matters relating to (i) Layout, (ii) Scale, (iii) Access, (iv) Appearance, (v) Landscaping.

Informatives:

- S106 required
- S278 required
- Consultation with Building Control
- Thames Water Advice

3.6 The application is considered to contain sufficient information in relation to the above.

4 PROPOSAL AND LOCATION DETAILS

Background & Proposal

Background

4.1 This application is submitted by Poplar Harca, a non-profit RSL established by LBTH in 1998 as the UK's first Local Housing Company. Following a stock transfer arrangement, Poplar Harca now own and manage 8,500 ex-Council homes in the Borough.

4.2 The current application is the basis on which Poplar Harca's programme for 'Re-Shaping Poplar' can take place. In addition to providing new homes, the programme seeks to deliver new and improved health, community and social facilities to sustain existing and future communities in Poplar.

4.3 Following formal pre-application discussion with LTGDC, GLA and LBTH in 2009 and 2010, Poplar Harca submitted a planning application (ref: 10/10344) for the redevelopment of Aberfeldy in 2010. As will be discussed in later sections of this report, officers felt the submission of the 2010 planning application to be premature, as a number of issues which were raised during the pre-application stage remained unresolved at the time of submission. These concerns related principally to the overall layout, height, density of the development and the proximity of the development to the existing gasholders at Leven Road, particularly in light of the likely objections by the Health and Safety Executive (HSE). As a result, officers requested the application be withdrawn and revisited.

4.4 The applicant made efforts to consult with key stakeholders, principle consultees and local residents in attempt to substantially revise the application proposal. In particular, this involved consultation with the HSE between February and August 2011 and the Environment Agency. Poplar Harca also selected a preferred development partner, Wilmott Dixon and together submitted a fresh planning application under a new team of architects and masterplanners. The 2010 application is now withdrawn and the current proposal is outlined below:

Proposal

4.5 The application proposes up to up to 1,176 new homes, 2,132sqm of new and replacement retail space, health and community facilities. This can be broken down further as follows:

- 297 existing homes would be demolished and reprovided;
- 1,990sqm of non residential floor space including existing retail space along Aberfeldy Street and existing Neighbourhood Centre would be demolished;
- Up to 1,176 new and replacement homes would be constructed across 15 blocks;
- Following replacement, the scheme would deliver 879 new homes;

- 26% of the overall scheme will be for affordable housing. Following re-provision, a minimum uplift of 5-10% is proposed, with a proposed mechanism to review each of the 6 phases prior to construction to assess the site's capacity to provide surplus affordable housing;

- 1,738sqm of new retail floorspace is also proposed;

- New purpose built community centre measuring 504sqm;

- Two new purpose built faith facilities totalling 322sqm;

- New purpose built health centre measuring 960sqm;

- New public linear open space measuring up to 11,000sqm.

- Temporary energy centre in Phase 1 and permanent energy centre in Phase 3;

- Introduction of new off-street parking, in the form of new semi-basement and surface to provide up to 356 spaces for residential units plus 18 spaces for non residential uses.

Site & Surrounding Area

4.6 Aberfeldy estate is situated where the A12 and the Blackwall Tunnel Northern Approach Road meets the A13 (East India Dock Road), with Abbott Road to the north east.

4.7 The estate is predominantly residential in character with post war housing and 1970's infill social council homes dominating the estate, most of which range between 2, 4 and 6 storeys in height. The designated Aberfeldy Neighbourhood Centre acts as an active spine through the estate, where the main social, community and retail provision is situated.

4.8 To the west of the site lies Culloden Primary School and the underground subway crossing under the A12 towards Brownfield Estate and the Grade II listed Balfron Tower.

4.9 The south west corner of the site is currently vacant brownfield land which previously contained the former Currie and Dunkeld blocks (demolished in 2009).

4.10 The area contains a number of green spaces, notably, Millennium Green and Braithwaite Park. The Leven Road Gas Works are situated to the east of the site, on the opposite side of Abbott Road, which contains three gasholders and a large secure storage area.

4.11 The road network around Aberfeldy Estate is defined by the A12 Blackwall Tunnel North Approach running north-south along the site's western boundary and the A13 East India Dock Road running east-west along the southern boundary. Abbott Road is the principle link through the site, connecting the A12 and A13. There is no right turn into Abbott Road for

northbound traffic on the A12 Blackwall Tunnel Northern Approach. Aberfeldy Street is the main shopping street in the estate.

4.12 Pedestrian access to and from the site is provided via the A12 underpass at Culloden School (Dee Street). To the south, the A13 can now be crossed by a new signalised surface crossing at Nutmeg Lane.

4.13 In terms of public transport, the estate is currently served by the 309 bus route which uses stops on Aberfeldy Street, Blair Street, Abbott Road, the A12 and A13. The A13 is used by routes 115, N15, N550 and N551 providing links between Central London and Canning Town. The A12 is served by route 108 which operates between Lewisham and Stratford.

4.14 Both the Stratford and Beckton branches of the DLR are accessible from the site. Most convenient are East India and Blackwall, both of which are approx 5-10 walk from the site. These provide links to Canning Town station which is also served by the Jubilee Line. Langdon Park on Stratford DLR branch is accessible further to the east.

5 MATERIAL PLANNING HISTORY

PA/10/01344

5.1 An application was submitted in July 2010 for a broadly similar proposal to the current Outline application described above. This 2010 application was also in Outline form (with all matters reserved except for access, layout and scale) and the proposal sought permission for the mixed-use redevelopment of the existing Aberfeldy estate to comprise:

- Demolition of 298 existing residential units and demolition of 3,181sqm of existing non-residential floorspace, including shops (use class A1), professional services (use class A2), food and drink (use class A3 and A5), residential institution (use class C2), storage (use class B8), community, education and cultural (use class D1);

  and

- Creation of a new residential led mixed use scheme comprising 1,153 new residential units (net gain of 855) (use class C3) in 14 new blocks between 2 and 25 storeys in height (85.04m), plus up to 2,160sq.m. (GIA) of live/work space (Use Class Sui Generis) and up to 3,115sq.m. (GIA) of non-residential floorspace including shops (use class A1), professional services (use class A2), A3 and A5 (food and drink), B8 (storage), D1 (community, education and cultural uses, together with refurbishment and alterations of existing building structures, new and improved landscaped public open space and public realm, basement and surface vehicular and cycle parking, and temporary works or structures and associated utilities/services required by the development.

5.2 This proposal gave rise to a number of concerns from officers which can be summarised as follows:

- Dissatisfaction with the overall layout and design of the scheme, particularly along the A13;
- Excessive height of the residential blocks (16-25 storeys);
- Concerns regarding under-provision of retail space to cater for population increase on the site;
- Principle objections to live-work uses;
- Lack of open space and play space;
- Lack of site wide energy strategy;
- Concerns regarding lack of daylight and sunlight to certain blocks;
- Lack of demonstrated consultation and engagement with the Health and Safety Executive (HSE)

5.3 Applicant was advised to consult the relevant stakeholders and consultess and revise the application to address the concerns above. The issues arising from the 2010 application have been used as a basis to shape the format and content of the current outline and full applications. Extensive pre-application discussions took place in 2010 and 2011 in attempt to resolve the many of the issues outlined above. The 2010 application has now been withdrawn.

PA/08/01107 – Former Currie and Dunkeld Site, Abbott Road.

5.4 A full planning application submitted in June 2008 for the demolition of existing buildings on site and proposed the redevelopment of site by constructing new buildings ranging in height from 4 to 22 storeys to provide 241 dwellings comprising, 394sqm of cultural facilities (D1 use), public open space, structural landscaping and amenity, associated car parking and cycle storage and the creation of new vehicular and pedestrian routes.

5.5 The application was withdrawn in Sept 2008 due to unresolved issues, mainly being associated with the height of the blocks. The site was demolished in April 2009 and the site is currently vacant.

PA/10/03548 – Full Application for Phase 1 of Outline Application
(former Currie and Dunkeld Site)

5.6 An application for full planning permission is also being considered on the former Currie and Dunkeld site, for the erection of three blocks between 4 and 10 storeys on the corner of Abbott Road and East India Dock Road to provide 342 new residential units, 352 sq.m. new retail floorspace (Use Classes A1 and A3), a marketing suite of 407 sq.m. (Use Class A2), semi-basement and ground floor parking, cycle parking, landscaped public open space and private amenity space and other associated works. This proposal constitutes Phase 1 of the current Outline Application (PA/11/2716).

6. POLICY FRAMEWORK

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

Spatial Development Strategy for Greater London (London Plan)

Policies:	2.1	Inner London
	2.14	Areas for Regeneration
	3.1	Ensuring Equal Life Changing for All
	3.2	Improving Health and Addressing Health Inequalities
	3.3	Increasing Housing Supply
	3.4	Optimising Housing Potential
	3.5	Quality and Design of Housing Developments
	3.6	Children and Young People's Play and Informal Recreation Facilities
	3.7	Large Residential Developments
	3.8	Housing Choice
	3.9	Mixed and Balanced Communities
	3.10	Definition of Affordable Housing
	3.11	Affordable Housing Targets
	3.12	Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes
	3.13	Affordable Housing Thresholds
	3.14	Existing Housing
	3.16	Protection and Enhancement of Social Infrastructure
	3.17	Health and Social Care Facilities
	4.12	Improving Opportunities for All
	5.1	Climate Change Mitigation
	5.2	Minimising Carbon Dioxide Emissions
	5.3	Sustainable Design and Construction
	5.5	Decentralised Energy Networks
	5.6	Decentralised Energy in Development Proposals
	5.7	Renewable Energy
	5.9	Overheating and Cooling
	5.10	Urban Greening
	5.11	Green Roofs and Development Site Environs
	5.12	Flood Risk Management
	5.13	Sustainable Drainage
	5.14	Water Quality and Wastewater Infrastructure
	5.15	Water Use and Supplies
	5.22	Hazardous Substances and Installations
	6.1	Strategic Approach to Integrating Transport and Development
	6.3	Assessing the Effects of Development on Transport Capacity
	6.9	Cycling
	6.10	Walking
	6.12	Road Network Capacity
	6.13	Parking
	7.1	Building London's Neighbourhoods and Communities

7.2	An Inclusive Environment
7.3	Designing Out Crime
7.4	Local Character
7.5	Public Realm
7.6	Architecture
7.7	Location and Design of Tall and Large Buildings
7.9	Access to Nature and Biodiversity
7.14	Improving Air Quality
7.15	Reducing Noise and Enhancing Soundscapes
7.19	Biodiversity and Access to Nature

Supplementary Planning Guidance/Documents

London Housing Design Guide 2010

Unitary Development Plan 1998 (as saved September 2007)

Proposals:

Area of Archaeology Importance
Flood Protection Area (Zone 2 & 3)
Local Shopping Parade (Aberfeldy)

Policies:

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
DEV15	Tree Retention
DEV17	Siting and Design of Street Furniture
DEV43	Archaeology
DEV44	Preservation of Archaeological Remains
DEV50	Noise
DEV51	Contaminated Soil
DEV53	HSE & Hazardous Substances
DEV54	Consultation with HSE
DEV55	Development and Waste Disposal
DEV56	Waste Recycling
DEV57	Nature Conservation and Ecology
DEV63	Green Chains
DEV69	Efficient Use of Water
EMP1	Promoting Economic Growth & Employment Opportunities
EMP3	Change of use of office floorspace
EMP6	Employing Local People
EMP7	Enhancing the Work Environment & Employment Issues
EMP8	Encouraging Small Business Growth
EMP10	Development Elsewhere in the Borough
HSG4	Loss of Housing
HSG6	Accommodation over Shops
HSG7	Dwelling Mix and Type
HSG13	Internal Space Standards
HSG15	Residential Amenity
HSG16	Housing Amenity Space
T3	Extension of Bus Services
T7	Road Hierarchy

T10	Priorities for Strategic Management
T16	Traffic Priorities for New Development
T18	Pedestrians and the Road Network
T21	Pedestrians Needs in New Development
S4	Local Shopping Parades
S7	Special Uses
S10	Shopfronts
OSN3	Blue Ribbon Network
OS9	Children's Playspace
U2	Development in Areas at Risk from Flooding
SCF8	Encouraging Shared Use of Community Facilities
SCF11	Meeting Places
U2	Development in Areas at Risk from Flooding
U3	Flood Protection Measures

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

Proposals:		Area of Archaeology Importance
		Flood Protection Area (Zone 2 & 3)
		Local Shopping Parade (Aberfeldy)
		Site LS20 within Leaside Action Area Plan
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
	DEV14	Public Art
	DEV15	Waste and Recyclables
	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
	DEV23	Hazardous Dev & Storage of Hazardous Substances
	DEV24	Accessible Amenities and Services
	DEV25	Social Impact Assessment
	DEV27	Tall Buildings Assessment
	EE2	Redevelopment/Change of Use of Employment Sites
	RT3	Shopping Provision outside of Town Centres
	HSG1	HSG1 Determining Housing Density
	HSG2	HSG2 Housing Mix
	HSG4	HSG3 Affordable Housing

	HSG5	HSG5 Estate Regeneration Schemes
	HSG7	HSG7 Housing Amenity Space
	HSG9	HSG9 Accessible and Adaptable Homes
	HSG10	HSG10 Calculating Provision of Affordable Housing
	SCF1	SCF1 Social and Community Facilities
	OSN2	OSN2 Open Space
	CON1	CON1 Listed Building
	CON4	CON4 Archaeology and Ancient Monuments
	CON5	CON5 Protection and Management of Important Views

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

Site Allocation:	LS20	Currie and Dunkeld
Policies:	L1	L1 - Leaside Spatial Strategy
	L2	L2 - Transport
	L3	L3 - Connectivity
	L5	L5 - Open Space
	L6	L6 - Flooding
	L7	L7 - Education Provision
	L8	L8 - Health Provision
	L9	L9 - Infrastructure and Services
	L29	L29 – Employment Uses in Poplar Riverside Sub Area
	L30	L30 – Residential and Retail Uses in Poplar Riverside
	L31	L31 Local Connectivity in Poplar Riverside
	L32	L32 Design and Built Form in Poplar Riverside
	L33	L33 Site Allocations in Poplar Riverside

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

Managing Development - Development Plan Document (DPD)
Draft Proposed Submission Version Jan 2012

Proposal		
	DM2	Developing Local Shops
Policies:	DM3	Delivering Homes
	DM4	Housing Standards and amenity space
	DM8	Community Infrastructure
	DM9	Improving Air Quality
	DM10	Delivering Open space

DM11	Living Buildings and Biodiversity
DM13	Sustainable Drainage
DM14	Managing Waste
DM15	Local Job Creation and Investment
DM20	Supporting a Sustainable Transport Network
DM21	Sustainable Transport of Freight
DM22	Parking
DM23	Streets and Public Realm
DM24	Place Sensitive Design
DM25	Amenity
DM26	Building Heights
DM27	Heritage and Historic Environment
DM28	Tall buildings
DM29	Zero-Carbon & Climate Change
DM30	Contaminated Land & Hazardous Installations

Supplementary Planning Guidance/Documents

Planning Obligations SPD 2012

Government Planning Policy Guidance/Statements

PPS1	Delivering Sustainable Development
PPS3	Housing
PPS4	Planning for Sustainable Economic Growth
PPS5	Planning for the Historic Environment
PPS9	Biodiversity and Geological Conservation
PPS12	Local Spatial Planning
PPG14	Transport
PPS22	Renewable Energy
PPS23	Planning and Pollution Control
PPG24	Noise
PPS25	Flood Risk

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

7. CONSULTATION RESPONSE

7.1 The following were consulted regarding the application and their comments are summarised below. These should be read in conjunction with the full representations available in the case file. Officer's comments on these representations are in italic below.

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

LBTH Transportation & Highways

7.3 Comments from Transport & Parking can be summarised as follows:

Parking:

- A S106 permit free agreement will be required.
- No justification for the proposed increase in on-site car parking, not supported.
- 2 car club spaces is not sufficient. A minimum of 7 should be provided.
- Concern regarding how the 16 non-residential bays will be managed.
- Retail uses should have no parking (Planning Standard 3: Parking).
- A minimum of 10% of all parking spaces are required to be disabled spaces
- Initially 20% of the spaces should be equipped with electric vehicle charging points & a further 20% allocated for future electric vehicle charging provision.
- Transport Assessment does not include any assessment of the impacts of the proposed development on the Permit Transfer Scheme on the surrounding Council managed on-street parking bays.

Trip Generation:

- Highways do not agree with applicant's trip generation methodology. Suggests that the applicant revise the sites selected for the existing and proposed sites uses.
- Sensitivity test should also be undertaken whereby the sites selected for the existing residential are also then used whilst calculating the trip rates and total trips for the proposed residential.
- The inclusion of the site from LB Brent in the existing residential calculations is incorrect as this is representative of an Outer London Borough which is inappropriate for an Inner London Borough.
- The inclusion of Discovery Dock should also be revisited as this site often skews trip generation assessments.
- Clarification required on mode trips and value assumptions.
- Highway capacity/junction assessments required.

Cycle Parking:

- No information has been submitted detailing the number of cycle parking spaces to be provided or their location.
- Cycle parking is to be provided in accordance with the minimum requirements set out in Planning Standard 3: Parking and the London Plan.

Servicing Arrangements:

- No information has been submitted outlining the proposed servicing arrangements and how they will be accommodated.
- Given the scale of the proposals, on-site servicing solutions should be secured so that the operation of the public highway is not effected.

Refuse Arrangements:

- Comments pertaining to the suitability of the proposals for the storage and collection of waste should be obtained from the Waste Management team.
- The Applicant has previously indicated that they intend to incorporate URS refuse/recycling within the site. As previously advised, this can only be supported if the URS hoppers are located within, and serviced from, private land away from the public highway. Clarification is therefore required over the URS proposals.

Other Comments:

- Any design/treatment of the roads which form part of the adopted public highway network, need to be agreed with LBTH Highway Improvement Works team and will be undertaken by LBTH at the Applicant's expense. The Applicant should also be informed that only materials from LBTH's approved palette can be utilised on the public highway.
- The Applicant is again asked to confirm that no part of the building oversails or projects into, over or under the public highway.
- If permission is to be granted, a contribution towards public realm/highway improvement works.
- The Applicant will also have to ensure that no doors or gates open out over the public highway as such features contradict the Highway Act 1980.
- The Construction Traffic section of the TA does not alleviate the need for a Construction Management Plan to be secured via condition should planning permission be granted.

[Officer Comment: Highways are currently raise objections however, further information is being provided by the applicant. This is discussed in more detail in Section 9 of this report and Members will be updated in the Supplementary Agenda on 16th Feb].

LBTH Crime Prevention Design Officer

7.4 Previous discussions with developers at pre-app stage noted the following:

- Concerns regarding basement parking however, prepared to consider the option of two secured gates at the access/egress point so that a vacuum is created that allows a car to access one gate but is not able to access the second gate until the first gate is closed.
- Concern that under croft (ramp) area could be used to hide/hang about and cause other crime. Consideration could also be given to cctv at this point.
- All walkways from the A13 and other areas should be at least 3m wide, well lit (clear, white light source), straight (no hiding points) and are overlooked.
- Consideration should be given to New Homes Guide 2010 (e.g. in relation to doors and windows)
- Gable end walls should have at least one glazed section on the first floor or above for natural surveillance.
- Rear footpaths should consider lighting, clear lines of sight and natural surveillance.
- Please refer to New homes guide section 32.1 regarding alarm systems.
- Please refer to New homes guide 2010 regarding letter boxes.
- Please refer to New homes guide 2010 regarding Party wall construction.

LBTH Primary Care Trust/Tower Hamlets NHS

7.5 The PCT confirm their acceptance of the on site health facility for Phase 4 subject to further discussions with the applicant. If health facility is not provided, a contribution of £537k is requested to mitigate the impact of the development on health.

LBTH Environmental Health - Contaminated Land

7.6 No comments received however case officer recommends standard

contamination condition to be imposed.

LBTH Environmental Health - Daylight and Sunlight

7.7 In terms of Daylight:

EHO considers VSC impact on Surroundings buildings. Criteria (27%)
There are 45 failures out of 198 facades - minor impact.
VSC impact for the Proposed buildings (27%)

There are 207 failures out of 324 facades - significant impact.
ADF values provided for the surrounding/proposed buildings.
Appears to meet BRE criteria, however EH will require all the ADF coefficients used in the calculation.

7.8 In terms of Sunlight:

APSH impact on surrounding buildings:
There are 63 failures for Annual criteria - (25%)
There are 53 failures for Winter criteria - (5%).

Sunlight: APSH impact for Proposed Development, from the data provided indicates that most of the facades are north facing and not 90 degrees due south, there may be a design issue that EH will review at a later date.

The Shadow plots for both the Baseline/ Proposed Scheme appears ok, however courtyard for Blocks D,G & H shows over 40% area in permanent shadow.

LBTH Energy and Sustainability Team

7.9 The comments from the Borough's Energy Officer can be summarised as follows:

- 'Energy Statement' dated October 2011, details the approach and commitment of the scheme to reducing the CO2 emissions of the development through the steps of the energy hierarchy and integrate energy efficiency.
- Development will meet Code for Sustainable Homes Level 4 and BREEAM Very Good rating.
- As a minimum the phases will achieve a 25% improvement on the applicable building regulations at the time of submission.
- Proposal includes 4 Conventional centralised gas boilers (temp) CHP (600kWe) permanent; potential roof capacity to achieve 118kW of PV panels across the development (944m2)
- LBTH supports the principles of the Energy Strategy and the provision of an energy centre and district heating system.
- Total carbon emission savings are calculated as 16% on total site (regulated and unregulated) baseline.
- Against a building regulation baseline (regulated only) the CO2 reductions are anticipated to be 30%. This is supported by LBTH Energy Team.

7.10 In terms of Sustainability the comments from the Borough's Energy Officer can be summarised as follows:

- The LBTH supports the commitment to achieving the Code for Sustainable Homes Level 4.

- Applicant will need to demonstrate through that the energy requirements of a Code Level 4 are achievable prior to the delivery of the Energy Centre at reserved matters stage.
- All non-residential areas to achieve BREEAM Excellent as a minimum.
- Conditions recommended to ensure submission of revised energy statement and sustainability statement at reserved matters stage.

LBTH Design and Conservation

7.11 No objections raised to the revised proposal following on going consultation and involvement with applicant's architects at pre-app and application stage.

LBTH Town Centre Co-ordinator

7.12 The relocation of retail uses to the south of the existing Aberfeldy Neighbourhood Centre boundary, which ends at Blair Street, means that the two large retail units to the south of the proposed scheme are outside of a town centre.

7.13 The implication of this is that Local Shops Policy Guidance in the emerging Managing Development DPD will need consideration, in particular, Policy DM 2.3 which advises that local shops, outside of a town centre, are no more than 100 sq.m. If the proposed units are in excess of this, it is recommended that smaller sized units are implemented in this location.

7.14 Appraisal of the relocation of the town centre to the south of its current location should assess benefits in terms of passing trade from new A13 crossing.

7.15 Other recommendations:

- Servicing arrangements for provision (logistical arrangements that ensure minimum disruption to pedestrians/residents)
- Waste management and creation as a result of provision
- Noise issues not covered in the transport assessment
- Job creation indicators, including training, linking to the socioeconomic study.
- Demonstration of adherence to the emerging Managing Development DPD
- Public realm improvements

[Officer comments: see section 9 of this report for assessment].

LBTH Waste Policy and Development

7.16
- Basic outline on waste management considered acceptable.
- Detail needs to be submitted on the exact locations of the bin stores and on number of dwellings each bin store are supposed to be serving.
- Plan also needs to include the waste management arrangements for the retail and any other commercial units stated in the development.
- Waste storage area for Residential and Commercial units needs to be separated.

[Officer Comment: Much of the information requested above will be conditioned].

LBTH Education

7.18 No written comments received. However officer has calculated required educational contributions and this is outlined in section 9. Further discussions have taken place with Head of Education in relation to the net increase in child yield.

LBTH Ecology & Biodiversity

7.19 In summary, officer noted that:

- Site has very little existing biodiversity value
- A condition should be imposed that any vegetation with the potential to support nesting birds should be cleared between September and February inclusive (i.e. outside the nesting season)
- Proposed green roofs and sedum, roof supported and should be secured by condition.
- The proposed meadow planting in a swale along the north side of the main open space will be a valuable wildlife habitat, and will provide residents with access to nature and its inclusion in the landscaping should be secured by condition.
- Aberfeldy Millennium Green, which lies adjacent to the estate, was previously designated as a Site of Local Importance for Nature Conservation, as noted in the ES. However, the recent review of SINCs found that it no longer warranted the designation, and it has been deleted from the list of SINCs. There are opportunities for significant habitat enhancements in the Millennium Green, which could mitigate any damage to this open space which could result from later phases of the estate redevelopment.

LBTH Leisure, Parks & Open Spaces

7.20 LBTH Communities, Localities and Culture note that the increased permanent population generated by the development will increase demand on the borough's open spaces, leisure facilities and on the Idea stores, libraries and archive facilities. Increase in population will also have an impact on sustainable travel within the borough.

7.21 A population uplift of 2,015 people is predicted.

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

- Open Space Contribution **£1,082,294.12.**
- Library/Idea Store Facilities Contribution **£255,476**
- Leisure Contribution **£786,181**
- Smarter Travel **£30,231**

7.23 In relation to Public Realm, it is advised that the standard contribution is calculated based on the draft Planning Obligations SPD which requires a contribution of £246 per sqm (typical cost of public realm layout) for area of footway adjoining the development site.

[Officer Comment: officer has calculated the public realm contribution for Public Realm. This is outlined in Section 9 of this report].

LBTH Trees Officer

7.24 No comments received.

LBTH Landscape

7.25 Firm tree planting proposals need to be submitted as a part for this application. I would suggest that such proposals are made prior to determination.

[Officer Comment: the application is currently in Outline form and such detail will be submitted at reserved matters stage].

LBTH Enterprise & Employment

7.26 The Council will seek to secure a financial contribution to support and/or provide the training and skills needs of local residents in accessing the job opportunities created through the construction phase of all new development. The developer may deliver their own in-house training programme where appropriate, on the basis that individuals achieve a minimum requirement through the in-kind obligation. Where this is not possible the council will seek a financial contribution of £300k which will be used to procure and provide the support necessary for local people who are not in employment and/or do not have the skills set required for the jobs created.

7.27 A contribution of £16,088 is also sought towards the training and development of unemployed residents in Tower Hamlets to access either: i) jobs within the A1 uses in the end-phase ii) jobs or training within employment sectors in the final development.

7.28 The developer should exercise best endeavours to ensure that 20% of the construction phase workforce will be local residents of Tower Hamlets. We will support the developer in achieving this target through providing suitable candidates through the Skillsmatch Construction Services.

7.29 To ensure local businesses benefit from this development we expect that 20% goods/services procured during the construction phase should be achieved by businesses in Tower Hamlets. We will support the developer to achieve their target through ensuring they work closely with the council to access businesses on the approved list (Construction Line), and the East London Business Place.

LBTH Environmental Health (Commercial) - Health & Safety

7.30 Various comments made in respect of Health and Safety Regulations and the Constructions Regulations 2007; and Establishments for Special Treatments (London Local Authorities Act 1991).

LBTH Housing

7.31 The comments from the Borough's Housing Officer are summarised below:

- Applications proposes 1176 units of which 190 will be affordable (170 rental and 20 intermediate)
- 100 of these rented units will be three bed plus family sized units.
- 151 rented units will be provided at target social rents

- 9 will be at affordable P.O.D rents levels.
- 986 will be private tenure.
- The phased demolition will create an overall loss of 21 family units although the re provision of new units will provide larger family units consisting of four, five and six bed units, this will provide more habitable rooms into the phased development.
- Application produces 26% new affordable housing overall with a 5 % net uplift on completion subject to viability.
- Whilst we support the applicant bringing about change to whole estate by providing a better mixed and balanced community in the area with much needed larger family homes, we need to ensure that the application maximised the amount of affordable housing it can provide through viability testing.
- This application is not an HSG5 Estate Regeneration Scheme.
- Each phase should be assessed by a viability toolkit mechanism.
- Officer are in support of this application in principle, subject to the outcome of the viability toolkit assessment as the scheme seeks to bring about a vast change, to the current housing provision on the Aberfeldy estate. This change will enhance the estate by providing quality stainable homes for the future.

LBTH Environmental Health - Noise and vibration

7.32 EHO advised that buildings must be redesigned to ensure that no habitable rooms, bedrooms or living rooms overlook the A13 (category "D" of PPG24). Development in its present form is considered unsuitable for residential occupation.

7.33 Based on PPG24, EHO recommends refusal. Other conflicts of use also raised with commercial and residential occupation C3 / A1, A2, A3, A5, D1; these should be considered after reviewing the design.

7.34 If the applicants wish to have their own noise assessment undertaken, they are advised to discuss this with Environmental Health before proceeding.

7.35 Finally, if permission is to be granted, Environmental Health should be consulted regarding the required sound insulation to the external and internal elements of the building and any mechanical or electrical plant to be installed, including ventilation, air conditioning, and commercial kitchen extract plant.

7.36 *[Officer Comment: this issue has been raised in the ES review as well as the Planning Application and the applicant has prepared supplementary information regarding noise mitigation measures. This is discussed in Section 9 of this report].*

LBTH Environmental Health - Air Quality

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

EXTERNAL CONSULTEES

Design Council (CABE)

7.38
- Proposal to achieve a high quality neighbourhood is commendable

- Design quality supported – e,g use of brick creates rich & attractive appearance but more variation needed for southern elevation of Blair Street.
- Connections to adjoining neighbourhoods could be further improved e.g bridge across A12/A13.
- Reduction in density welcomed
- Reduction in building height compared to previous scheme welcomed
- Neighbourhood centre should integrate with the school
- Concern that the predominance of 6-10 storey blocks may impact on quality of life and the number of north facing flats is disappointing but CABE acknowledge the viability and intensity implication.

[Officer Comment: Design issues discussed in Section 9 of this report].

Greater London Authority

7.39 In summary GLA made the following comments: (see full 27page response for further detail)

Principle of Development:

- In terms of the proposed residential development, the GLA acknowledge estate regeneration being recognised in LBTH local policies and proposals map, however, GLA also acknowledge the presence of the site adjacent to the gasholders.
- Advise that further discussions take place (with HSE) regarding societal risk associated with development within gasholder safety zones.
- GLA acknowledge the HSE's role as an advisory one and not one which can direct refusal.
- In terms of retail use – the proposed increase in retail space within the neighbourhood centre is not considered to have adverse impacts on other retail centres.
- GLA acknowledge that proposal is likely to generate an 'advise against' recommendation from the HSE.

Affordable Housing:

- Revised application results in a significant reduction in affordable housing and significant increase in private housing. Financial viability assessment required to determine the proposed housing offer.
- GLA acknowledge that estate regeneration schemes need not provide the normal level of additional affordable housing.
- GLA comment that there is a net loss of 21 units but a net gain in habitable rooms (127hr). Clarification sought on how this fits in with replacement floorspace.
- Affordable Housing targets (and mix) per phase need to be agreed

Housing Choice:

- Support that 59% of the social rented units are family units
- 36 x 5 bed units commended (21.5%)
- In terms of private accommodation, GLA note the overprovision of smaller units with no 3, 4, and 5 bed market units. Further discussions needed.

Density

- Exceeds London Plan guidance on parts of the site. Further justification needed.

Urban Design

- Acknowledgment that overall masterplan has significantly improved
- Number of blocks needing further work
- Detailed design code required
- Parameter plans need further work regarding building scale, length, height, width

Scale & Massing

- Suggested that some variation in height is needed to break up the blocks along A13.

Heritage Impacts

- Further townscape work needed on the impact of the proposal on Balfron Tower

Open Space & Child Play Space

- Significant open space and play space acknowledged however use and management per phase needs further work.

Climate Change

- Energy strategy significantly improved from previous application
- Exploration of connections with other existing networks needed e.g Blackwall Reach.
- Design and overheating and approach to flooding need further work

Noise

- Mitigation measures needed and should be secured in Design Code
- Double aspect units need to be maximised.

Transport

- Contributions towards additional bus and DLR capacity sought along side way finding.

[Officer Comment: The above issues are discussed in the relevant sections of this report. The applicant has also provided a written response directly to the GLA in response to certain matters].

Transport for London (TfL):

7.40 Comments from TfL can be summarised as follows:

- Electric charging points, car club spaces, and blue badge spaces should be secured through condition.
- Grampian condition advised to secure cycle parking.
- Condition suggested ensuring circulation space with approved cycle docking station.
- Contribution towards bus capacity improvements sought.
- S106 should be directed towards improving public realm.
- Wayfinding could be improved (£15k contribution sought).
- Travel plans, construction logistics plan, and a service and delivery plans should be secured via condition.

Environment Agency

7.41 The EA acknowledge extensive pre-app discussions since previous application.

FRA describes a range of flood mitigation options. E.g. setting ground floor levels above breach water level, refuge in stairwells and roof terraces and evacuation plans.

7.42 Some concern regarding mitigations measures for non-residential uses and further information requested.

7.43 EA find the proposal acceptable if a condition is imposed requiring a surface water drainage scheme to be submitted.

7.44 EA also advise LPA to condition the submission of a site flood emergency plan to ensure active measures are implemented.

English Heritage

7.45 Acknowledgement that the scale of the tall buildings adjacent to the Balfron Tower has been substantially reduced during the course of pre application discussion. Application is in outline therefore difficult to properly assess the impact of the development on the Balfron Tower and Carradale Estate.

7.46 Advices that the useful checklists within English Heritage's recently produced guidance 'The Setting of Heritage Assets' forms part of the Council's assessment of the proposal along with other relevant national and local policy guidance.

7.47 Should the Council be minded to approve the application we would recommend that suitably robust conditions are with regard to matters including materials and architectural details in order to ensure the necessary level of architectural quality.

English Heritage Archaeology

7.48 Conditions advised requiring (i) an archaeological investigation and subsequent recording of any remains (ii) programme of archaeological investigation.

London City Airport

7.49 The proposed development has been examined from an aerodrome safeguarding aspect and does not conflict with safeguarding criteria. Accordingly, this department has no safeguarding objection to the proposal subject to conditions in relation to

- Cranage or scaffolding being limited to higher elevation on plans (43m AOD) or consultation to London City Airport necessary.
- The construction methodology and use of cranes in relation to location, maximum operating height of crane and start/finish date during the development of the project is to be agreed by London City Airport.
- All landscaping should be considered in view of making them unattractive to birds so as not to have an adverse effect on the safety of operations at the Airport.
- Any external lighting must ensure they do not cause confusion/distraction to pilots and impair the safety of aircraft operations.
- Given the proximity of the development to the airport, all relevant insulation in building fabric including glasses, glazing and ventilation elements will be supplied and fitted in compliance with current noise attenuation regulations and tested.

London Fire and Emergency Planning Authority

7.50

- Concern raised some concerns in their initial comments that certain blocks may fall outside the 'vehicle to access point' travel distances and advised that any residential accommodation will need fire fighting facilities and confirmation was requested that walkways will be able to support weight of fire tenders and access from roadway will be available to said areas.

[Officer Comment: suitable conditions suggested ensuring relevant information is supplied to the F&EPA].

National Air Traffic Services Ltd (NATS)

7.51 No safeguarding objections to the proposal.

BBC - Reception Advice

7.52 No comments received.

Thames Water Authority

7.53

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

- Further condition also recommended ensuring details of the design and depth of the foundations as part of the proposed piling methodology be submitted to the LPA in consultation with Thames Water, to ensure there is no impact to the Thames Tunnel Project.

EDF Energy Networks Ltd

7.54 No comments received.

Olympics Joint Planning Authorities Team

7.55 No comments received.

National Grid

7.56 Response received from Plant Protection team with comments relating solely to operational gas and electricity apparatus confirming that the proposed works are likely, unless controlled, to adversely impact the safety and integrity of National Grid apparatus.

National Grid require consultation on technical advice and guidance.

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

[Officer comment: it is suggested that a condition be imposed requiring the applicant to engage with National Grid prior to the commencement of any works on site].

Civil Aviation Authority

7.57 No comment received

Health and Safety Executive (HSE)

7.58 Based on the standard PADHI+ planning advice software tool, the HSE conclude that the risk of harm to the people of the proposed development is such that the HSE's advice will be that there are sufficient reasons, on safety grounds, for advising against the granting of planning permission in this case.

7.59 HSE advise that if the LPA refuse the application, they will provide the necessary support in the event of an appeal. Furthermore, if the LPA approve the application against the HSE's advice, it should give notice of that intention and allow 21 days from that notice for the HSE to give further consideration to the matter. During this period, the HSE will consider whether or not to request the SoS to call in the application for its own determination.

[Officer Comment: Issues relating to the HSE and gas holder risk safety are discussed in detail in section 9 of this report].

8 LOCAL REPRESENTATION

8.1 A total of 3,500 properties within the area shown on the map appended to this report, together with all individuals and bodies who made representations on the previous application, have been notified about the application and invited to comment.

8.2 The application has also been publicised in East End Life and 6 site notices were erected around the site on 31st Oct 2011.

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

No. of individual responses:	**Object:**	**Support:**	**General Observation:**
6	**1**	**0**	**5**

8.4 No. of petitions received: 0

8.5 1 letter of objection was received from a local resident raising issues relating to:

- Poplar Harca's growing control over the area;
- Fear of additional off-licences, betting shops, takeaways being introduced;
- Clarification sought on definition of 'professional services' and 'education and cultural services'.
- Poplar Harca do not look after current tenants never mind cater for additional tenants.

8.6 5 letters citing general observations were received. These can be summarised as follows:

- 1 letter sought clarification on expected time scales for the development, and whether it would have adverse impacts on the operation of local

businesses (e.g. restrictions on vehicle movement along Abbotts Road). E.g a galvanizing company along Leven Road, who depend on Abbotts Road to transport steel on artic and rigid vehicles.

- 1 letter queried application document content.

- 1 letter was received from a leaseholder acknowledging that they are not a Poplar Harca resident but commented on how the consultation process did not engage with private residents. Suggested a wider consultation be carried out including non Poplar Harca residents in future consultation.

8.7 2 further letters of general observations were received from the Parish of Poplar Vicar on behalf of St Nicholas Church and the Head Teacher of Culloden School.

8.8 Both parties shared the following observations:

- Acknowledge the need for new homes.
- Some concern regarding density.
- Support the concept of mixed communities through mixed tenure development.
- Suggest clauses/conditions to ensure developers buying up blocks to let.
- Open space, leisure, child play space and sport facilities are a pressing need for the community.
- Strategy needed to minimise disruption to residents during construction
- Additional information sought in relation to road traffic impacts. Will parking be controlled, will a car free scheme be considered.
- Scheme needs to bring enhanced public transport.

[Officer Comment: matters relating to density, o*pen space, leisure, child play space, traffic and parking are considered in section 9 of this report. In response to the comment regarding potential disruption due to construction, a condition is recommended relating to the submission of a Construction Management Plan].*

8.9 Comments made specifically by the St Nicholas Church included:

- Supporting the development of the Currie and Dunkeld site as Phase 1
- Buildings in Phase 5 opposite the Church (rising to 7-10 storeys) are too tall and may have impact on light entering church.
- Suggestion that site is accessed via new traffic light system at Zetland/ Lochnagar St as Abbott Road is already stressed and likely to be closed during Olympics.

[Officer Comment: matters relating to amenity and loss of light are considered in section 9 of this report. In relation to the Church's suggestion regarding an alternative route to access the site, Abbotts Road will remain the primary access and it is likely that this will remain open to local traffic and residents during the Olympic Period].

8.10 Comments made specifically by the Culloden School included:

- Overprovision of smaller units.
- Height of the proposed buildings next to the existing school will overshadow the school and take away natural light from the school.
- Eastern phase will over look the school playground.
- Potential noise impacts from school to proposed residential uses adjoining

the school.
- Park keeper needed to care for green spaces and recreational facilities.
- Open spaces need to be managed to ensure they don't attract anti-social behaviour.
- Culloden school students requested cycle lanes in the consultation exercise, however none appear on plans.
- More private family units needed.
- Decanting process will disrupt school attendance therefore a strategy to minimise disruption needed.

[Officer Comment: concerns regarding impact of school are discussed in Section 9 of this report. In relation to the school's point regarding the management of the open space, this will fall within Poplar Harca's control. Case officer also recommends that the submission of a landscape and public realm management plan is conditioned. Finally in response to the students comments regarding the need for cycle lanes, a financial contribution towards the smarter travel has been requested and this may assist in the enhancement of the existing cycle network in the area. It is also anticipated that the detailed stage of the application will secure sufficient cycle parking].

9. MATERIAL PLANNING CONSIDERATIONS

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

- Principle of Development/Land Use Issues
- Density
- Transport, Connectivity & Accessibility
- Design
- Housing
- Affordable Housing
- Residential Standards
- Amenity
- Air Quality
- Noise & Vibration
- Open Space
- Child Play Space
- Energy & Sustainability
- Contamination
- Flood Risk
- Biodiversity & Ecology
- Health
- EIA
- Other (Gas Holders and HSE)
- Section 106 / Planning Obligations
- Overall Conclusions and Regeneration Benefits

Principle of Development / Land Use Issues

Residential

9.2 At national level, planning policy promotes the efficient use of land with high density, mixed-use development and encourages the use of previously developed,

vacant and underutilised sites to achieve national housing targets.

9.3 The site falls within the Lower Lea Valley Opportunity Area Planning Framework (2007); as well as the Leaside Action Area Plan (Interim Planning Guidance 2007), and in more recently, LAP 7 & 8 of the Council's adopted Core Strategy (2010), all of which identify Aberfeldy as having the potential to accommodate new residential communities through housing estate regeneration. Policies L30 of the Leaside AAP specifically identifies how residential uses will be supported in the Poplar Riverside Sub Area, and retail and leisure uses will be supported in Aberfeldy Neighbourhood Centre.

9.4 The application proposes a broad mix of uses with residential accommodation being the predominant land use. The application will deliver up to up to 1,176 new homes (C3) of mixed tenure, type and size, and as such, the principle of residential use on this site is considered acceptable in pure land use terms.

9.5 However, the site is also situated in close proximity to the existing gas holders at Leven Road and consideration must also be given to the health and safety implications of the principle of residential development in this location. The application site falls within two of the safety consultation zones, as defined by the Health and Safety Executive's Planning Advice for Development near Hazardous Installations (PADHI guidelines). Section 9 of this report outlines the implications of this in much detail and explains how the HSE's 'advise against' recommendation may have real implications for the principle of residential development on this site.

Non-Residential

9.6 In terms of retail, Aberfeldy is identified as a Neighbourhood Centre in the Council's Core Strategy 2010 (App 4). Policy SP01 of the Core Strategy confirms the Borough's town centre hierarchy and seeks to enhance existing neighbourhood centres and create new ones that contain a range of shops to serve local catchment area. Policy DM2 of the draft Managing Development DPD seeks to protect existing local centres and seeks to limit the development of local shops in limited circumstances.

9.7 In terms of social and community use, Policy SP03 of the Council's Core Strategy 2010 and Policy DM8 of the Managing Development DPD 2012 together seek to protect existing community facilities, prevent their loss and deliver new high quality social and community facilities in accessible locations.

9.8 2,132sqm of non-residential space is proposed comprising replacement and additional retail floorspace for Aberfeldy Neighbourhood Centre, including small and medium sized shop units and restaurant uses and 1,786sqm of new purpose-built community, health and faith facilities (Use Class D1). This is discussed separately below:

Retail Uses

9.9 The application proposes to demolish the existing retail units along Aberfeldy Street and relocate them slightly further south of Blair Street, to where the new hub for Aberfeldy Village is planned. The re-located neighbourhood centre will be closer to the primary pedestrian entrance from the south where the new A13 pedestrian crossing is currently being constructed. Whilst officers expressed previous concerns at the pre-app stage regarding the shift in the location of the existing neighbourhood centre south, officers are now satisfied that from a viability

and vitality perspective, the focus for Aberfeldy is better placed in this new location in the more dense phase of the development, and next to the new purpose built health and community facilities. It is also officer's view that the consolidation of Aberfeldy's neighbourhood centre provision within one central hub will contribute to the sustainable delivery of the development.

9.10 In terms of scale, the existing level of retail space provided within Aberfeldy amounts to 1,477sqm. However, only half of this (702sqm) is currently in active retail use. The remainder is either vacant (250sqm) or used for temporary storage or community uses (403sqm). The new centre will provide up to 1,743sqm of replacement retail use, (a small proportion of which will be provided in Phase 1 in small shop units).

9.11 The application is supported by a retail assessment and consideration must also be given to the economic future of Aberfeldy in light of potential shifts in market demand by the time Phase 4 is delivered. Its proximity to Chrisp Street Market is also a consideration. Officers have discussed the overall level of retail provision proposed and consider that a variation to the precise level of retail floorspace may be needed in Phase 4 (2018). A condition requiring an update retail assessment and confirmation of actual provision based on demand and viability is recommended.

9.12 In light of the above, the proposed development is considered to comply with Policy 2.14 of the London Plan (2011), SP01 of the Core Strategy (2010) and Policy DM2 of the draft Managing Development DPD (2012) which together seek to protect and enhance the Boroughs retail hierarchy and ensure adequate provision of supporting retail activity.

Community & Faith Uses

9.13 The application proposes to demolish and rebuild the existing community facilities and re-provide them within Phase 4 of the development, in the newly located neighbourhood centre. This will include a replacement purpose built community centre (504sqm), a new enlarged health centre (960sqm) and two new purpose built faith centres (322sqm). The Planning Obligations section of this report outlines further detail of the health and community facilities proposed and how these will be secured.

9.14 In light of the above, the proposed development is considered to comply with Policy SP03 of the Council's Core Strategy 2010 and Policy DM8 of the Managing Development DPD 2012 which together seek to protect existing community facilities and deliver new high quality facilities in accessible locations.

Density

9.15 Policies 3.4 of the London Plan (2011) and SP02 of the Core Strategy (2010) seek to ensure new housing developments optimise the use of land by corresponding the distribution and density levels of housing to public transport accessibility levels and the wider accessibility of that location.

9.16 The site has a public transport accessibility level (PTAL) of 3 and 4 across the site. For urban sites with a PTAL range of 2-3, both the London Plan and LBTH Core Strategy suggests a density of between 200-450 habitable rooms per hectare and 200-700 hrph for sites with a PTAL of 4-5.

9.17 The proposed site is split into 5 phases, based on different character areas. The proposal varies in terms of its density across the site with up to 759hrph in the east of the site down to 423 hrph in the centre of the site and up to 700-888hrph in the north west corner of the site. Whilst the density threshold exceeds the recommended guidance at a strategic and local level, the average density across the entire site is calculated as 376hrph. This is considered acceptable in context. It is worth noting that the previous application proposes up to 1,135hrph in the most eastern part of the site (Phase 1), so the revised proposal represents a significant reduction in terms of density. This shift is partially due to the applicants need to redistribute the density away from the gasholders at Abbott Road. (Section 9 of this report, discusses the implications of the gas holders in further detail).

9.18 It should also be noted that the new pedestrian crossing across the A13 at Nutmeg Lane is considered to improve the public transport accessibility of the site which further supports a high density development in this location.

9.19 Furthermore, density only serves as an indication of the likely impact of a development and as discussed in later sections of this report, the development does not present any symptoms of overdevelopment or have any significantly adverse impacts on the quality of the residential development. As such, it is considered that the proposal maximises the intensity of use on the site and is supported by national, regional and local planning policy, and complies with Policy 3.4 the London Plan (2011) and Policy SP02 of the Core Strategy (2010) which seek to ensure the use of land is appropriately optimised in order to create sustainable places.

Transport, Connectivity and Accessibility

9.20 PPG 13 and the London Plan 2008 and Policy 6.1 of the London Plan 2011 seek to promote sustainable modes of transport, accessibility, and reduce the need to travel by car. Policy 6.3 also requires transport demand generated by new development to be within capacity.

9.21 Saved UDP policies T16, T18, T19 and T21, Core Strategy Policy SP08 & SP09 and Policy DM20 of the draft Managing Development DPD (2012) together seek to deliver accessible, efficient and sustainable transport network, ensuring new development has no adverse impact on the safety and road network capacity, requires the assessment of traffic generation impacts and also seeks to prioritise and encourage improvements to the pedestrian environment.

9.22 Section 5 of this report already describes the existing road network in and around Aberfeldy and identifies how the western and southern boundaries of the site are bound by the A12 and A13 roads. This section also describes the existing public transport network; the site's proximity to East India Station, Blackwall, Canning Town and Langdon Park; and the existing and proposed pedestrian access points for the estate.

9.23 The Public Transport Accessibility Level (PTAL) varies across the site with a PTAL of 4 at the eastern end (Blocks A, B, C, D) and also at the junction of Aberfeldy Street and Blair Street (Block J). These parts of the site have 'good' access to public transport and as such are capable of accommodating the more dense levels of development. The PTAL rating for the site is also considered to further improve through the opening of the new A13 pedestrian crossing at Nutmeg Lane. This is considered to greatly improve the permeability of this site and improve local connectivity in the area, especially to pedestrian access to East India and

Blackwall Stations.

9.24 The proposal does not seek to alter the existing street alignments for Aberfeldy but intends to improve the street environment. Aberfeldy Street and Blair Street will remain principle routes within the estate. The new layout of the masterplan is however more focused towards shared surface routes, with a pedestrian square (civic space) linking the A13 with Aberfeldy Street where the new commercial hub is proposed. The layout also features a new east west linear green space running parallel to Blair Street and the A13 – this is crossed by four access drive however will be treated as shared surfaces.

9.25 In order to assess the capacity of existing road networks to accommodate the proposed development, the application is supported by a Transport Assessment and uses TRAVL data to examine the existing and proposed trip generation for the development. The findings indicate that the overall trips per residential units and by all modes of transport results in a reduction in two way trips from the existing 9.39 two way movements per day to 4.75 movements per day. This has been attributed to the increase in one bed flats, the decrease in the proportion of family homes and the improvements to PTAL delivered by the new Nutmeg Lane crossing.

9.26 In terms of the non-residential uses, the existing health, retail and community uses when added to the existing residential, generates 1,035 movements per day and the proposed scheme increases this to 1,825 movements per day.

9.27 The predicted net increase in road trips over the development is 72 additional trips during morning peak and 80 additional trips during evening peak. This represents two additional private vehicles onto the road network every minute. This is considered a major increase but is attributed to the very low baseline traffic flows currently experienced. The increase to Abbott Road is considered slight to moderate while the impact to the A12 and A13 is negligible. TfL's have raised no objections and confirmed that they are satisfied that the additional vehicular trips generated by the proposed development are unlikely to constrain the capacity of the TLRN.

9.28 The Borough's Highways Officer has requested additional traffic modelling information in relation to the junction of A12 and Abbott Road and A13 and Abbott Road. This has not been resolved at the time of writing this report and will be updated in the Supplementary Agenda on 16th February.

9.29 Construction traffic is expected to occur during the 13 year build program from 2012 to 2024. The maximum predicted vehicle movements are 25 vans and up to 40 HGVs per day. The specific controls over construction vehicles will be secured by a condition requiring a Construction Method Statement.

Servicing and Deliveries

9.30 The application is currently in outline form and it is proposed that servicing and deliveries would be managed and co-ordinated through a Delivery & Servicing Plan (DSP) to be prepared and submitted prior to occupation of further phases.

Waste/Refuse

9.31 A Refuse Strategy was submitted in January 2012 confirming the applicant's commitment to refuse storage and collection arrangements. A URS (underground recycling and refuse system) is proposed within the site in line with the Council's

own guidelines. Refuse URS are to be positioned within 25m of main core/circulation entry points to the blocks. Discussions between LBTH Highways and the applicant has confirmed that due to fewer recycling URS points required than refuse, it was agreed in principle that distances to these could be further than 25m from main core/entry points. Highways have requested that all URS and URS collection areas are to be located on private land, none to be on public roads. Commercial waste is to be collected by an independent contractor.

Car Parking

9.32 Policies 6.13 of the London Plan 2011, Saved Policy T16 of the UDP, Policy SP09 of the Core Strategy and Policy DM22 of the draft Managing Development DPD (2012) seek to encourage sustainable non-car modes of transport and to limit car use by restricting car parking provision.

9.33 In terms of the existing parking provision on site, the red line boundary currently has a total of 145 controlled residential parking bays and 35 garages (180 spaces). 162 of these 180 parking spaces and garages are let, and it is proposed that a parking space will be retained by those residents following the redevelopment through the Council's parking transfer scheme. When considering the existing 362 dwellings currently within the application site (red line), the parking ratio is 0.5 spaces. In addition to this proportion, there is an estimated 128 on-street parking bays under the Council's control and 20 private spaces.

In terms of the proposed parking provision, the application proposes a maximum of 356 residential parking spaces which represents an increase of 176 spaces (356 – 180). In addition to this, it is proposed that 16 visitor and contractor spaces will be replaced, with no change in the numbers. (Two spaces are proposed towards car club). The total increase is therefore: 176 + 2 = 178 spaces.

9.34 The Council's Policy on car parking spaces (as set out in Appendix 2 of the Managing Development DPD 2012) seeks a maximum of 0.3 parking spaces per dwelling in areas of PTAL 4. The proposal seeks to provide a maximum of 356 parking spaces which equates to a ratio of 0.3 spaces per residential unit when we consider the overall 1176 units proposed. Alternatively, if we consider the net increase in units against the proposed uplift in parking spaces, this would be 178 spaces for 879 homes = 0.20 spaces per home which falls below the Council's maximum parking standards prescribed in the DPD 2012.

9.35 The Borough's Highways Officer is not in support of any additional parking provision to the existing 180 spaces and this has raised concerns for officers. The applicant has been asked to rationalise/reduce the existing on-site parking however, Poplar Harca have explained how many of the existing tenants (who are to be re-housed by this development proposal) already have parking spaces which they do not wish to loose and have a right to retain through the Council's Parking Transfer Scheme. Furthermore, the applicant has demonstrated that the provision of extra parking spaces for the private market units in particular is crucial to the commercial viability of the proposal.

9.36 Measures to discourage car use in this development proposal include proposed cycling parking, 2 x secure car club spaces and the new A13 crossing at Nutmeg Lane which improves pedestrian access to Blackwall and East India Stations.

9.37 As such, it is the view of officers that this development comprises an estate regeneration proposal, certain provisions need to be honoured (e,g, replacement

parking provision) and considering there is not a significant increase in the ratio of total parking spaces to number of dwellings, and it complies with the max parking ratio, the additional 168 car parking spaces is considered acceptable. Two car club spaces are proposed in line with Street Car's advice and the Highways Officer is satisfied with this. It is also proposed that 10% of all parking will be allocated as disabled parking.

9.38 The Borough's Highways Officer has confirmed a permit free agreement will be required through the S106 restricting new residents from securing parking permits.

9.39 A commitment towards the production of a Travel Plan has also been proposed by the applicant and the occupiers of the commercial element of the development will be required to comply with the contents of the Travel Plan.

Provision for Cyclists

9.40 Cycle parking is not estimated to increase substantially, with the increase predicted to be 9 additional trips during peak times. However, this may increase as a result of the provision of cycle parking, the Travel Plan and the extension of TfL's cycle hire scheme. As such, cycle parking is to be provided in line with London Plan standards. The Borough's Highway officer has requested details of cycle storage and capacity however the specific detail within each stage will not be provided until the reserved matters stage. The children of Culloden School have also expressed desires to see a cycle route incorporated into the street network along Aberfeldy and it is suggested that this too be conditioned. The applicant has confirmed this commitment. The total number of cycle spaces proposed will be 364 in car parks plus 37 visitor spaces provided externally.

Pedestrian Environment

9.41 The development will undoubtedly result in an increase in the number of walking trips, mainly due to the improved accessibility of the site and the draw of new and improved local shopping and community facilities. The key pedestrian routes likely to be used by residents are from the development site to Chrisp Street Market, the A13 East India Dock Road Bus Stops, A12 Blackwall Tunnel Bus Stops, East India DLR and Canning Town Station.

9.42 In line with policy objectives to ensure high quality pedestrian environments, the applicant proposes additional access points via ramps and stops from East India Dock Road into the site to improve permeability along the A13 frontage. Improvement is also proposed to the A12 underpass at Dee Street and planting along the A12 frontage of the development site. Measures such as maps and directional signage is also proposed to assist the pedestrian environment, general wayfinding improve permeability. It is recommended that the detail of the proposed improvements to the A12 underpass is conditioned.

Other

9.43 Highways Officer has confirmed that the applicant will require a Highways Oversailing Licence for any projections over the adopted highway. The applicant has been informed of this requirement.

Inclusive Environments

9.44 Policy 7.2 of the London Plan (2011); and Saved UDP Policy DEV1 and Policy

SP10 of the Core Strategy seek to ensure that developments are accessible, usable and permeable for all users and that a development can be used easily by as many people as possible without undue effort, separation or special treatment.

9.45 A growing awareness of the importance of creating environments that are accessible for all people has led the Council to emphasise the importance of 'inclusive design'. It is considered that the proposed development has been designed with the principles of inclusive design in mind.

9.46 The site has a number of identified constraints to accessibility. The biggest being the difference in levels across the site, but also between the centre of the site and the A13 to the south which lies higher. The site also falls within two flood zones and this has had a considerable impact on the design and layout of the development. In some instances, building levels have had to be raised to ensure habitable rooms are above flood breech levels and to ensure refuge from flood waters. Following discussions with the EA, the applicant has now confined the raising of ground floor levels to higher flood risk areas. This has ensured that the remainder of the development complies with accessibility requirements.

9.47 However, despite the constraints identified above, the site's location within a good PTAL area, alongside the provision of step free access routes across the site where possible, indicates that the site will be accessible, usable and permeable for all. A number of principles have been adopted by the applicant to ensure this and these include– accessible drop off points within 50m of homes, school, retail entrances; a commitment to Lifetime Homes standards; a commitment towards the provision of 10% wheelchair accessible homes; and non segregated entrance points to public buildings; compliance with Part M Building Regs to ensure level/ramped access.

Urban Design

Layout, Mass, Scale & Bulk

9.48 Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.4 specifically seeks high quality urban design having regard to the local character, pattern and grain of the existing spaces and streets. Policy 7.6 seeks highest architectural quality, enhanced public realm, materials that compliment the local character, quality adaptable space, optimising the potential of the site.

9.49 Saved UDP policies DEV1, DEV2 and DEV3 seek to ensure that all new developments are sensitive to the character of their surroundings in terms of design, bulk, scale and use of materials. Core Strategy Policy SP10 and Policy DM23 and DM24 of the draft Managing Development DPD (2012) seek to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds.

9.50 The proposal is in outline form, however sufficient detail has been provided in the proposed parameter plans to give officers an indication of the overall design strategy for the site in terms of number of blocks, location, height, relationship with courtyards and open space. The parameter plans also specify the maximum depth including protruding balconies and wintergardens. The masterplan strategy proposes the following key principles:

- Strong linear buildings along the A13 frontage, creating a series of gateways into the neighbourhood;
- A central linear park, ('East India Green'), set behind these linear buildings;
- 'Book end' buildings at the eastern and western ends of the A13 row of buildings, each with civic spaces in between;
- Courtyard buildings overlooking the park and facing onto Blair Street
- A cluster of buildings at the southern end of Aberfeldy Street creating a new retail, social and community hub;
- A series of lower rise buildings along the west side of Aberfeldy Street;
- Two point blocks along the A12 edge creating a gateway opposite Balfron Tower.

9.51 The proposal covers an area of over 6 hectares and in order to give the new development a sense of character and individuality - seven distinct character areas have been identified by the applicant, each of which respond to eachother and the adjoining context. This also assist is explaining the proposed layout of the masteplan:

A) East India Gateway

9.52 At the eastern end of the site (Phase 1) this character areas is defined by a 10 storey building which drops down to six storeys at the A13 edge and Abbott Road. (In the previous application this building rose to 25 storeys). At ground floor level, the building provides an element of retail/restaurant activity at the edge of the development. The ground floor of Block B will also be used as a temporary marketing suite and will eventually return to retail, parking and storage.

9.52 A civic square/public plaza is also proposed.

9.53 The design approach intended for this building is described as a 'modern warehouse' aesthetic look with dark coloured brick features, recessed and cantilevered winter gardens.

B) A13 Edge

9.54 Running along the A13, this area is characterised by Blocks A, E and H running from east to west. These buildings are medium to high residential blocks and located as a buffer for the central areas of Aberfeldy Estate from the harsh environmental conditions of the A13.

9.55 The design seeks to create a simple warehouse style appearance. Recessed balconies and winter gardens are used to mitigate the noise and air pollution presented by the A13 and a darker brick palette is intended to respond to this harsh environment. The A13 Edge also provides four separate pedestrian links from the A13 through to the park within, improving the permeability of the area.

C) East India Green

9.56 A linear spine of green space is proposed between the blocks fronting the A13 and Blair Street. This green space provides the primary cycle and pedestrian route from Aberfeldy Street through to Abbott Road.

9.57 The buildings lining either side of this open space are raised in response to flood risk issues and therefore have stepped entrances and landings to create a row of

overlooking terraces. These entrances open out onto an active green space. Balcony treatments are a combination of both cantilevered and recessed to provide articulation along the building lines. Shared surface driveways are proposed between blocks however 'Home Zone' principle will be used to priorities pedestrians and cyclists.

D) Blair Street

9.58 This character area runs along the northern side of East India Green and fulfils a similar role to the A13 Edge in providing a building line to a trafficked street. The blocks along Blair Street are a maximum of six storeys in height and maintain a unified and coherent frontage. Like East India Green, residential entrances are raised to mitigate flood risk issues. Balconies overlooking Blair Street are to be recessed to prevent overlooking of the existing neighbouring gardens. The material palette is a pale soft brick using different shades and bonds to add variety.

E) Aberfeldy Gateway/Core

9.59 This is the core of the masterplan area and is focused on the relocation of the existing retail element on Aberfeldy Street to a hub around a shared surface square between Blair Street and the A13. A new ramped link from the A13 will create this as the principle entry point into the development from the south and therefore creates the footfall to reinforce the relocated retail and community uses.

9.60 The area is made up of Blocks G, H and J with active ground floor frontages and residential above. Inset balconies are used in facades overlooking the square to create a strong building frontage. The eastern buildings are six storeys in height and the western Block J rises to eight storeys. This includes a community and health centre for the western side of the square in Block J,

9.61 A central feature of the square is a series of water jets contained in the paving that offer play opportunities for children. A shared surface element is provided for service vehicles, however the area is intend for pedestrian and cyclists, with seating, cycle parking and tree planting.

F) Aberfeldy Street

9.62 North of the Aberfeldy Gateway, Aberfeldy Street forms the main street within the development, running north-south. The buildings in this location are made up of Block K on the western side of Aberfeldy Street and backing onto Culloden School, Block L on the eastern side of Aberfeldy Street and Block N at the northern end of Aberfeldy Street opposite Millennium Green.

9.63 Block K is five storeys and features flexible ground floor space that can cater for either residential use or retail use. At the southern end of the block, there may be an option to provide an additional entrance to Culloden School in Phase 4 of the development, however this has not been agreed with the school at this point in time. Block L is four storeys and contains two faith facilities. This phase does not include the redevelopment the Aberfeldy Pub on the corner of Blair Street and Aberfeldy Street, nor does it replace the relatively new residential development on the corner of Dee Street and Aberfeldy Street.

G) Dee Street and the A12

9.64 The final and northernmost character area is located to the north of Dee Street

between Aberfeldy Street and the A12 containing blocks are M, N, P, Q and P. Block M and Q are the western most blocks and are closest to the A12. Each are 10 storeys in height and are intended to reflect/mirror the scale of Balfron Tower on the opposite side of the A12 in a subordinate rather than competing fashion.

9.65 Block M steps back from the A12 to create a small area of open space, known as Dee Green. This is the main arrival point into the development from the west, via the A12 pedestrian underpass. The green is intend to create a soft public realm in the form of an informal dense cluster of trees, which create an environmental buffer between the A12. The blocks facing the A12 will require winter gardens and recessed balconies to response to the air quality and acoustic conditions.

Assessment

9.66 Whilst the application is in outline form, it is considered that the overall design strategy and proposed layout carefully balances all of the site constraints and opportunities and provides an acceptable option for the redevelopment of Aberfeldy. It must also be considered that the current application has been revised to meet previous concerns regarding the layout and height of a number of the blocks which reached as high as 16 and 25 storeys in the previous application.

9.67 In line with strategic and local policies objectives, the overall design strategy respect the existing constraints and opportunities on site, such as the busy A12 and A13 roads, the existing blocks on site, the existing retail hub, its potential and limitations. In many instances, the proposed building lines and orientation of building blocks have been dictated by many of the existing residential blocks on site within and outside the application boundary and the application is considered to find an acceptable solution to this.

9.68 The general bulk, scale and mass of the building blocks proposed are considered acceptable as they respect the scale and mass of existing building on the site and within the vicinity.

9.69 The overall improvement to the site's permeability is welcomed as this will greatly enhance connectivity and permeability through the site and to other destinations such as Chrisp St, Canning Town, East India Dock.

9.70 Officers have concerns regarding the number of blocks within north facing aspects, many of which will have single aspect. This has implications for the overall quality of the residential environment, particularly in terms of outlook, and daylight and sunlight. However, officers have also acknowledged the site constraints – particularly the potential noise and outlook from the A13. As such, it is clear that the applicant's design team have taken this into consideration and weighed up the need to protect residential environment from the busy A13 and orientated blocks to look on to the proposed linear open space and court yards at East India Green.

9.71 Whilst the application is in outline, the overall palette of materials outlined in the Design Statement and Design Code are considered to be sympathetic to the site's context particularly in relation to the brick work which dominates much of the existing fabric in the area. The proposed mix of brick type and colour, together with proposals to introduce projecting and recessed brick patterns will add visual interest and character to each of the individual character areas. It will be for the reserved matters stage to confirm the quality of this detail and suitable conditions are recommended.

9.72 The proposal is therefore considered to provide a high standard of urban design, having regard to the pattern and grain of the existing spaces and streets in Aberfeldy. The proposal appears sensitive to the character of their surroundings in terms of overall layout, bulk, scale and use of materials however; the detailed reserved matters will confirm this further.

9.73 As such, the scheme accords with Chapter 7 of the London Plan (2011); saved policies DEV1, DEV2 and DEV3 of the Council's UDP (1998), Policies SP10 and SP12 of the Core Strategy (2010) and Policy DM23 and DM24 of the Managing Development DPD (2012) which seek to ensure buildings and places are of a high quality of design and suitably located.

Height /Tall Building Aspect/ Views

9.74 With regards to appropriateness of the development for tall buildings, this has been considered in the context of London Plan and local plan policies. A tall building is described as one which is significantly taller than their surroundings and /or having a significant impact on the skyline. Policy 7.7 of the London Plan (2011) deals with tall and large buildings, setting out criteria including appropriate locations such as areas of intensification or town centres, that such buildings do not affect the surrounding area in terms of its scale, mass or bulk; relates to the urban grain of the surrounding area; improves the legibility of the area; incorporates the highest standards of architecture and materials; have ground floor uses that provide a positive experience to the surrounding streets; and makes a significant contribution to local regeneration.

9.75 SP10 of the Core Strategy also provide guidance on the appropriate location for tall buildings requiring them to relate to design and context, environment, socio-economic factors, access and transport and aviation requirements. The Core Strategy also seeks to restrict the location of tall buildings to Canary Wharf and Aldgate.

9.76 Whilst the site is not strictly located within an area designated for tall buildings, the site does fall within the backdrop of Canary Wharf and opposite the site along the A13 sits a number of existing tall buildings. Officers have confirmed the principle of tall buildings in this location previously however not to the scale of what was proposed in the 2010 application (up to 25 storeys). Building heights around the new masterplan for Aberfeldy are generally positioned on the edges of the estate where the PTAL is higher and where buildings can provide a buffer between central spaces and the busy A12/A13. These taller buildings have a higher proportion of private for sale accommodation and smaller unit sizes. The scale of buildings reduces within the interior of the site to relate to the lower rise existing dwellings within the estate. Family homes and affordable housing will generally be located away from the edges of the estate and at ground floor levels and will benefit from being closer to open space.

9.77 The scheme now proposed a mix of 6, 8, and 10 storeys in heights, which is considered more appropriate to the existing residential character of Aberfeldy.
It is considered that the group of taller buildings proposed in various volumes with various set backs, will sit comfortably within the site context and would ensure that the development of this site would make a positive contribution to the streetscape and to the existing community.

9.78 Consideration has also been given to the potential impacts of the development on surrounding local and strategic views, however, the site does not falls within any

protected viewing corridors. Consideration has also been given to views into and out of adjoining conservation areas including Balfron Tower (Grade II Listed), Carradale House (Grade II Listed) and the Balfron Tower Conservation Area. The application is in outline and the detailed matters will assess the impact of the proposal on the adjoining listed building. However, considering the reduction in the height of the tower on the east edge of the A12 opposite Balfron Tower, officers do not consider there this to have any adverse impacts on the setting of the listed building in principle.

9.79 In terms of local views, the application is accompanied by a number of verified views and a full townscape analysis in the ES which following consideration indicates that the proposal will relate positively to the surrounding site context. The development is considered to form a positive addition to London's skyline, without causing detriment to local or long distant views.

Ensuring Quality Design

9.80 To ensure the principles identified above are imposed into the detailed design of each of the 6 phases of development, a Design Code has been developed by the applicant in consultation with GLA, LTGDC and LBTH officers. The design code provides the design approach to be taken with each character area and individual block.

9.81 The Design Code sets principles and standards regarding scale, mass and building height; aspect and orientation; entrance and circulation confirming building core location and access point; courtyard location and size of communal space; street widths, footways, shared surfaces and landscaped areas; relationship of building block frontages with public realm; details of amenity space, balconies and back gardens; commitment to London Housing Design Guide standards, window type and patterns; materials and colours; parking location and access.

9.82 This Design Code is a fundamental instrument in establishing the design principles at reserved matters stage and has given officers the assurance that high quality estate regeneration will be delivered for the residents of Aberfeldy.

Housing

9.83 Policy 3.3 of the London Plan (2011) seeks to increase London's supply of housing, requiring Boroughs to exceed housing targets, and for new developments offer a range of housing choices, in terms of the mix of housing sizes and types and provide better quality accommodation for Londoners.

9.84 Policy 3.25 of the London Plans (2011) and Policy DM3 of the Draft Managing Development DPD (2012) resists the loss of existing housing unless replaced with stock to an equivalent or better standard.

9.85 Policy SP02 of the LBTH Core Strategy (2010) seeks to deliver 43,275 new homes (equating to 2,885 per year) from 2010 to 2025 in line with the housing targets set out in the London Plan. The aim is to focus the majority of new housing in the eastern part of the borough, in a number of identified places and '*Poplar Riverside'* is identified as one of such places.

9.86 The application proposal will deliver up to up to 1,176 residential units, following the demolition and redevelopment of 297 existing homes. This represents a net increase of 879 new homes. As outlined in the report for the Full Planning

Application, 342 new homes will be delivered in Phase 1 which is expected to come forward in 2012. This level of housing is considered to significantly contribute towards Tower Hamlets annual target of 2,885 per year.

9.87 Furthermore, the application will not result in the loss of existing housing in terms of habitable rooms or residential floorspace. The application results in a gain of 127 affordable habitable rooms. As such the quantum of housing is supported.

The Decanting Process & Phasing

9.88 The applicant proposes the phased demolition of the 297 homes over 6 phases. Poplar Harca have confirmed that a single decant process is planned and this is made possible through the current vacant site in the eastern corner of the masterplan (former Currie and Dunkeld site). The decanting process seeks to facilitate the retention of the existing Aberfeldy community through giving existing Poplar Harca tenants and leaseholders a range of options.

9.89 For those Poplar Harca tenants already in the blocks nominated for demolition – they will be offered similar accommodation within the new development or offered on another Poplar Harca site.

9.90 Existing leaseholders will be offered one of the new private market homes on site or given the option to be bought out. Other alternatives include part buy and shared equity arrangements.

9.91 Overall demolition (for both tenures) is distributed across the phases. The table below summarised this in the context of the application proposal. Commencement and completion timescales for each phase are also identified:

Phase	**Timing Commencement & Completion (2012-2025)**	**Demolished Units**	**Proposed Units & Uses**	
Phase 1	Oct ’12 - Sept ‘17	0	342 units	411sqm retail
Phase 2	Jan ’15 - July ‘19	84	200 units	
Phase 3	Dec ’16 - Jan ‘21	79	200 units	Energy centre 989qm Retail
Phase 4	Oct ‘18 – Nov ‘22	67	171 units	504sqm Community 322sqm Faith Uses 960sqm HealthCentre 343sqm Retail
Phase 5	Nov‘20 – Sept ‘24	52	175 units	
Phase 6	July’22 – Sept ‘25	15	88 unit	
Total		**297**	**(up to) 1,176**	

9.92 As the table above, demonstrates, phases demolition is proposed across 6 phases between January 2015 and July 2022. Phase 1 contains a significant proportion of the overall development and commencement is currently anticipated to be as early as October 2012. A small element of retail and cafe facilities are proposed for Phase 1, however the bulk of the retail, social, community and health facilities will

come forward in Phase 3 and 4. The existing social and community facilities will therefore support the existing residents until this phases commences in 2016/2018.

Affordable Housing

9.93 Policies 3.10, 3.11 and 3.12 of the London Plan (2011) define Affordable Housing and seek the maximum reasonable amount of affordable housing taking into account site specific circumstances and the need to have regard to financial viability assessments, public subsidy and potential for phased re-appraisals.

9.94 In addition, and of relevance to Aberfeldy, Policy 3.9 of the London Plan seeks to balance tenure and household income within new development, particularly in areas where social housing dominates in order to achieve more mixed and balanced communities.

9.95 Policy SP02 of LBTH's Core Strategy (2010) seeks 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.

9.96 Policy DM3 (Part 6) of the draft Managing Development DPD (2012) confirms that a net loss of affordable housing will only be allowed in exceptional circumstances where (i) development demonstrates that a limited loss of affordable housing is required to improve the tenure mix on site, or (ii) public open space or a non residential use will benefit the overall estate regeneration scheme.

9.97 Consideration has also been given to the recent government announcements that HCA grant funding has been drastically cut and to the changes to the definition of affordable rent (Revised PPS3, issued in June 2011) which offers eligible households at a rent of up to 80% of local market rents. The definition of affordable housing has therefore changed and as outline below in more detail now includes social rented, affordable rented and intermediate housing.

9.98 Part 1 of Policy DM3 of the Managing Development DPD sets out the Council's approach to the new affordable rent product. The policy reaffirms the Core Strategy target for 70% of new affordable housing to be for Social Rent and 30% for Intermediate. Where it can be demonstrated that it is not viable to provide this level of Social Rent housing then Affordable Rent will be accepted. The policy confirms that the delivery of larger family homes should still be prioritised for Social Rent.

9.99 The subtext to Policy DM3 of the Managing Development DPD (Paragraph 3.3) provides further detail on what acceptable Affordable Rent levels are likely to be for the Borough as a whole. This has been informed by research carried out for the Council by POD (2011) which takes into account local socio economic circumstances. In practice, Rental levels on each individual scheme will be need to be agreed with Council to reflect the particular local housing market of that area and the needs of the borough.

9.100 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.

9.101 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.

9.102 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.

Applicant's Offer:

9.103 This proposal involves partial demolition and rebuild of existing homes and the provision of additional new homes. The proposal can be considered in two contexts.

9.104 Firstly the overall resulting scheme once completed, will result in 26% affordable housing across the application site.

9.105 In terms of *new* affordable housing, an uplift of 5% is proposed.

9.106 The application confirms that all affordable housing which is to be demolished will be replaced in terms of habitable rooms terms (741hab rooms). The new build element will provide 121 additional affordable hab rooms which equates to 40 units or 5% of additional affordable housing, provided after replacement.

9.107 Of the 190 new affordable units, 151 will be for social rent, 19 will be for affordable rent and 20 will be intermediate. The applicant has confirmed that the rents of the units which will be for 'affordable rent' will fall below the Borough average rents set out under Policy DM3 in accordance with the POD research carried out on behalf of the Council and has the support of the Borough's Housing Officer.

9.108 As such, the applicant has confirmed that these rents will be as follows:

1 bed - £165
2 bed - £176
3 bed - £195
4 bed - £210

9.109 Overall, the scheme will provide 26% affordable housing provision and 5% uplift in terms of new affordable housing. As such, the application falls significantly short of the Core Strategy target which seek to achieve with a minimum of 35% affordable housing provision. However, the site has a number of site constraints and a viability assessment has been submitted in support of the application which demonstrates that the development as currently modelled has no ability to deliver any more affordable housing on this site that 26% at this point in time.

9.110 The applicant has sited significant viability challenges in support of its proposal - such as the £23million leaseholder buyout cost; the loss of £12million HCA grant

funding; costly flood mitigation measures, and the implications of revising the scheme to make account of HSE concerns regarding the gasholders. These challenges appear to have constrained the overall viability of the proposed regeneration of Aberfeldy to an extent where the level of affordable housing provision is limited to 26%. However, the application seeks to maximise the level of affordable housing that is proposed by matching this against actual housing need in Aberfeldy. As such, the affordable element is heavily weighted towards larger 3, 4 and 5 bedroom homes based on specific family waiting lists.

9.111 In addition to the 26% affordable housing, the applicant proposes a review mechanism in the later phases of the development which seek to re-assess the situation and identify the opportunity for additional affordable housing units on the site. This mechanism is outlined below:

Review Mechanism

9.112 The proposed review mechanism is set out in the applicant's document entitled 'A Mechanism to Review Affordable Housing'.

9.113 In the first instance, this mechanism proposes a minimum provision of 26% affordable housing across the site. Within each phase this represents a resulting provision as follows:

Phase 1: 28%
Phase 2: 20%
Phase 3: 37%
Phase 4: 19%
Phase 5: 23%

9.114 Over all, the applicant also commits to a minimum provision of 5% uplift on completion. However, this masterplan application has a build period of up to 2025 over 6 phases, so if and when market conditions improve between now and 2025, the LPA have an opportunity to assess the capacity of the scheme to deliver additional affordable housing on site, through the submission of a Pre Implementation Viability Assessment by the applicant at the onset of each of the phases. These assessments would be independently reviewed prior to the commencement of each phase with the objective of confirming the extent of likely surplus affordable housing. The scheme has struggled to deliver a higher level of affordable housing as a result of the viability constraints identified above, however the scheme will deliver wider estate regeneration benefits in the form of new social and community infrastructure (community centre, purpose built faith facilities and health centre) and new public open space.

9.115 Clauses are also proposed within the S106 requiring any additional surplus to be ring fenced and provided in the later phases of the scheme. In addition to this, the review mechanism proposes to review the scheme at the final phase (Phase 6 2022-2025) to investigate the sites capacity to provide an additional surplus (based on the Council's affordable housing target at that point in time). It is proposed that the final viability assessment will also assess the development's capacity to offer a monetary contribution over and above the affordable housing being delivered on the development and if so, this to be allocated to the Borough as an off-site affordable housing contribution.

9.116 It is acknowledged that this proposed review mechanism is very much dependant on market recovery and this would require the Council to take a considerable risk

however, considering the current economic climate; there is a reasonable chance that by 2022 the economy may be in a more buoyant position. Furthermore, National Grid has indicated to Poplar Harca that the existing gasholders may be considered for decommissioning in 2016. Whilst these factors are not guaranteed, they represent possibility for improved site conditions which is a contributing factor in the proposed affordable housing offer.

9.117 Finally, it must also be noted that the proposed affordable housing offer set out for this application proposal is somewhat skewed as it does not represent a true reflection of the actual character of the wider Aberfeldy Estate. This is because many of the existing households at Balmore Close, Ettrick Street, North of Blair Street fall outside the application site boundary. In holistic planning terms, these households very much form part of the Aberfeldy community, however are excluded from the application figures and proportions as development works are not proposed to these properties. Aberfeldy is currently dominated by social rented tenure, and this proposal will seek to address this imbalance. There will be no net loss in terms of affordable housing however, the introduction of other tenures, through intermediate, affordable rent and private market housing, will create an improved tenure and a more balanced community throughout Aberfeldy. This is the thrust of Policy DM3 of the Managing Development DPD and Policy 3.9 of the London Plan.

9.118 As such, in the light of the above, and in consideration of the overall site constraints, particularly the proximity of the site to the gasholders and the demonstrated viability constraints, the proposed affordable housing offer (at 26% and including a phased review mechanism) is considered acceptable as it will contribute to achieving a better mix and better standard of affordable housing and an improved mix in tenure for the wider Aberfeldy area, in line with Policies 3.9-3.12 of the London Plan (2011) and Policies SP02 of the Core Strategy (2010) and Policy DM3 of the draft Managing Development DPD (2012) Proposed Submission Version..

Housing Type and Tenure Mix

9.119 Pursuant to Policy 3.8 of the London Plan, new residential development should offer genuine housing choice, in particular a range of housing size and type.

9.120 Further to this, Saved Policy HSG7 of LBTH's UDP (1998) requires new housing to provide a mix of unit sizes where appropriate, including a substantial proportion of family dwellings of between 3 and 6 bedrooms.

9.121 Policy SP02 of the Core Strategy (2010) also seek to secure a mixture of small and large housing, requiring an overall target of 30% of *all* new housing to be of a size suitable for families (three-bed plus), including 45% of new social rented homes to be for families.

9.122 Policy DM3 (part 7) of the draft Managing Development DPD (2012) requires a balance of housing types including family homes. Specific guidance in provided on particular housing types and is based on the Councils most up to date Strategic Housing Market Assessment (2009)

9.123 A summary of the proposed mix of dwelling types within each of the different tenures is set out below:

	Market Sale	Afford Rent	Social Rent	Intermediate

	Units	Units	Units	Units
Studio	78	0	0	0
1 Bed	195	2	8	8
2 Bed	713	10	50	11
3 Bed	0	4	36	1
4+ Bed	0	3	57	0
Totals	**986**	**19**	**151**	**20**

9.124 In order to assess the acceptability of the mix against the Council's preferred mix as set out in the Policy SP02 of the Core Strategy, the table below describes the proposed mix in the context of the Borough preferred dwelling mix:

Affordable Housing										**Private Housing**		
		Affordable Rent		**Social Rent**			**Intermediate**			**Market Sale**		
Unit size	**Tot Unit**	**Unit**	**%**	**Unit**	**%**	***LBTH target***	**Unit**	**%**	***LBTH target***	**Unit**	**%**	***LBTH Target %***
Stud	78	0	0	0			0			78		
1bed	213	2	63%	8	5%	*30%*	8	40%	*25%*	195	20%	*50%*
2bed	784	10	53%	50	33%	*25%*	11	55%	*50%*	713	72%	*30%*
3bed	41	4	21%	36	24%	*30%*	1	5%	*25%*	0	0	*10%*
4bed +	60	3	5.2%	57	38%	*15%*	0	0%		0		*10%*
=	**up to 1,176**	**19**	**100**	**151**	**100**	***100***	**20**	**100**		**986**	**100**	**100**

9.125 As the table illustrates, the scheme is dominated by smaller units in the private sector tenure, particularly 2 bed units which is exceeds the Borough's target for private market housing (72% against a target of 30%). However, this is as a result of the higher level of private market housing being injected into the site (986 new private market homes, all of which are in the form of 1 and 2 bed homes). Whilst it is regrettable that the scheme can not achieve a higher proportion of larger family homes in the private market sector, the applicant has explained that the introduction of smaller private homes is required in this instance to make the regeneration scheme commercially viable and to ensure that the scheme can ensure there is no net loss of affordable housing.

9.126 In terms of family accommodation, there lies an under provision in the overall level of proposed units suitable for family accommodation (9%) which is significantly short of the Borough's targets (30%). However, whilst 9% appears low, this is calculated in terms of *units* and the new family homes will be in the form of 3, 4, 5, and 6 bedroom homes. When this is calculated in habitable room terms, the proportion of family accommodation would be **18%** which illustrates the additional floorspace dedicated to larger family units. Poplar Harca have explained that this mix has been produced in direct response to local housing demand for the area Across the site between all tenures, the application commits to the delivering 101 family units as follows:

- 41 x 3 bed units
- 15 x 4 bed units
- 36 x 5 bed units
- 9 x 6 bed units

9.127 It must also be noted that the figures for family housing are slightly skewed as they only capture the mix within the application site (red line boundary). As shown in the site plan below, this does not represent a true reflection of the entire unit mix across the wider Aberfeldy Estate. Blocks within Athol Square, Balmore Close, Ettrick Street, North of Blair Street are not considered within the mix above as they fall outside the application site boundary, however officer are aware that these blocks indeed contain a mix of family units all of which are to be retained on site.

9.128 In terms of family units in the social rented sector specifically, over **62%** of social rented homes would be for family accommodation (this represents 93 homes in the form of 3, 4, 5, and 6 bed units) which greatly exceeds the Council's minimum requirement of 45% and therefore complies with Policy SP02 of the Core Strategy. 7 additional family units are provided within the affordable rent units and whilst officers are sought to negotiate these family units for social rent tenure, the applicant has made the case that these units are needed from a viability perspective.

9.129 The original application proposed a greater proportion of family units, however, the current scheme has been designed around the constraints of the gasholders and associated risks, where the overall density and in particular the number of persons to be accommodated on the Currie and Dunkeld site (which is the closest part of the site to the gasholders) has been significantly reduced. Furthermore, this put a significant impact on the viability of the scheme resulting in the further reduction of family units to smaller homes. This represents one of the many implications of Leven Road gasholders in shaping the development of this outline application. It is however recommended that the review mechanism to be captured in the S106 also consider future housing mix, particularly in terms of additional family homes.

9.130 With regard to the mix of housing, the application proposes a mix social rent, intermediate and affordable rent product in a ratio of 80:10:10 and whilst this does not accord with the Mayors target of 60:40 (social rent: intermediate) or the Borough's target of 70:30, the applicant's situation is unique in this instance as the application comprises as estate regeneration where as the RSL the applicant has the responsibility of re-housing existing social rent tenants within Aberfeldy.

9.131 On balance, it is officers' view that in this instance, the dominance of smaller private market homes provides an acceptable mix across Aberfeldy and contributes towards better mixed and balanced communities across the wider area. Furthermore, the emphasis on the provision of large family housing within the Social Rented sector is welcomed. Therefore considering the site constraints associated with the site and the associated viability constraints, the application provides an acceptable mix in compliance with Policy 3.8 of the London Plan (2011), Policy SP02 of the LBTH Core Strategy (2010) and Policy DM3 of the draft Managing Development DPD (2012) which seek to ensure developments provide an appropriate housing mix to meet the needs of the borough.

Residential Standards

<u>Internal Space Standards</u>

9.132 Policy 3.5 of the London Plan (2011) 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. In addition, the Mayor's London Housing Design Guide (Interim Edition, August 2010) sets out new minimum space standards to improve housing quality and allow homes to be flexibly used by a range of residents.

9.133 Saved Policy HSG13 of the UDP, Policy SP02 of the Core Strategy (2011) and Policy DM4 of the draft Managing Development DPD (2012) seeks to ensure that new housing has adequate provision of internal space standards in line with the Mayor of London's standards. Policy DM4 also requires affordable family sized homes to have separate kitchen and living rooms.

9.134 The application commits to meeting the Mayor of London's minimum unit sizes.

9.135 This application is currently in outline form therefore detailed spaces standards are not measurable, however the applicant has confirmed that the parameter plans and overall level of floorspace proposed has been development with the number of units proposed and has been shaped by the Mayor of London's space standards. The precise spaces standards proposed will be assessed in detail at the reserved matters stage. It is worth noting that there is currently a full planning application for Phase 1 of the development and there is some comfort in knowing that the detailed plans for Phase 1 comply with the Mayor of London's internal space standards. This is a reasonable indication of the applicant's commitment to the remaining phases.

9.136 The applicant is an affordable housing provider and understands the requirement for larger affordable units having separate kitchens and living areas for social and religious reasons. As such, the details stage of this application will ensure that the application complied with Policy DM4 of the draft Managing Development DPD 2012.

9.137 Overall, the proposed application material gives officers reasonable comfort that the proposed development is acceptable and will accord with the London Housing Design Guide (Interim Edition, 2010), Policies 3.5 of the London Plan (2011), saved Policy HSG13 of the UDP (1998) and Policy SP02 of the Core Strategy (2010), Policy DM4 of the draft Managing Development DPD (2012) and the Council's Residential Standards SPG (1998).

Landscaping and Open Space

9.138 Policies 5.10 and 7.5 of the London Plan (2011), Saved Policies DEV12 and HSG16 of the UDP (1998), Policies SP02, SP04 and SP12 of the Core Strategy (2010) and seek high quality urban and landscape design; promote the good design of public spaces and the provision of green spaces and tree planting.

9.139 The application is in outline form, however the parameter plans and design and access statement confirm that the application will provide approximately 11,000sqm of public open space. Based on Sport England calculations, a population of this size would generate a requirement for 24,000sqm of open space. Considering the site constraints, this is not achievable even with the densities proposed. Furthermore, it is the case officer's view that only 8,000sqm of this is considered to be functional useable open space for the public. The space is provided in the form of a linear park running parallel with Blair Street and the A13.

The green space will provide a strong pedestrian friendly residential environment for the development, in front of the A13 edge blocks which will shielding much of the development from the busy A13. The plans also suggest a high quality delivery to this open space to include water features, high quality street furniture, mature planting, and paved shared surfaces. The linear parking includes a swale which has been commended by the Borough's Biodiversity Officer.

9.140 The applicant has indicated that it has a budget allocated towards open space and public realm works outside the necessary S278 highway works. This is discussed in further detail in the Planning Obligations section of this report (Section 9). This gives officers comfort that a high quality public realm and public park can be achieved. A full landscaping detail will be required at reserved matters stage.

Private and Communal Amenity Space

9.141 Saved Policy HSG16 of Tower Hamlets UDP (1998), Policy HSG7 of Tower Hamlets IPG (2007) and Policy DM4 of the draft Managing Development DPD (2012) require all new housing to include an adequate provision of amenity space, designed in a manner which is fully integrated into a development, in a safe, accessible and usable way, without detracting from the appearance of a building.

9.142 Specific amenity space standards are guided by Policy DM4 of the Council's draft Managing Development DPD (2012) will follows the Mayor of London's Housing Design Guide standards which specifies a minimum of 5sqm of private outdoor amenity space for 1-2 person homes and an extra 1sqm for each additional occupant. It also requires balconies and other private external spaces to be a minimum width of 1.5m.

9.143 In terms of communal amenity space, Policy DM4 requires 50sqm for the first 10 units, plus 1sqm for every additional unit thereafter.

9.144 The current application is outline and it is only possible to carry out a detailed assessment of private/communal amenity space and will be determined at reserved matters stage. However, the submitted parameter plans and design and access statement do suggest the incorporation of projecting balconies, front and rear gardens, roof terraces, communal spaces and winter garden. In addition, the accompanying Design Code illustrates the principle design approach to such forms of private amenity space.

9.145 It is also worth noting that the Phase 1 application provides a sufficient level of private and an exceptional level of communal amenity space.

9.146 In applying the minimum standards for private and communal amenity space, the development would require a provision of between 6,000-6,500sqm of private amenity space and 1,216sqm of communal amenity space. In any event, it is recommended that any approval is conditioned to ensure the submission of a detailed analysis of the amenity space proposed for each Phase which seeks to achieve at least 5sqm of private amenity space for all 1-2 bed homes and an additional 1sqm for every additional occupant.

Child Play Space

9.147 Planning Policy Statement 3 sets out the importance of integrating play and informal recreation in planning for mixed communities.

9.148 Policy 3.6 of the London Plan (2011), Saved Policy OS9 of Tower Hamlets UDP (1998), Policy SP02 of Tower Hamlets Core Strategy (2010) and Policy DM4 of the draft Managing Development DPD (2012) seeks to protect existing child play space and requires the provision of new appropriate play space within new residential development. Policy DM4 specifically advises that applicants apply LBTH child yields and the guidance set out in the Mayor of London's SPG on 'Providing for Children and Young People's Play and Informal Recreation' (which sets a benchmark of 10 sqm of useable child play space per child).

9.149 Using LBTH child yield calculations, the proposed development is anticipated to deliver 334 children and accordingly the development should provide a minimum of 3,340 sqm of play space. The development proposes to deliver 4,500sqm of play space which exceeds the required level. However, this must also be considered that within the wider Aberfeldy Estate as the existing blocks and residents will no doubt use the new play space being provided and likewise the occupiers of the new units will access some the existing 1,674sqm of play space that currently exists on site. An overprovision within the propose development site is therefore welcomed. The play strategy is outlined in the submitted Design and Access Statement and confirms that each of the six phases will provide new dedicated and equipped play space in the form of:

- 1,500sqm doorstep play (0-3yr olds)
- 2,000sqm local play (4-10yr olds)
- 1,000sqm play (11-15 yr olds)

9.150 This child play strategy also sets out basic principles and typologies for the proposed play space in terms of the location, distance, level of boundary treatment, character and likely form of equipment. These have been incorporated into the Design Code and give officers an assurance that a good level of child play space can be secured on site.

9.151 Despite this, detailed plans will be required at reserved matters stage to confirm the details of the play space strategy, layout and equipment. For the purposes of the Outline application, officers support the quantity and broad location of the proposed play space, as it exceeds LBTH and London Plan requirements as set out in Policy 3.6 of the London Plan (2011), Saved Policy OS9 of Tower Hamlets UDP (1998), Policy SP02 of Tower Hamlets Core Strategy (2010) and Policy DM4 of the draft Managing Development DPD (2012).

Wheelchair Housing and Lifetime Homes Standards

9.151 Policy 3.8 of the London Plan (2011), Policy HSG9 of Tower Hamlets IPG (2007), and Policy SP02 of the Core Strategy (2010) require that all new housing is built to Lifetime Homes Standards and that 10% of new housing is designed to be wheelchair accessible or easily adaptable for wheelchair users.

9.152 The applicants supporting statement confirms that all new homes across Aberfeldy will be built to Lifetime Homes standards and that the indicative unit mix has already been development with the 10% provision of wheelchair accessible homes in mind. As this application is in outline form, it is recommended that the application is conditioned to ensure this.

9.153 Considering that the 297 of the existing dwellings within the estate will be demolished and rebuilt, the inclusion of wheelchair accessible units and Lifetime

Homes Standards contributes towards the delivery of better quality replacement stock, which ensures a better quality living environment for Aberfeldy in terms of housing choice.

9.154 As such, it is considered that the proposal is acceptable in accordance with Policy 3.8 of the London Plan (2011), Policy HSG9 of Tower Hamlets IPG (2007), and Policy SP02 of the Core Strategy (2010).

Amenity

9.155 Daylight, Sunlight and Overshadowing

Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (1991).

9.156 Saved Policies DEV1 and DEV2 of Tower Hamlets UDP (1998), Core Strategy Policy SP10 and Policy DM25 of the draft Managing Development DPD (2012) seek to protects amenity, by ensuring development does not result in an unacceptable material deterioration of the sunlight and daylight conditions of surrounding development. Policy DM25 also seeks to ensure adequate levels of light for new residential developments.

9.157 Section 13 of the Supplementary Environmental Statement considers the impacts of the development with respect to daylight and sunlight.

Daylight

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

9.159 An Average Daylight Factor (ADF) analysis was undertaken to assess the levels of daylight amenity within the various different residential unit configurations at the lowest levels in the proposed buildings.

9.160 British Standard 8206 recommends ADF values for residential accommodation and the recommended daylight factor level for dwellings are:

- >2% for kitchens;
- >1.5% for living rooms; and
- >1% for bedrooms.

9.161 The application is in outline and as such assumptions were made for the internal room dimensions.

9.162 In terms of the development itself, 63% of the lower level façade locations do not meet the recommended daylight availability when VSC was considered, and this has raised concerns for officers. However, when ADF assumptions were made, the internal daylight assessment found adequate levels of daylight at all facades.

9.163 It is worth noting that the daylight levels have improved when compared to the 2010 scheme. To maximise the amount of daylight accessing the blocks, building

heights have been reduced, courtyards have been opened up with the addition of 'slots' in their south sides to allow light in, ceiling heights have been increased and window sizes increased to allow more light into low level rooms. The applicant has also confirmed that at the detailed design stages of the subsequent phases, window sizes will be maximised in areas where daylight and sunlight requirements are challenging. It is suggested that a daylight and sunlight analysis is submitted for each of detailed phases when the detailed design and window detail is known.

9.164 In terms of the impact of the proposal on the existing buildings within the development, the VSC for the surroundings buildings were assessed and the Council's EHO found only minor impacts (27%).

Sunlight

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

9.166 British Standard BS8206 Part 2 2008 recommends that interiors within 90 degrees of due south should receive at least 25% of APSH, including at least 5% APSH during the winter months, in order to receive enough sunlight. An analysis of the levels of APSH was assessed in the context of the impact of the development on surrounding buildings and also the impact of the development on itself. In terms of the impact of the development on the existing surrounds - approximately over 91% of the assessed locations will receive at least 25%. Only 17 facades out of 198 will fail across the entire site this is considered acceptable given the density of the application and the general urban context of the site.

9.167 However, the Borough's EHO has noted that a high proportion of the units will north facing and will therefore not have sufficient levels of sunlight. However, the site has a number of factors which have shaped the overall design and layout of the development and in particular the blocks along the A13 boundary have been orientated with north facing units. In the case officer's view, given the urban context and constraints facing the site, lack of sunlight to these properties is not considered so significant as to warrant refusal of the planning application. It must also be noted that many of the existing units on the site had similar problems however officers are satisfied that on balance, a better form and standard of accommodation is being re-provided on site.

9.168 In terms of the impact of the development on itself, the result shows that over 80% of the facades will receive adequate sunlight. Only 62 of the 323 facades will fall short and most of these are at ground floor windows within the courtyards or immediately facing adjoining buildings so the amount of sunlight received is limited. Overall, any adverse impact is negligible and expected for the scale and density of development proposed. In terms of the APSH impact on surrounding buildings, only minor failures were found.

Overshadowing

9.169 In terms of permanent overshadowing, the BRE guidance in relation to new gardens and amenity areas states that *"it is recommended that for it to appear adequately sunlit throughout the year, at least half of a garden or amenity space should received at least 2 hours of sunlight of 21 March".* The results for the

proposed development show that the proposed development will have a negligible impact on the existing open spaces such as Braithwaite Park, Millennium Green and Abbott Road Park.

9.170 In terms of the impact of the development on proposed courtyards and new open spaces within the development itself, twelve different spaces are proposed and were assessed. Of these spaces, 3 will have more than half the garden in permanent shadow and will not comply with the BRE guidelines. These areas include the courtyards within Block D, G, and H shown on the illustrative masterplan. However, the remaining spaces will comply with BRE guidance. Whilst 3 of the courtyards will have a moderate adverse impact in terms of shadow, this is still an improvement to the previous scheme. These courtyards have been designed to maximise the amount of light accessing them through the introduction of slits in the building block and reduction in the southern elevation to allow more light through.

9.171 It is considered that the proposed development is generally in keeping with the BRE guidance, Policy 4B.10 of the London Plan (2008), saved Policies DEV1 and DEV2 of Tower Hamlets UDP (1998), Core Strategy Policy SP10 and Policy DM25 of the Managing Development DPD (2012) with regards to sunlight, daylight, and overshadowing and accordingly the proposals are likely to result in a reasonably acceptable standard of living and amenity areas in this regard considering the site constraints and urban environment.

Sense of Enclosure and Outlook

9.172 Policy SP10 of the Core Strategy (2010) seeks to protect residential amenity and Policy DM25 of the draft Managing Development DPD requires development to protect through ensuring development does not result in the loss of privacy, unreasonable overlooking, or unacceptable increase in sense of enclosure, or loss of outlook.

9.173 The proposed building blocks have incorporated dual aspect units where possible to improve the quality of living and outlook for occupiers. The single aspect units are as a result of the block configuration and orientation with the A13.

9.174 The proposed buildings have been set around court yards and open spaces which will provide an attractive outlook. The proposal also provides good separation distances between buildings thereby ensuring no adverse impacts on outlook from the proposed buildings. Minimum separation distances measure approximately 15-18m which is considered acceptable given the urban context and existing building on site.

9.175 It is considered that based on the parameter plans, the development affords acceptable levels of outlook for residential occupiers. Each phases should be assessed at reserved matters stage when the layout of residential units and open spaces is known.

9.176 The proposals are generally in keeping with Policy SP10 of the Core Strategy (2010) and draft Policy DM25 of the Managing Development DPD (2012) with respect to matters concerning amenity, sense of enclosure and outlook.

Air Quality

9.177 PPS23 and Policy 7.14 of the London Plan (2011) seek to ensure design solutions

are incorporated into new developments to minimise exposure to poor air quality. Saved Policy DEV2 of the UDP (1998), Policy SP02 of the Core Strategy (2011) and Policy DM9 of the Managing Development DPD (2012) seek to protect the Borough from the effect of air pollution, requiring the submission of air quality assessments demonstrating how it will prevent or reduce air pollution in line with Clear Zone objectives.

9.178 The development is located within the Tower Hamlets Air Quality Management Area. The most significant factor influencing air quality in the proposed development is the A12 and A13 and it is the proposed buildings adjacent to these roads that are primarily affected. The submitted Environmental Statement suggests that residential receptors at ground and first floor levels of any buildings fronting these roads will not take air in from these roads and that mechanical ventilation systems are used instead. Additionally, the design of the buildings along these frontages will incorporate winter gardens to ensure private semi-outdoor space can be provided whilst protecting poor air quality conditions.

9.179 In the longer term, the operation of the energy centre is likely to generate a moderate to substantial increase in NO2 levels. However, this impact is considered to be spatially limited and small compared to the existing baseline conditions. Any local impact can be mitigated through emissions control technologies.

9.180 The Borough's EHO has not commented however, the case officer recommends that the submission of a Construction Environmental Management Plan be conditioned prior to commencement.

9.181 On balance, it is considered that the impacts on air quality are acceptable and any impacts are outweighed by the regeneration benefits that the development will bring to the area.

9.182 As such, the proposal is generally in keeping with PPS23, Policy 7.14 of the London Plan (2008), Policy DEV2 of the UDP (1998), Core Strategy SP02 (2010), Policy DM9 of the draft Managing Development DPD (2012) and the objectives of Tower Hamlets Air Quality Action Plan (2003).

Noise and Vibration

9.183 Planning Policy Guidance Note 24 is the principal guidance adopted England for assessing the impact of noise. The guidance uses noise categories ranging from NEC A (where noise doesn't normally need to be considered) through to NEC D (where planning permission should normally be refused on noise grounds).

9.184 Policy 7.15 of the London Plan (2011), Saved policies DEV2 and DEV50 of the Tower Hamlets UDP (1998), Policies SP03 and SP10 of the Core Strategy (2010) and Policy DM25 of the Managing Development DPD (2012) seek to ensure that development proposals reduce noise by minimising the existing and potential adverse impact and separate noise sensitive development from major noise sources.

9.185 Due to the site's proximity to the A13 and the location of many of the proposed residential blocks backing on to this carriageway, the development falls within *Category D* of PPG24 and the Borough's EHO has objected to the application, noting the site's unsuitability for residential occupation.

9.186 The A12 and A13 are major constraints to the development in terms of noise and vibration. However, there are a number of existing residential blocks already fronting onto the A13. It is the view of officers that these constraints should be weighed against the regeneration objectives of the proposal which seeks to provide a better quality residential environment for existing and new occupiers of Aberfeldy. The development has been carefully designed to maximise densities and provide a quality layout which seeks to position most of the new units away from major noise sources such as the A13 where possible. For those units which inevitably face the A13 (like many of the existing and former units), a number of mitigation measures are proposed which include, high performance acoustic glazing, mechanical ventilation and enclosed winter gardens. Amenity areas within the development site have also been designed to that they are sheltered from the A13 noise in order to provide relatively quiet residential environments.

9.187 As such, a balanced view has had to be taken with regard to the EHO's objection on grounds of noise. It the view of the case officer that any impacts in terms of noise are outweighed by the regeneration benefits that the development will bring to the area and in any event sufficient mitigation measures can be employed to minimise adverse noise impacts. A condition to ensure this is recommended.

9.188 The Borough's EHO has also advised that if the application is to be approved, Environmental Health should be consulted regarding the required sound insulation to the external and internal elements of the building and any mechanical or electrical plant to be installed, including ventilation, air conditioning, and commercial kitchen extract plant. (Officers have also discussed the potential A3 uses in Phase 1, to identify the scope of including potential extract equipment within the envelope of the building. This will be conditioned).

9.189 Conditions are also recommended which restrict construction hours and noise emissions and requesting the submission of a Construction Management Plan which will further assist in ensuring noise reductions.

9.190 As such, it is the officers view that considering the site constraints, the proposals are generally in keeping with Planning Policy Guidance Note 24, Policy 7.15 of the London Plan (2011), Saved policies DEV2 and DEV50 of the Tower Hamlets UDP (1998), Policies SP03 and SP10 of the Core Strategy (2010) and Policy DM25 of the Managing Development DPD (2012).

Energy Efficiency & Sustainability

9.191 At a national level, PPS22 and PPS1 encourage developments to incorporate renewable energy and to promote energy efficiency.

9.192 The London Plan sets out the Mayor of London's energy hierarchy which is to:

- Use Less Energy (Be Lean);
- Supply Energy Efficiently (Be Clean); and
- Use Renewable Energy (Be Green).

The London Plan 2011 also 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).

9.193 Policy SO3 of the Core Strategy (2010) seeks to incorporate the principle of sustainable development, including limiting carbon emissions from development, delivering decentralised energy and renewable energy technologies and

minimising the use of natural resources. The London Borough of Tower Hamlets Core Strategy Policy SP11 requires all new developments to provide a 20% reduction of carbon dioxide emissions through on-site renewable energy generation. Policy DM29 of the draft Managing Development DPD (2012) requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures.

9.194 The submitted energy strategy dated October 2011 details the approach and commitment of the scheme to reducing the CO2 emissions of the development through the steps of the energy hierarchy and integrate energy efficiency. It confirms that the buildings will achieve a 25% reduction in carbon emissions and as the scheme progresses beyond 2013 will aspire to reach 40% reduction then eventually zero carbon beyond 2019.

9.195 The submitted energy strategy has emerged from a process of evaluation the technical and economic feasibility of a series of potential alternative energy option including photo-voltaic cells, solar hot water, ground source heat pumps, air source heat pumps, micro wind power and biomass. The option selected for the development is a central energy plant with 4 x conventional centralised gas boilers (temporary) CHP (permanent 600kWe) with a distribution network to each block. This option has been endorsed by the GLA and Tower Hamlets energy officers.

9.196 Photovoltaic cells are proposed to provide a source of on site renewable energy (Be Green) with a potential roof capacity to achieve 118kW of PV panels across the development (944sqm).

9.197 It is recommended that the Energy Statement dated October 2011 is secured by Condition.

9.198 In terms of sustainability, all new residential development is required 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) seek the highest standards of sustainable design and construction principles to be integrated into all future developments.

9.199 The submitted Energy Statement sets out the commitment to achieving a Code for Sustainable Homes Level 4 rating and targets a BREEAM Very Good rating. Following the request of the Borough's Energy Officer, the applicant now aims to achieve an 'excellent rating'. It is recommended that the achievement of these ratings is secured through an appropriately worded condition. It is recommended that the subsequent sustainability statements submitted at each subsequent phase, detail the proposed BREEAM and CFSH rating for that phase.

9.200 Finally, the GLA have raised concerns regarding the potential over heating of the single aspect south facing units overlooking the A13. The opening of windows in these units and winter gardens will be restricted due to noise and pollution from A13 so a ventilation strategy was requested. The applicant has confirmed that these units will have an on-going MCHR system 'Mechanical Ventilation and Heat Recovery' system running.

Contamination

9.201 In accordance with the requirements of PPS23, saved UDP policy DEV51, policy DM30 of the Managing Development DPD, the application has been accompanied

by an Environmental Statement which suggests that the ground conditions may have some contamination. Considering the proximity of the site to the gasholders, further intrusive investigations are required and any necessary mitigation. It is suggested that an appropriate condition be imposed.

Flood Risk

9.202 Planning Policy Statement 25 (PPS25) and Policy 5.12 of the London Plan (2011), Policy SP04 of Tower Hamlets CS (2010) relate to the need to consider flood risk at all stages in the planning process.

9.203 The development falls within Floodzone 2 and 3 and the applicant has been in consultation with the Environment Agency (EA) since the early pre-app stages in developing a mitigation strategy. The application is supported by a flood risk assessment and describes various flood mitigation options.

9.204 These options include setting ground floor levels above breach water level, however this is now limited to more vulnerable zones to ensure the development remains largely accessible under DDA requirements. Other options now include refuge in stairwells and roof terraces and evacuation plans. It is worth noting that 91 of the existing units within the application site currently fall below the flood level with no access to safe refuge and the proposal will entirely eradicate this to ensure all units and uses will have access to safe refuge.

9.205 The application also proposes a surface water management strategy that aims to reduce the off-site discharges to rates where practical. The EA have recommended a condition to secure the submission of a surface water drainage scheme.

9.206 The EA sought clarification on the mitigations measures for the non-residential uses. The applicant has drawn the EA and LPA's attention to Section 9 of the ES and specifically table 9.5 which outlines the proposed mitigation measures for each of the proposed uses in each block. The less vulnerable blocks with non-residential uses include Blocks, B, G, K and H, where as the more vulnerable blocks with non-residential uses include Blocks J and L. For the more vulnerable blocks (where the ground floor heights are only 1.8m AOD and which contain a mix of community and health uses) – these blocks will be designed with resilient measures, including internal access to safe refuge at higher levels within the buildings and/or roof terrace spaces. There is also a commitment to locating more vulnerable uses and practices involving the public at first floor levels. For the less vulnerable blocks (B, G, K and and H), which contain a mix of retail and commercial uses – similar resilient and mitigation is proposed (internal access to safe refuge).

9.207 As advised by the EA, a further condition is recommended requiring the submission of a site flood emergency plan to ensure active measures are implemented.

9.208 As such, it is considered that the proposed development by virtue of proposed flood mitigation strategy complies with PPS25, Policy 5.12 of the London Plan (2011) and Policy SP04 of the Core Strategy (2010).

Biodiversity and Ecology

9.209 The London Biodiversity Action Plan (2008), Policy 7.19 of the London Plan

(2011), Policy SP04 Core Strategy (2010) and Policy DM11 of the draft Managing Development DPD (2012) seek to protect and enhance biodiversity value through the design of open space and buildings and by ensuring that development protects and enhances areas of biodiversity value in order to achieve a net gain in biodiversity. Policy DM11 of the draft Managing Development DPD (2012) also requires elements of living buildings.

9.210 The submitted Environmental Statement has assessed the ecological value of the site and has concluded that habitats across the site are of low value for nature conservation, only supporting breeding birds and a small number of common invertebrates. The proposed meadow planting in a swale along the north side of the main open space is considered to bring a valuable wildlife habitat.

9.211 The Borough's Biodiversity Officer has also confirmed this. Given the low overall ecological value of the site, few potential impacts are anticipated and limited mitigation required. However a number of conditions are suggested by the Borough's Officer in relation to securing (i) vegetation supporting nesting birds, (ii) green roofs (iii) the proposed swale.

9.212 The proposed development is not therefore considered to have any adverse impacts in terms of biodiversity. The development will ultimately provide an enhancement for biodiversity for the local area in accordance with the above mentioned policies.

Health Considerations

9.213 Policy 3.2 of the London Plan (2011) seeks to improve health and address health inequalities having regard to the health impacts of development proposals as a mechanism for ensuring that new developments promote public health within the borough.

9.204 Policy SP03 of the Core Strategy (2010) seeks to deliver healthy and liveable neighbourhoods that promote active and healthy lifestyles, and enhance peoples wider health and well-being.

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

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

9.207 Aberfeldy is currently served by a relatively large GP surgery at Ettrick Street measuring 400sqm. Considering the net increase of 897 new homes on the site and an expected population increase of 2,000 people, the applicant proposes to deliver a new purpose built replacement health facility of up to 960sqm. This will be over double the floorspace to the exiting facility and located within the new hub for Aberfeldy neighbourhood centre, adjacent to the new purpose built community centre. Poplar Harca have indicated that the new enlarged and upgraded health facility may also include pharmacy and dental care facilities. The applicant has approached the PCT with regards to the proposed new health facility however at

the time of writing this report, there are no firm commitments in place, however the PCT have confirmed their support for the provision of a health facility on site, as opposed to a financial contribution in lieu. (The is discussed further in the Planning Obligations of the is report - Section 9)

9.208 The application will also deliver a new linear green space to the south of the site running parallel with the most southern blocks backing on to the A13. This will also contribute to facilitating healthy and active lifestyles. This new green space (East India Green) has a width of 20-24m and will complement green spaces in and around Aberfeldy such as Braithwaite park and Millennium Green. These spaces will also contribute to walking routes to and from routes such as that to and from Canning Town and East India Dock stations, attracting pedestrians through the green and avoiding the busy A13.

9.209 Pre-application discussions with the applicant have also required the submission of a retail statement which includes an assessment of the existing mix of food related retail uses such as restaurants and take away floorspace and an assessment of the proposed provision. Whilst the application is currently in outline, the detail phases of this application will ensure there is no over-concentration of any particular use type which could detracts from the ability to adopt healthy lifestyles.

9.210 It is therefore considered that the provision of new purpose built health facility, and new open space will meet the objectives of London Plan Policy 3.2 and Policy SP03 of the Council's Core Strategy which seek the provision of health facilities and opportunities for healthy and active lifestyles.

Environmental Impact Assessment

9.211 The proposed development falls within the category of developments referred to in paragraph 10(b) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) regulations 2011.

9.213 As the proposal is likely to have significant effects on the environment, it is required to be subject to environmental impact assessment before planning permission is granted. Regulation 3 of the EIA Regulations precludes the grant of planning permission unless prior to doing so, the Council has taken the 'environmental information' into account. The environmental information comprises the applicant's Environmental Statement (ES), any further information submitted following request under Regulation 22 of the EIA Regulations, any other substantive information relating to the ES and provided by the applicant and any representations received from consultation bodies or duly made by any person about the environmental effects of the development.

9.214 The Council appointed consultants, Land Use Consultants (LUC) to examine the applicant's ES and to confirm whether it satisfied the requirements of the EIA Regulations. Following that exercise, LUC confirmed their view that whilst a Regulation 22 request was not required, further clarification was sought in respect of a number of issues.

9.215 LBTH have liaised directly with the applicant in attempt to seek responses to these clarifications. LBTH officers have had a meeting with the applicants consultants to iron out the remaining clarification and the Borough's EIA Officer has confirmed that these clarification are relatively minor. A response to the clarifications has now been submitted and these are being reviewed by the Council's consultants at

the time of writing this report. Members will be updated in a Supplementary Agenda.

9.216 The application is in outline, and for the purposes of the assessment of environmental impacts and to comply with the requirements of the EIA Regulations and associated European Directive, the applicant has submitted parameter plans and other information to prescribe key aspects of the development. These include, for example, quantum of floorspace and heights, widths and lengths of building to create 'building envelopes'. Should the scheme be approved, the parameters will be fixed in order to keep the development within those assessed in the ES and ensure that the scheme does not give rise to significant environmental impacts which have not been assessed through the EIA process. Should the applicant then bring forward proposals which alter the range of impacts identified and assessed in the ES, they may need to be reassessed and/or the submission of a new planning application.

9.217 The ES addresses the following areas of impact (in the order they appear in the ES):

- Air Quality and Dust
- Noise and Vibration
- Ecology
- Townscape and Visual
- Water Resources and Flooding
- Land Contamination
- Traffic and Transport
- Archaeology and Cultural Heritage
- Socio-economics
- Wind and Microclimate
- Daylight, sunlight,
- Telecommunications
- Cumulative Impacts

9.218 The various sections of the ES have been reviewed by officers. The various environmental impacts are dealt with in relevant sections of this report above with conclusions given, proposals for mitigation of impacts by way of conditions, and/or planning obligations as appropriate.

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

Other Issues

<u>HSE and Poplar Gasholders</u>

9.220 The presence of the gasholders has been referred to in many sections of this report and is recognised by officers and the applicant to be a considerable constraint to development potential of this site. This section of the report seeks to clarify the implications of the gasholders; explain officer's interpretation of the HSE's protocol to development consultation zones; the applicant's risk assessment and approach and also finally notes the Council and LTGDC's position regarding the need for officers to weigh up the health and safety risks associated with the proposed development against the wider regeneration benefits

proposed by the application.

9.221 The Poplar Gasholder Site on Leven Road contains three gasholders and is designated as a major hazard site by virtue of the storage of hazardous substances. Since the earliest iterations of this scheme, LTGDC, GLA and LBTH have identified the scheme's proximity to the has as a significant constraint to development in this area and that the design of the development should take this constraint into account.

At a strategic policy level, London Plan Policy 5.22 states that when assessing developments near hazardous installations, the site specific circumstances and proposed mitigation measures should be taken into account when applying the Health and Safety Executive's PADHI methodology.

9.222 Saved Policies DEV53 and DEV54 of LBTH UDP and Policy DM30 of the draft Managing Development DPD (2012) notes how developments will not be supported if it involves new development in close proximity to hazardous installations where it would be a significant threat to health and the environment.

9.223 As such, in deciding whether to approve this development, officers suggest Members pay particular attention to the risk associated with the gasholders at Leven Road. The paragraphs below present the evidence as provided by the applicant along side the likelihood as to whether the HSE will accept this evidence. This section of the report has also been informed by risk specialists appointed by LTGDC to advise LTGDC, GLA and LBTH. On the basis of the information provided by all parties, it is the view of officers that the benefits of regenerating Aberfeldy outweigh the potential risk associated with the gasholder proximity.

9.224 The detail and rationale behind the HSE risk is detailed below:

9.225 The HSE has set a series of three 'consultation distance' rings around the gasholders, referred to as inner, middle and outer zones. In providing advice on planning applications to planning authorities, the HSE relies upon a methodology known as PADHI (Planning Advice for Developments near Hazardous Installations). The methodology is delivered via a software tool controlled by the relevant council officer assessing the scheme which provides a standard HSE response as 'advise against' or 'do not advise against' development. The response is generated by applying a 'decision matrix' to each of the relevant consultation zones. This matrix provides a list of land uses and densities within each of the consultation zones that would be acceptable to the HSE on safety grounds.

9.226 The proposed development overlaps the middle and outer consultation zones surrounding the gasholder site. The decision matrix contained within PADHI stipulates a maximum of 30 dwellings or up to 40 dwellings per hectare to generate a 'do not advise against' development within the middle zone, however all residential development in the outer zone is considered acceptable. As such, the HSE's formal response under PADHI is to *advise against* development.

9.227 Circular 04/00 provides guidance on planning controls for hazardous substances and specifically outlines the role of the HSE in providing advice on proposed development in the vicinity of hazardous installations. The guidance states that where the HSE has recommended that a planning application near a hazardous installation be refused, a determination of the planning authority contrary to this advice should not be taken without careful consideration of the issues, after which

the planning authority will advise the HSE of its intention and allow 21 days before making a determination. During this 21 day period, the HSE will decide whether there are sufficient grounds to request that the Secretary of State call in and determine the application.

9.228 The application has been supported by several risk assessments intended to provide a specific assessment of the risk posed by the gasholder to the future population occupying the development. The original risk assessments were prepared for the previous outline planning application in 2010 by Atkins and dealt with a scheme with a greater overall density, particularly at the Currie and Dunkeld site shown on the plans as Phase 1. As discussed in previous sections of this report, the current scheme represents a reduction in density from the previous, therefore revised risks assessments have been provided, this time by Renaissance Risk. All risk assessments have been peer reveiwed by LTGDC's appointed consultants Amec (formerly Entec).

9.229 The risk assessments have sought to demonstrate that while the PADHI consultation response has produced an 'advise against' response, the risk posed by the gasholders are within levels that may be deemed acceptable to the planning authority when balanced against all other material considerations.

9.230 The reports have relied principally upon the assessment of society risk, which is based on the number of people who could potential be harmed by a single incident occurring from a site. The HSE has developed a methodology for assessing societal risk in situations where a PADHI consultation has resulted in a 'advise against' development known as Scaled Risk Integral (SRI). The SRI value is generated by the following equation: P x R x T/A. Each variable is as follows:

- P = population
- R = risk based on chance per million
- T = time the development is occupied
- A = area of the development

9.231 The HSE's *Criteria document for Land Use Planning cases of serious public safety concern* states, in terms of SRI, that values between 500,000 and 750,000 will be given the most serious consideration in deciding whether to request the application be 'called in' for determination by the Secretary of State. In cases where the SRI value is in excess of 750,000, call in would be sought no matter the circumstances of the development.

9.232 When the SRI value is applied to the proposed development using the HSE's baseline methodology, the value is **1,111,486**. However, the applicant's risk assessment has factored three considerations in calculating the SRI, namely:

- COMAH (Control of Major Accident Hazard) gasholder quantities;
- a specific calculation of the residential population and;
- calculating only the uplift in population.

9.233 In the first instance, the size of the gasholders have been taken into consideration, in particular the quantity of gas permitted under the site's Hazardous Substance Consent. It is understood that the actual capacity of the gasholders is slightly less than the consented capacity. This difference is based on the quantity permitted in the Hazardous Substance Consent, which is the maximum legally allowed on site, and the COMAH quantity, which is the usually the amount the operator expects to

have on site based on operational experience. According to the submitted reports, the actual capacity of the gasholders is based on the COMAH quantity, therefore the capacity of the gasholders is less than the quantity permitted under the Hazardous Substance Consent. The relevance of the two quantities is that the PADHI consultation distances are based on the Hazardous Substance Consent which is the greater of the two. Therefore, the consultation distances cover a wider area than if they were in line with the COMAH quantity. Advice from the Corporation's consultant is that the HSE would only consider the greater Hazardous Substance Consent, however a reduction in this consent is possible but this would need to be requested by the operator, National Grid. The SRI value based on the COMAH quantity is **1,026,412.**

9.234 Secondly, the specific residential occupancy values based upon 2001 Census data for Tower Hamlets have been applied. The HSE typically use a UK wide occupancy of 2.5 persons per dwelling, however the occupancy value for Tower Hamlets is 2.1. In light of this value, it is understood that the HSE has accepted that an occupancy rate of 2 can be applied. When this revised occupancy rate is applied to the SRI calculation, the SRI value equates to **694,093.** However, when this factor is coupled with the COMAH gasholder quantity value, the SRI calculation is **637,035.**

9.235 Finally, the risk assessment has been calculated using only those residents that are introduced into the red line area of the application in addition to, but not including, the existing population, i.e. the total population less the existing population. The applicant has put forward this rationale as they consider that there would be no net effect upon those existing residents that remain within the scheme area. It has also been argued that the re-housing of existing residents within new dwellings that have specific regard to the potential risks associated with the gasholders results in a benefit over the existing population remaining in existing sub-standard dwellings. In other words, the risk to those already occupying the development site will either not be altered if the development were not to proceed, or be reduced if improved housing were to be delivered. Therefore, only the uplift in population has been applied as this represents the population introduced to the potential risk. When applying only the uplift population to the SRI calculation, in addition to the two previous considerations, the SRI value is **314,372.**

9.236 Advice from the Corporation's consultant has highlighted the HSE's methodology in applying the total population and has stated that the HSE are likely to view the approach offered by the applicant as a deviation from the methodology. The existing population is not exposed to zero risk, but is exposed to a level of risk that is 'tolerable', As Low As Reasonably Possible (ALARP). One alternative to delivering the proposed scheme is to simply renovate the existing dwellings. However, when considering the cost of such renovations the benefits in terms of risk are unlikely to be justified.

9.237 The applicant has also put forward the phasing strategy as a mitigating factor in the SRI calculation. There are six phases of development to be delivered over a 13 year period. The total number of units to be demolish and built are as follows:

	Demolished	Built
Phase 1	0	342
Phase 2	84	200

Phase 4	67	171
Phase 5	52	175
Phase 6	15	88

9.238 The relevance of view each of the phases in this way relates to the way in which the SRI values increase over time. These SRI values are as follows:

	Occupation Year	SRI Value
Phase 1	2017	133,917
Phase 1 + 2	2019	305,448
Phase 1 + 2 + 3	2021	435,187
Phase 1 + 2 + 3 + 4	2022	564,583
Phase 1 + 2 + 3 + 4 + 5	2024	608,513
Phase 1 + 2 + 3 + 4 + 5 + 6	2025	698,708

9.239 The SRI values have taken into account COMAH qualities and residential occupancy at 2.1 persons per dwelling (the final SRI value differs from the value previously listed as it applies an occupancy of 2.1 rather than 2).

9.240 Separate to the risk assessment, the applicant has undertaken scheme viability appraisals that consider a quantum of development that results in SRI values of <250,000 and <500,000 based on baseline methodology. The result was that a scheme of <250,000 would generate a loss of £34,622,000 while a scheme of <500,000 would generate a loss of £16,404,000. Members will recall that the current scheme is the second on the Aberfeldy Estate and that the previous scheme has a much greater density. The reduction in density has been informed, at least in part, by the proximity of the gasholder site. The current scheme has been submitted at the minimum density needed to achieve a financially viable scheme.

9.241 In deciding whether the risk of the Leven Road gasholder site outweighs the benefits presented by this scheme, Members should be consider paragraph 8 of the HSE's *Criteria document for Land Use Planning cases of serious public safety concern.* This sets out the criteria against which the HSE will consider whether to request the Secretary of State call's in the application for determination. These criteria area:

- Any significant residential development or development for vulnerable populations in the inner zones;
- the risk of death from a major hazard exceeds the Tolerability of Risk (TOR) limit for a member of the public;
- there are substantial numbers of people in the proposed development exposed to a significant level of risk;
- the endangered population is particularly sensitive;
- it is a challenge to HSE's risk criteria for land use planning.

9.242 Taking each point in turn,

- no building is proposed within the inner zone
- it is accepted that the gasholder is within TOR limit
- the societal risk has been discussed within this report
- the subject population is not any more or less sensitive than average
- the HSE’s own methodology has been used in assessing the risk.

9.243 In deciding whether to approve this development, officers suggest Members pay particular attention to the risk associated with the gasholders at Leven Road. This section of the report has presented the evidence provided by the applicant along with the likelihood as to whether the HSE will accept this evidence. This section has also been informed by risk specialists appointed by LTGDC. On the basis of the information provided by all parties, it is the view of officers that the benefits of regenerating Aberfeldy outweigh the potential risk associated with the gasholder proximity.

Following submission of the applicant's revised Risk Assessment dated 26th October to the HSE, a meeting is planned for 21st Feb between the applicant, LTGDC, GLA and LBTH to discuss the revised proposed in the context of the above. It is intended that this will give the HSE a further understanding of the approach taken by the applicant to minimise the risk before formal consultation takes place on the 1st March, following LTGDC's resolution of the application therefore giving the HSE 21days to resolve their final position.

Planning obligations/S106

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

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

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

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

9.246 This is further supported by Saved Policy DEV4 of the UDP (1998) and Policy IMP1 of the Council's IPG (2007) policy SP13 in the Core Strategy (2010) seek to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development.

9.247 The Council's Supplementary Planning Document on Planning Obligations was adopted in January 2012; this SPD provides the Council's guidance on the policy concerning planning obligations set out in policy SP13 of the adopted Core Strategy. The document also set out the Borough's key priorities being:

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

The Borough's other priorities include:

- Health
- Sustainable Transport
- Environmental Sustainability
- Public Realm

9.248 LBTH are a consultee on this application and it is for the LTGDC to determine. As such, and with regard to planning obligations, the LTGDC would normally apply their LTGDC Planning Obligations Community Benefit Strategy to ensure that developments contribute financially and in kind towards the infrastructure that is needed in the London Thames Gateway area to support the developments that are coming forward for planning approval.

9.249 LTGDC's Planning Obligations Community Benefit Strategy places the site in an area that should recover a discounted standard charge of £10,000 per residential unit. The standard charge is £22,400 per residential unit. Based on the tariff changes, this would provide a total contribution of approximately £11.7million.

9.250 In light of the pending dissolution of LTGDC, it has been agreed that LBTH would apply the Borough's adopted SPD on Planning Obligations and that the S106 would be negotiated in line with the Borough's obligation priorities.

9.251 As such, based on the SPD, LBTH Officers have identified a contribution request of approximately **£4.1million**.

This can be summarised as follows:

- Education: £311k
- Enterprise & Employment: £316k
- Idea Stores/Archives: £255k
- Libraries and Leisure: £786k
- Health: £535k (or onsite in-kind health facility)
- Sustainable Transport: £22k
- Public Open Space: £1,082,294.12
- Streetscene: £789k
- Public Art: on site provision
- Travel Plan Monitoring: £3k
- Monitoring & Implementation 3% of total.

However, the applicant has demonstrated through the submission of a viability assessment that there is no provision for S106 contributions. LTGDC have reviewed this and indicated to LBTH officers that the applicant's viability position appears sound and that there is no capacity to provide for S106 contributions.

9.252 However, following recent discussions and negotiation with officers at LTGDC, LBTH and the applicant, officers have negotiated a package of **£780k** towards Education, Streetscene Improvements and Public Art along side the provision of an on site health facility, all of which are discussed below in the context of the Council's SPD on Planning Obligations. The development also provides wider estate regeneration improvements, which whilst not contributing to the Council's priorities as set out in the Planning Obligations SPD, are material in considering its acceptability. Furthermore, at the time of writing this report, LTGDC continue to review the applicant's toolkit to see if there is any further scope to extend the contribution package currently being negotiated.

Affordable Housing

9.253 As described in previous sections of this report, a minimum of 26% of the overall resulting scheme will be for affordable housing. As a minimum, the scheme will re-provide all affordable homes lost through demolition and will introduce an additional 5% uplift of new affordable homes (hab rooms) and it is recommended that this is tied into the S106. A review mechanism is also proposed to assess the capacity of each phase in the development to deliver a surplus level of affordable housing. This is discussed in greater detail in earlier sections of this report.

9.254 Based on the supporting viability report and the site constants, officers accept the site circumstances and constraints and it is recommended that appropriately worded clauses within the S106 agreement will give the LPA reasonable assurance that if and when market conditions improve over the lifespan of this redevelopment (2012-2025) there is opportunity to increase the overall level of affordable housing up from 26%.

Education

9.255 The proposed increase in residential development on the site will generate an increased child yield and therefore an increase in demand for primary and secondary school places in the Borough. However, the proposal for Aberfeldy involves the regeneration of an existing estate where proportion of existing families will be re-housed to relieve overcrowding conditions. As such, based on the adopted Planning Obligations SPD, the net increase in units, results in the need for 21 additional primary places. This amounts to a requested contribution of £311,430.

9.256 The viability toolkit indicates that the scheme is unviable however in recognising the need to mitigate against education demands as one of the Council's priorities, the applicant has offered to meet this financial contribution. This is welcomed by officers.

Enterprise and Employment

9.257 The SPD requires developments to exercise reasonable endeavours to ensure that 20% of the construction phase workforce will be for local residents of Tower Hamlets, to be supported through the Skillsmatch Construction Services. In addition, the SPD requires that 20% of the goods/services procured during the construction phase should be achieved by businesses in Tower Hamlets.

9.258 The SPD also seeks a financial contribution towards the training and skills needs of local residents in accessing job opportunities created through the construction phase of all new development and a contribution towards end use phase of commercial developments. In addition, the SPD states that in-house training programmes may be considered in lieu of the construction phase skills and training contribution; however this is assessed on a case by case basis.

9.259 When the Borough's SPD is applied a financial contribution of £300k is requested towards skills and training at construction phase. In addition, a further £16,088 is access either (i) jobs within the A1 uses in the end-phase (ii) jobs or training within employment sectors in the final development.

9.260 The viability toolkit indicates that the scheme is unviable however in recognising

the need to mitigate against the impact of the development on local employment, the applicant proposes an in house training and skills programme. However, officers have requested further clarification and justification on what the proposed in-house training programme will comprise of and how this has been valued. At the time of writing this report, the proposed package of employment initiatives are being considered and discussed between the applicant and officers in Enterprise and Employment. The Council's position on this remains unresolved. Some of the local training and skills initiatives proposed by the applicant includes a community chest payment to support local initiatives and programmes; a dedicated community liaison officer who will dedicate 50% of their time to delivering the training and employment opportunities and local employment target, a liaison programme with local schools, colleges and universities; a skills transfer and training programme with over 20 Tower Hamlets NEETS apprenticeships;

9.261 It is anticipated that Members will be updated on this in the Supplementary Agenda on 16th Feb, as to whether any of the above employment provisions are considered acceptable.

Community Facilities

9.262 The SPD identifies Idea Store, Libraries, Archives, Leisure, Multi-Use Community Facilities within the Community priority.

9.263 With respect to the Idea Stores/Archives and Libraries and Leisure – a contribution of £255k & £786k is sought respectively based on the SPD. In terms of Multi Use Community Facilities, officers are not seeking any specific additional multi use community facilities for this development. The SPD advises that the Council may seek a contribution towards the upgrade of such facilities and in exceptional circumstances, an on site provision.

9.264 The applicant's viability toolkit indicates that the scheme is unviable and the applicant proposes no contributions towards the mitigation of the proposed development on community facilities. However, it is worth noting that the applicant proposed to replace the existing community facility on site (Aberfeldy Neighbourhood Centre which is operated and funded by Poplar Harca) with a new and better equipped specification and will be of similar size in terms of floorspace. In addition, the proposal also seeks to relocate the existing faith centre on Aberfeldy Street (currently within one of the existing retail units) and build two new purpose built faith centres (totalling 322 sqm) next to the community centre. Whilst this is not sufficient to mitigate against the impact of the proposed development, officers welcome these aspects of the proposal and recognise them as contributing to the overall regeneration benefits of the scheme.

9.265 The applicant has submitted further information requesting that Officers consider the nature of the applicant as a housing provider and their wider commitment to other community initiatives in the area. Poplar Harca claim that they spend approximately £150k a year in funding courses within the existing Aberfeldy Neighbourhood Centre (martial arts, line dancing and keep fit) and it is anticipated that these classes would continue and be expanded upon within the new replacement community centre (and continue to be operated and funded by Poplar Harca). Whilst such commitments are recognised and supported by officers, they do not mitigate against the impact of the proposed development and the uplift in population resulting from this proposal in accordance with the requirements of the Planning Obligations SPD and are therefore not considered sufficient to offset the requested contribution sought.

9.266 Poplar Harca have also stated that their commitment to the funding of the existing 'Spotlight Youth Centre' within the grounds of Langdon Park Secondary School should be considered by officers. Harca claim that they commit £250k per annum to this youth facility. Whilst such measures are commendable, these are initiatives already committed to by the applicant regardless of the development proposal. Officers do however recognise that Langdon Park will be closest secondary school to Aberfeldy estate and the one which a majority of children on the estate may attend and will therefore have access to the Spotlight Youth Facility.

9.267 On balance, officers accept the viability constraints demonstrated and since no contribution is being offered to the Borough to mitigate against the development impact on community facilities, in accordance with the requirements of the Planning Obligations SPD, officers recommend that suitably worded clause is proposed in the S106 to ensure the replacement community facility is provided. Furthermore, if the replacement facility does not come forward by Phase 4, the applicant has offered a commuted sum of £308k.

Other Priorities –

Health

9.268 The SPD requires all major developments to contribute towards health facilities. Contributions will be calculated using HUDU model which calculates the cost of increased demand on local facilities based on the proposed increase in population. The SPD also considers the provision of an onsite health facility which can be handed over to the PCT and the floorspace provision offset against the HUDU contribution.

Based on the HUDU model, the PCT seek a capital planning contribution of £535k. However, the application proposes the erection of a 960sqm health facility to be located within the new Aberfeldy neighbourhood centre (in Phase 4). This health facility would be over double the floorspace of the existing GP surgery on Ettrick Street which lies outside the application site. The applicant proposes to construct the health centre to shell and core fit out and the PCT have now confirmed that the on site provision is acceptable in principle.

9.269 Considering the East India and Lansbury ward is listed as the most deprived ward in London and Aberfeldy has the worst health statistic in the UK, officers welcome the proposed on site health facility and this will bring significant benefits to the Aberfeldy and assist in improving the current poor health statistics. As such, officers support the in-kind provision of the health facility to be sufficient to mitigate against the impact of the development on future population of Aberfeldy in terms of health.

Officers recommend that the S106 ensures that if arrangements with the PCT (or an alternative health provider) are not in place by the commencement of Phase 4, Poplar Harca will be required to give the Council an agreed sum to the Borough As such, it is proposed that the S106 captures this agreement.

Sustainable Transport

9.270 The SPD requires a contribution towards sustainable transport improvements. Based on the net increase in residents x the cost of smarter travel, a contribution of £22,111 is sought (towards Smarter Travel and to encourage walking and

cycling within the borough).

9.271 The applicant proposes that officers consider off-setting this financial contribution, against the recent £740k payment made by Poplar Harca towards the introduction of a new Nutmeg Lane pedestrian crossing on the A13 adjacent to the site which will improve local resident's access to public transport.

9.272 It is understood that the introduction of the pedestrian crossing at Nutmeg Lane would not have happened without the wider regeneration proposals presented in the current application and is in this respect it is an integral part of the scheme. It would appear that Poplar Harca took a significant risk in contributing towards the funding of this crossing before this application was submitted and without any certainty as to the outcome of this application.

9.273 On balance, officers consider the delivery of the A13 crossing to be a sufficient reason to off-set against any additional requests towards smarter travel.

Environmental Sustainability

9.274 This includes the promotion of renewable, sustainable forms of energy and enhancements to wildlife biodiversity. The SPD requires all major developments to contribute towards energy initiatives and carbon offset funds, if officers feel all on site measures to reduce CO2 have been exhausted. However, as described in previous sections of this report, the application commits to a 25% reduction in CO2 and each phase of the development will require revised energy strategies. Officers are content with the overall energy strategy and no further contributions are requested.

9.275 With regards to biodiversity, the site is not considered to have any ecological or biodiversity value. However in order to improve this, the applicant has proposed several measures to improve the biodiversity of the site, e.g., green roofs and proposed swale, all of which have been commended by the Borough's Biodiversity Officer.

Public Realm

Public Realm in the SPD includes Public Open Space, Streetscene and Built Environment, Highways and Public Art.

9.276 *Public Open Space*

Of the 11,000sqm of Public Open Space proposed by the applicant, only 8,000sqm of this is considered to provide accessible functional open space and this will be provided in the form of a new linear park to the south of the development. Through applying the SPD, a contribution of £1,082,294.12 is sought to mitigate against the lack of open space provided in the application.

9.278 The viability toolkit indicates that the scheme is unviable and the applicant proposes no further contributions towards open space other than the linear park proposed on site. Officers do however have regard to the *quality* of the open space proposed despite the shortfall in quantitative terms. At present, the existing residents in Aberfeldy are served by 2-3 small pocket parks (Millennium Green and Braithwaite Park). The previous 2010 application raised significant concerns for officers due to the lack of open space proposed and it is recognised that the current proposal greatly improves the quantity of open space proposed r

through the provision of a larger more useable and accessible linear park. It is considered that this will greatly improve the area's image and significantly enhance the quality of life for existing and future residents of Aberfeldy. It is considered that to some extent the quality of the open space proposed should be considered in the context of the overall shortfall.

9.279 It is acknowledged however, that the *quality* of the proposed open space is difficult to quantify and officers have given consideration to how the proposed East India Green will incorporate high quality materials and features such as a swale, high quality street furniture, water features, mature planting and high quality paved shared surfaces. To assist in quantifying the quality of the space proposed and to enable officers to consider whether this can offset the additional £1m contribution request, Poplar Harca have indicated that they have a significant budget in place for public realm and open space improvements within Aberfeldy (in addition to necessary s278 works). Evidence has been submitted comparing the proportion of a development budget allocated to open space and public realm works on similar scale projects in London. Poplar Harca propose to considerably exceed the average spend. It is considered reasonable to request that a plan be submitted detailing the proposed works in detail with a schedule of costs. This may gives officers some level of comfort that the proposed open space for Aberfeldy can produce a quality useable environment.

9.280 In addition, Poplar Harca have stated that they are committing £516k on environmental works in the areas around Portree Street, Oban Street and Abbott Road as part of its regeneration programme for the wider area. These works include a new community square, improved estate lighting, improved boundary treatments, the upgrading of an existing play area and new soft and hard landscaping. Whilst these works are welcomed, they are works in which Poplar Harca are already committed to and officers do not consider it appropriate to offset against the £1.1m financial contribution as requested by the adopted SPD.

9.281 In light of the above, officers accept the viability constraints on this site, and will seek to ensure through the S106 and conditions that a fully detailed landscape plan is submitted outlining a schedule of works and cost plan for the linear park area identified in the illustrative masterplan as East India Green. This is considered to give the Borough the assurance that East India Green will be delivered to high quality.

Streetscene and Built Environment Improvements

9.282 Based on the SPD, an obligation of £738k is sought towards Streetscene and Built Environment Improvements, based on extent of footways and carriageways around the development. In response, the applicant proposes a contribution of £418k towards streetscene improvements in Aberfeldy Street, Abbott Road and Blair Street. Poplar Harca have confirmed that they will own and manage the proposed shared surfaces within the scheme. Considering the site constraints, viability assessment, a contribution of £418k is considered acceptable. It is recommended that the S106 agreement ensures that this money is spent specifically on streetscene and built environment improvements to Aberfeldy Street, Abbott Road and Blair Street which are the principle routes through.

Public Art/Artistic Intervention in the Public Realm

9.283 Within Public Realm obligations, the SPD also seeks an element of *Public Art*. Officers have requested that the applicant incorporate public art/ artistic

intervention in the public realm as an integral part of the development proposal and in particular involve local residents and organisations such as the children of Culloden School. In response, the applicant has committed to a sum of £50,000 towards public art and this obligation will be captured in the S106 agreement.

Travel Plan Monitoring

9.284 The Applicant supports the introduction of a travel plan as part of the development proposals and will agree to a one-off financial contribution to the Council of £3,000

TfL Transport and Wayfinding

9.285 TfL have noted that the development is likely to generate demand for additional bus capacity (£270,000) to improve residents' access to public transport, but the applicant is seeking to off-set the total amount requested against their financial contribution towards the A13 pedestrian crossing (the remaining £717,889 noted above) and works to improve the bus routes adjacent to the application site. TfL is also seeking a contribution towards the introduction of Legible London boards within the scheme. The application scheme already incorporates improvements that will enhance the legibility of the estate. In addition, Poplar HARCA already provides wayfinding material within all of their estates and will incorporate such material as necessary within these proposals. Negotiations with the GLA are on going at the time of writing this report.

Monitoring & Implementation

9.286 The SPD requires a contribution towards the monitoring and implementation of the S106 agreement. The Council normally applies a 2% fee to the total financial contribution sought. However in certain circumstances a higher contribution will be sought. The S106 for Aberfeldy will require a lengthy agreement with complex clauses requiring future reviews of each phase of the development in order to ensure the level of affordable housing can be maximised in future phases. As such, officers consider it appropriate to request a higher than normal monitoring fee. 3% is considered appropriate.

Conclusion

9.287 Overall, it is officers' view that the proposed contribution package is low and falls significantly below the £4.1million sought, especially considering the scale of the development proposed and the likely impacts on the social and community infrastructure, health, and education. However, in light of the viability constraints identified in the applicant's viability appraisal, alongside the proposed regenerative benefits proposed through this scheme, officers accept the level of contributions proposed in this instance. Of the **£780k** package proposed by the applicant, officers have sought to prioritise obligations such as education, and streetscene improvements.

9.288 The provision of 26% affordable housing across the site, (including appropriate review mechanisms to capture future surplus affordable housing), alongside the onsite provision of new health facilities, means that Officers are able to recommend that the overall proposed contribution package is accepted. Furthermore, the proposed review mechanism at the onset of each phase will ensure that the level of affordable housing can increase if economic circumstances permit. On balance, this is sufficient to mitigate against the impacts of the proposed development on local social and physical infrastructure 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), 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.

10 Overall Conclusions and Regeneration Benefits

10.1 The proposal for the regeneration of Aberfeldy estate has been in negotiation with officers at LTGDC, GLA and LBTH since 2009. Previous designs and layouts were considered and concerns raised by officers regarding density, height of the taller towers along the A13 and the proximity of the site to the gasholders and potential HSE objection.

10.2 The application seeks to regenerate the site against a number of site viability constraints. These include a £23million leaseholder buyout cost; the loss of £12million HCA grant funding; costly flood mitigation measures, and the constraints of the gasholders and the risk of intervention by the HSE through a Secretary of State call in. These viability constraints have now been reviewed and tested (by LTGDC). The scheme has been amended with the main alterations being the reduction in height of the buildings, a redistribution of density across the site, away from the gas holders.

10.3 In light of the viability constraints, the application will deliver up to 1,176 new residential homes and 26% of this will be affordable homes built to a higher quality that current exists and also to a large family type specification, engineered to meet actual on site housing demand. The overall scheme will be built over 6 phases and the applicant has negotiated a review mechanism with LTGDC and LBTH to ensure that each phase of the development is assessed before reserved matters are submitted. This gives the Borough a level of comfort that the development can be reviewed again in five subsequent stages between now and 2025 to ascertain whether there a surplus affordable housing is available. In light of current London Plan and Core Strategy Policies, and the current know site constraints, this offer is considered acceptable.

10.4 In line with objective of the draft National Planning Policy Framework and other strategic and local policy objectives, the regeneration of Aberfeldy Estate will achieve a more mixed and balanced community through a better balance in tenure and household income, particularly in an areas such as this where social housing dominates and statistics relating to crime, poverty and overcrowding are high.

10.5 In addition to the up to 1,176 new homes, a new linear park is proposed at 'East India Green' which seeks to create an above standard quality open space. Furthermore, the development will deliver 2,132sqm of new purpose built community and social facilities in the form of a new health centre, community centre and two new purpose built faith centres. This will greatly contribute to the social infrastructure needed to support the proposed development of Aberfeldy.

10.6 In addition, research carried out by the Construction Industry Council has indicated that new build construction creates 28.5 jobs for every million pounds invested in a project. Based on this, it is assumed that the overall job creation for the construction of Aberfeldy (which has an investment of £160m), will equate to 4,560 jobs.

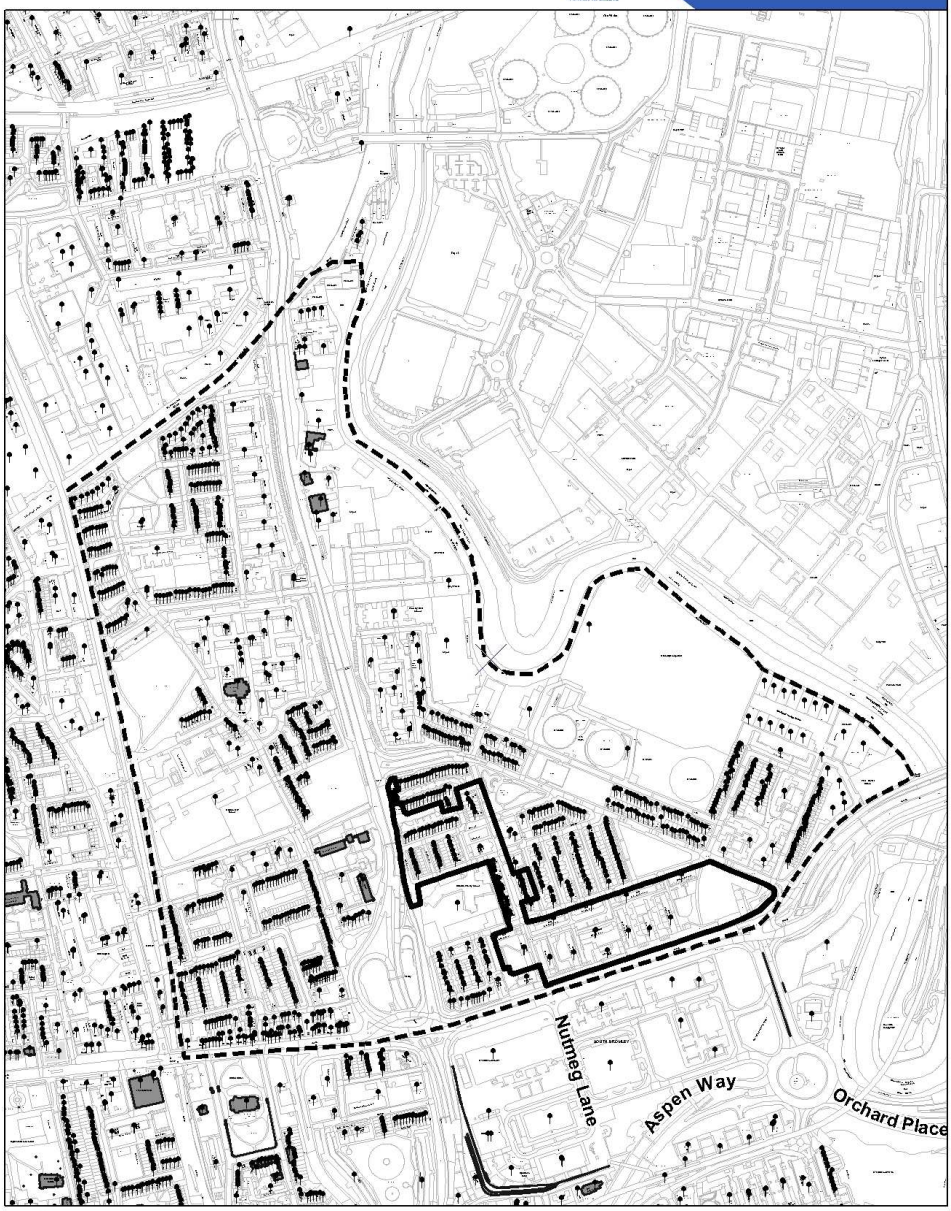
10.7 East India and Lansbury is listed as *the* most deprived ward in London. There is

also evidence which indicates that Aberfeldy has the worst health statistic in the UK, with lower than average life expectancies, high numbers of children living in poverty and these statistic are closely related to problems of overcrowding. It is considered that the proposed application will improve the overall standard of accommodation in Aberfeldy by reducing the number of under occupied properties for small households (currently 16%) and increase the number of larger family homes for those houses which are currently overcrowded (currently 46%). These properties will be built to a higher standard, will have improved energy and heating demands, comply with Mayor of London space standards and Lifetime Homes standards. The additional functional and accessible open space, together with the new social, community and retail facilities in later phases are considered to greatly contribute to the quality of life for those living in Aberfeldy and will assist in the delivery of real regeneration in this area, in line with the Council's local vision to create a sustainable residential community Aberfeldy and Poplar Riverside (LAP8-9).

11 CONCLUSION

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

Planning Application Site Map



Planning Application Site Boundary

Consultation Area

Locally Listed Buildings

Statutory Listed Buildings

Land Parcel Address

0 30 m

1:8,000

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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Appendix 2

Letter from Health and Safety Executive – dated 16 February 2012

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HSE

Health and Safety Executive

Redgrave Court
Merton Road
Bootle
Merseyside
L20 7HS

Tower Hamlets Council
Planning & Building Control
Mulberry Place (AH)
PO Box 55739
London
E14 1BY
For the attention of Ms E Bailey, Strategic Applications Planner

Your refs. PA/11/02716 & PA/11/03548

Our ref. 1.2.1.1207

Date: 16 February 2012

Dear Ms Bailey

Consultation with the Health and Safety Executive under Article 16, the Town and Country Planning (Development Management Procedure) (England) Order 2010
Mixed-use redevelopment of part of the existing Aberfeldy Estate, Poplar, London E14 (Applications ref. PA/11/02716 & PA/11/03548)

1. I refer to the recent exchanges between the Council and HSE regarding the two applications for mixed-use redevelopment of part of the Aberfeldy Estate, Poplar, and the associated recently published reports to your Strategic Development Committee (SDC) for their meeting on 16 February 2012.

2. Mr J Murray, Head of HSE's HID CI5 Unit, wrote to Mr O Whalley, the Council's Head of Planning & Building Control, on 10 February proposing a way forward by means of Grampian planning conditions, and included some initial important comments on the SDC reports. Mr Murray also said we would endeavour to provide further comments to assist Council officers and members of the SDC in their consideration of the important public safety aspects of these applications. The further advice annexed to this letter fulfils this commitment, and we would ask that officers reconsider their recommendations in the light of these comments and that at least SDC members are provided with a copy of them before the applications are considered on the 16 February.

3. Please do not hesitate to contact me if you require clarification of these matters.

Yours sincerely

A J Williams
HM Principal Specialist Inspector of Health and Safety
Health and Safety Executive
Hazardous Installations Directorate, Unit CI5
Building 2.2, Redgrave Court, Bootle, Merseyside L20 7HS
cc. Mr J Allen, LTGDC Director of Planning
Mr P Minoletti, LTGDC Planning Development Manager

Annex to HSE letter dated 16 February 2012

The Health and Safety Executive (HSE) further advice on the public safety aspects of the proposed mixed-use redevelopment of part of the existing Aberfeldy Estate, Poplar, London E14 (Applications ref. PA/11/02716 & PA/11/03548)

A1. Mr J Murray, Head of HSE's HID CI5 Unit, wrote to Mr O Whalley, the Council's Head of Planning & Building Control, on 10 February and included some initial important comments on the Strategic Development Committee (SDC) reports on these two applications. Mr Murray also said HSE would endeavour to provide further comments to assist Council officers and members of the SDC in their consideration of the important public safety aspects of the applications. The further, but non-exhaustive, advice below, which repeats the initial important comments for completeness, fulfils this commitment.

HSE's land use planning advice

A2. I can confirm that HSE's advice to the Council for both the applications is that there are sufficient public safety grounds for permissions to be refused. As noted in the SDC reports, the Council obtained this formal advice from HSE through the PADHI[1] delivery system. You may wish to note that the status of this advice is not diminished by being delivered in this way.

A3. PADHI is a codification of the advice given by HSE on a wide range of proposed development over more than 30 years and, after use for several years within HSE to provide formal land use planning (LUP) advice, was made directly available to Local Planning Authorities with cross-Government agreement. You may wish to note that the quality of the advice delivered through PADHI was considered in detail at the recent public inquiry into the proposed development of the former Ram Brewery, Wandsworth following which the Secretary of State (SoS) agreed that it gave a satisfactory level of advice on public safety for land use planning purposes.

A4. It is the HSE's advice delivered through PADHI which national planning policy, as set out in Planning Circular 04/2000[2], directs should not be overridden without the most careful consideration. This formal advice should not be confused with the HSE's framework for deciding whether or not to request 'call-in', on those rare occasions that an LPA resolves to grant permission against our public safety advice. The criteria against which HSE makes such decisions are set intentionally very high indeed to reflect the exceptional nature of this course of action by ourselves - in fact HSE has requested the SoS to call-in applications on only six occasions in more than 35 years.

---

[1] PADHI - Planning Advice for Developments near Hazardous Installations.

[2] As recognised in writing by the Secretary of State on a number of occasions including, for example, in his letter dated 1 March 2007 calling-in the planning application for 33- 37 The Oval, Bethnal Green.

A5. However, separately from our framework for requesting call-in, I can inform you that the level of risk to occupants of the proposed developments would be of serious concern. HSE previously conveyed this further advice to the Council in a telephone conversation between myself and Mr Bell, your Strategic Applications Manager, and in Mr Murray's letter to Mr Whalley, your Head of Planning & Building Control. This advice regarding the level of risk was also given to the applicant at a meeting in August 2012.

Proposed Grampian conditions

A6. In view of the serious concern regarding the risk to occupants of the proposed developments, Mr Murray, in his letter your Head of Planning & Building Control, drew the Council's attention to certain publically-available information regarding the future of gasholder stations operated by National Grid Gas, which includes the Poplar Gasholder Station (PGS). This was also discussed with the applicant at our meeting with them last August.

A7. National Grid Gas (NGG) is currently considering the potential for accelerating their decommissioning of gasholder stations in London, including PGS. On the Ofgem website, NGG has published a Business Case for supplying gas over future years which states they initially intend to decommission all their gasholders before April 2013 and then demolish them over the next 13 years (2026).

A8. Therefore, in view of:

a) the applicant's stated timetable in which, even if construction commenced in October 2012, Phase 1 of the Aberfeldy redevelopment (Application ref. PA/11/03548) would not be available for occupation for 5 years (September 2017) and construction of the full development (ref. PA/11/02716) would not be complete until September 2025 at the earliest, and in view of;

b) the Government-agreed framework in which land use controls around major accident hazard sites (MAH), such as PGS, are based on the extant Hazardous Substances Consent for the MAH;

Mr Murray proposed that, should the Council resolve to support the two applications, you do so only on the basis that Grampian conditions are attached to the permissions which would prevent occupation of any part of the development until the Hazardous Substances Consent (HSC) for PGS has been formally revoked by the Council acting as Hazardous Substances Authority.

A9. This type of Grampian condition has been applied successfully elsewhere, including to recent permissions for the former Battersea Power Station site and for Imperial Wharf/Chelsea Creek Fulham, near gasholder stations, and has enabled development to proceed quickly where it might not otherwise have been allowed. Based on previous agreements between developers, local planning authorities and HSE, suitable Grampian conditions for the present cases might be worded along the following lines:

"No part of the development hereby allowed shall be occupied until the hazardous substances consent ref. ..... as continued by hazardous substances consent ref. ..... and ref. PA/01/01202 for the Poplar Gasholder Station, Leven Road, London E14 has been revoked in its entirety in accordance with the Planning (Hazardous Substances) Act 1990 as amended and written confirmation of the revocation has been issued by the Hazardous Substances Authority."

A10. If Grampian conditions, which prevent occupation until the HSC has been formally revoked by the Council, were attached to any permissions granted for the current cases, then I can confirm, as stated by Mr Murray in has letter to the Council's Head of Planning & Building Control, that we would withdraw our formal advice against the applications.

HSE's initial important comments on the SDC reports

A11. Following an initial read of the reports to the SDC meeting on 16 February, Mr Murray provided the following important initial comments.

a) The description of the detail and rationale behind HSE's advice lacks substance and it is disappointing that officers did not seek an explanation of our advice for these cases before preparing these important aspects of the reports. I understand, however, that your Strategic Applications Manager was informed a few weeks ago, during a telephone conversation with HSE (Mr Williams), that the level of risk to people at the development was of serious concern.

b) The applicant's safety consultant has applied the Case Societal Risk (SRI) methodology in a way that is misleading and incompatible with HSE's Comparison Values. The consultant's reports do not provide a sound basis for informed decision-making by the Council. Furthermore, I can confirm that HSE has not accepted an occupancy rate of only 2 people/unit for the development: in fact our assessment so far indicates that a development-specific rate of over 3 people/unit could be appropriate for Phase 1 on a Cautious Best Estimate[3] basis.

c) It is our understanding that HSE's framework for considering whether to request 'call-in', on those rare occasions that a local planning authority wishes to grant permission against our advice, cannot be a material planning consideration because it only applies after an authority has resolved to grant through committee or under delegated powers. This matter has been raised with Tower Hamlets' planning officers in the past and HSE had understood the Council accepted this position.

d) It is misleading to refer to a notification to HSE that an authority has resolved to grant permission against our advice as "formal consultation". Formal consultation

[3] Cautious Best Estimate (CBE) - this is a recognised approach to predicting the risk and consequences of major accidents which accepts some over-estimation when justification of assumptions and methods is difficult. CBE is an accepted approach within the EU for allowing for uncertainties in LUP risk assessment, and was described by the Planning Inspector to the Oval Cricket Ground public inquiry as the "requisite" basis for providing LUP advice around major accident hazards, such as gasholders.

with HSE, as required by law, should have already occurred through the PADHI system. In the present cases, it is our land use planning advice that there are sufficient public safety grounds for permission to be refused, and it is these formal representations that the Council is required not to override without the most careful consideration. Furthermore, I must repeat that, based on our work so far, the level of risk to people at the development would be of serious concern.

A12. To expand on point (c) above, we note that Council officers in the reports specifically direct SDC members to consider HSE's criteria for deciding whether to request 'call-in' (as set out in the Executive's "*Criteria document for Land Use Planning cases of serious public safety concern*") when weighing the public safety risks against the benefits of the schemes. As previously stated, HSE has set these criteria intentionally very high indeed to reflect the exceptional nature of this course of action by the Executive - in fact HSE has requested the SoS to call-in applications on only six occasions in more than 35 years. I must emphasise that it is HSE's formal representations against the two applications, as delivered through PADHI, which the Council is legally required to take into account, and which you are directed by national planning policy (as set out in Circular 04/2000) not to override without the most careful consideration, and not the Council officers' interpretation of HSE's call-in criteria.

A13. To assist the Council in its consideration of the public safety risks to occupants of the developments. You may wish to note that, depending on the exact type and nature of the development involved, HSE advises against on public safety grounds certain proposed development with an SRI value exceeding 2,500 (significant risk), but advises against almost all proposed development with an SRI value exceeding 35,000 (substantial risk).

Relevant planning policy on major accident hazards

A14. In their reports, Council officers draw attention to the "*significant constraint to development*" the Poplar Gasholder Station (PGS) imposes on the proposed applications. They also draw attention to relevant planning policy including the Mayor of London's London Plan Policy 5.22 and the Council's UDP Save Policies DEV53 and DEV54, Adopted Interim Planning Guidance DEV23 and draft Policy DM30 of the Managing Development DPD (2012) which officers state, "*notes how development will not be supported if it involves new development in close proximity to hazardous installations where it would be a significant threat to health and the environment.*" It is HSE's understanding that Policy CP3, of the Council's Adopted Interim Planning Guidance, which states:

"The Council will proactively work to protect and enhance the quality of the environment, ensure the prudent use of natural resources, and contribute to tackling climate change. Measures will include, but not be limited to, ensuring all development, over its lifetime: ...

e) prevents people and the environment from being at risk from hazardous substances. "

also applies to these applications, and we would draw your attention specifically to the Council Policy DEV23 which states:

"The Council will resist proposals for new development, redevelopment or an intensification of an existing use which involves the storage or use of notifiable quantities of hazardous substances or development in close proximity to such uses, where it would cause a significant hazard to health, and that risk cannot be mitigated to the satisfaction of the Health and Safety Executive."

A15. Planning controls were first introduced around major accident hazards (MAH) in the 1970s, and related national and local planning policies originate from the recommendations of the Government's Advisory Committee on Major Hazards (ACMH). The scope of these policies was later broadened to deliver the requirements of EU Directive 96/82/EC as amended by Directive 2003/105/EC (the Seveso II Directive). The Seveso II Directive has the objectives of preventing major accidents and, importantly for LUP purposes, limiting the consequences of any that may occur, with a view to ensuring a high level of protection for people and the environment. Specifically, Article 12 of the Directive requires these objectives to be pursued by Member States (in England this responsibility falls to local planning authorities) through the control, in the vicinity of a MAH such as the Poplar Gasholder Station, of certain development including:

"*new developments such as transport links, locations frequented by the public and residential areas in the vicinity of existing establishments, where the ..... developments are such as to increase the risk or consequences of a major accident.*"

A16. <u>You may wish to note that it appears to be common ground between parties that the two applications, if they were to proceed, would increase both the risk and consequences of a major accident at the gasholder station</u>.

A17. Article 12 also requires those formulating planning and other related policies to:

"*ensure that their land use and/or other relevant policies and the procedures for implementing those policies take account of the need, in the long term, to maintain appropriate distances between establishments covered by this Directive and residential areas, buildings and areas of public use, major transport routes as far as possible, recreational areas and areas of particular natural sensitivity or interest, ... so as not to increase the risks to people.*"

A18. As previously mentioned the Secretary of State has recognised Planning Circular 04/2000 as national planning policy for the control of MAHs and proposed development in their vicinity. The Government has tasked HSE to provide the necessary independent and impartial land use planning (LUP) advice on public safety to enable Local Planning Authorities (LPAs) to deliver the controls recommended by ACMH and required by the Seveso II Directive. Also as previously mentioned, the Circular specifically direct that LPAs should not override HSE's LUP advice on public safety without the most careful consideration, and you

may wish to note that, separately, the Courts[4] have decided that on technical matters, LPAs, whilst not bound to follow the advice from statutory bodies such as HSE, an authority should nevertheless give "*great weight*" to a statutory body's advice when determining a planning application.

Third-party assessment of public safety

A19. In their reports Council officers appear to rely significantly on the third-party assessments of public safety provided by Renaissance Risk (RR). In turn RR state that they have, "*relied on the accuracy of the Atkins work in undertaking this assessment.*" You may wish to note that Atkins gasholder assessments were considered in technical detail at both the public inquiries into the proposed development of the Oval Cricket Ground (CG) and the former Ram Brewery, Wandsworth. In both instances, the Secretary of State agreed with the Planning Inspectors, that the Atkins assessments should be treated "*with extreme caution*". Furthermore Atkins has now provided clarification of their more recent gasholder assessments, prompted by comments by RR, which included the following statement (twice):

"*It should be noted that the current view of Atkins is that Dr Deaves* [the supervisor of the Atkins gasholder assessments, including for the Aberfeldy proposals] *has provided a graphical representation of how* [the HSE's LUP consultation] *zones could be adjusted based on applying the uncertainties associated with ignition frequencies. However, it should be recognised that the current zones set by HSE are based on a Cautious Best Estimate approach; and that the Oval and Ram Brewery Public enquiries did not conclude that HSE zones* [and therefore the Executive's LUP advice based upon them] *should be revised.*"

It is HSE's understanding that RR are aware of the clarification from Atkins.

A20. You may wish to note that following detailed consideration of HSE's LUP advice against the Oval CG and Ram Brewery proposals, the Secretary of State agreed with the Planning Inspectors that our advice against the proposals had been justified in both cases. Indeed, in two other reports prepared by RR concerning proposed development in the vicinity of gasholders, one dated as late as 9 January 2012, you may also wish to note that RR have included a warning that, *"There is little doubt that if this planning application were to go to an Inquiry* [presumably appeal or call-in], *the Planning Inspector and the Secretary of State (SoS) would again be likely to agree with HSE's interpretation and application of PADHI."* This appears to confirm that, in RR's opinion, a further independent review of HSE's LUP advice around gasholders would again find it to be justified. It is unclear why RR has not included a similar warning in their assessment reports for the two Aberfeldy applications.

A21. As mentioned earlier, I must emphasise that RR has applied the HSE's Case Societal Risk (SRI) methodology in a way that is misleading and incompatible with our Comparison Values, and that their reports do not provide a sound basis for

[4] Regina v Tandridge District council Ex parte Al Fayed, The Times Law Report 28 January 1999

informed decision-making by the Council. Furthermore you may wish to note that in attempting, incorrectly, to draw conclusions about the strength of our LUP advice by reference to a proposal's position in the 'PADHI Matrix', they have relied upon an HSE document that is out-of-date and was withdrawn some time ago.

A22. Furthermore, you may wish to note that in their assessments RR appear to have relied upon HSE's 'Closed' evidence to the Oval CG public inquiry and also appear to have included a selective quotation from HSE's Closed evidence in their report dated 26 October 2011. As RR should be aware, all the Closed evidence to Oval CG inquiry remains subject to a confidentiality agreement and a Secretary of State's Section 321 Direction which prevents its disclosure to other than named individuals. Consequently I am unable to comment further on these matters other than to say that the complete quotation, when seen in context, does not support RR's interpretation. The Council may wish to seek clarification of the sources of RR's information and, if necessary, take legal advice regarding the continued publication of this report on their website.

A J Williams
HM Principal Specialist Inspector of Health and Safety
Health and Safety Executive
16 February 2012

HSE (HID CI5) Redgrave Court Merton Road Bootle Merseyside L20 7HS

Appendix 3

Suggested Principles for Section 106 Agreement SLA between LBTH Employment & Enterprise and Poplar Harca for Aberfeldy Development

Background

Poplar Harca have submitted an in kind offer against the requested financial contribution of circa £316k for Employment and Training as defined in the Councils SPD.

Any offer to accept an in kind service is at the discretion of the Council and following the advice of officers. The council Employment & Enterprise team has held discussions with the applicant and broadly agreed the principles of an agreement and a delivery offer associated with it. More detailed practicalities will be worked through with the organisation following an acceptance of other terms of the overall development agreement.

Broad terms of agreement

1. Principles for Service Level Agreement.

   - To participate in the Council Employment and Enterprise initiatives
   - To recognise that the Council is the primary agency working for the recruitment of local people and local
   - To achieve SPD related obligations for local employment and local supply.

2. For the above this means the Applicant will commit:

   2.1. SPD commitment to achieve at least 20% of all construction and ancillary jobs to be taken by local people (defined as Tower Hamlets residents), working with the Council Employment Initiatives in the first instance to recruit previously unemployed residents into construction vacancies.

   2.2. SPD commitment to use best endeavours to achieve throughout the period of the Development that at least 20% of all supplies and services shall be provided by local suppliers where available and practicable

3. Which will include:

   3.1. To participate in the Council's Access to Employment initiatives and promote recruitment of local residents and contracting with local companies throughout the construction of the Development and to the prospective tenants/owners of the commercial/business element of the Development;

   3.2. To recognise that the Council is the primary agency working for the recruitment of local people and local businesses and act in accordance with this recognition (including working with the Council's supply chain for employment and employability services).

   3.3. To work in partnership with the Councils employment service 'Skillsmatch' to capture all employment vacancies and outcomes within the applicants business to maximise opportunities for local people, the for the period of the development (expected to be until Sept 2025)

   3.4. To agree the definition of 'local residents' to be residents living within the administrative boundary of the borough;

3.5. To provide a dedicated community liaison officer who will dedicate 50% of their time to delivering the training and employment opportunities and local employment target (representing an investment of £275,000 over the project duration);

3.6. To provide an allowance of £378,000 for training secured in the cost plan;

3.7. To facilitate a minimum of 65 completed x 2 year apprenticeships (achieving NVQ level accredited training) throughout the period of the development (Expected to be 13 years) of which at least 20% will prioritise NEET residents and provide associated skills transfer and training;

3.8. To facilitate work experience and management placements across all associated organisations, sectors and functions and across the complete supply chain for a minimum of 144 weeks of placements per year or part years by any breakdown. Work Experience programme will continue for the entire development period.

3.9. To facilitate access to an expected 2000 vacancies through this development and work with council services as above to achieve a target of a minimum of 30% of those being secured by local residents; (This includes 20% SPD target - para 2.1 and Apprenticeship totals – para 3.7)

3.10. To facilitate the £150,000 Community Trust payment to deliver and support local community initiatives and programmes within the period of the development. Programme design will have consideration of skills and learning as part of proposal process;

3.11. A liaison programme with local schools, colleges and universities;

3.12. prior to the Implementation of any Development meet (along with the Freehold Owner's main contractor) with representatives from the Council's Access to Employment Team and agree the basis and methodology to participate in the Council's Access to Employment initiatives and set up a working group to consider and implement any employment training and enterprise initiatives and how to monitor progress;

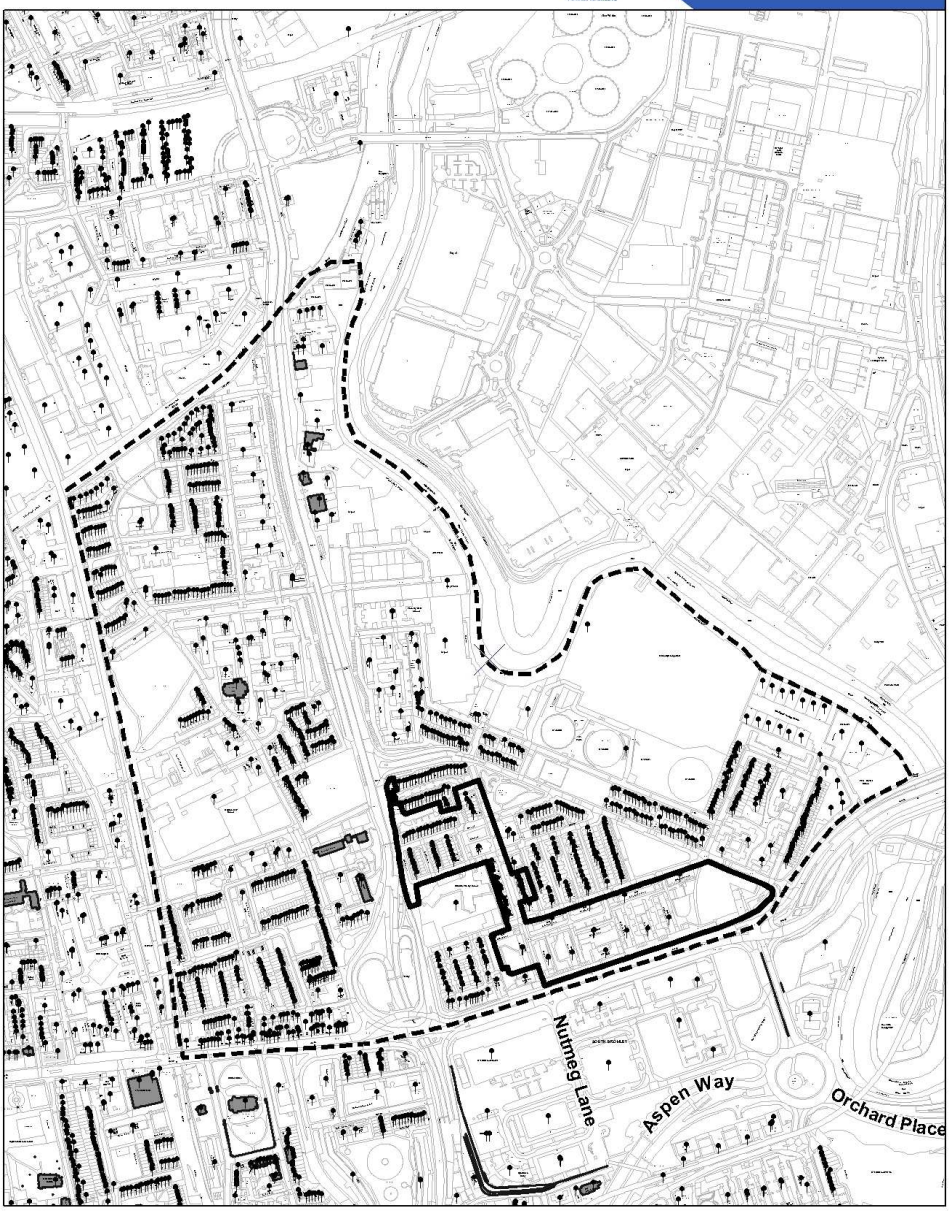
3.13. issue a written statement to prospective contractors and sub-contractors at the tendering of work stage and to the prospective tenants/owners of any non residential elements of the Development when first identified which sets out the Freehold Owners' commitment to the following:

3.14. ensuring that local people and local businesses are able to benefit directly from the employment opportunities arising from the construction of the Development by liaising in the first instance with the Council's team working on Employment & enterprise initiatives; and

3.14.1. ensuring that the Owners, their contractors and sub-contractors and the prospective tenants/owners of the commercial/business element of the development when first identified will notify the Council of all job opportunities arising from both the construction and end user commercial phases of the Development;

3.14.2. Actively engage with a series of 'Meet the Buyer' events working with the Council and its partners including 'East London Business Place' to fully explore and promote the opportunities for local procurement in the supply chain;

Planning Application Site Map



Planning Application Site Boundary

Consultation Area

Locally Listed Buildings

Statutory Listed Buildings

Land Parcel Address

0 30 m

1:8,000

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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Committee: Strategic Development	Date: 6th March 2012	Classification: Unrestricted	Agenda Item No: 7.2
Report of: Director of Development and Renewal **Case Officer:** Elaine Bailey		**Title:** Application for Planning Permission **Ref No:** PA/11/03548 **Ward:** East India and Lansbury	

1. APPLICATION DETAILS

The application site falls wholly within the planning functions of the London Thames Gateway Development Corporation (LTGDC). London Borough of Tower Hamlets is a statutory consultee on this application.

This report therefore provides an officer recommendation which is intended to form the basis for the Borough's observations to LTGDC. The Strategic Development Committee is requested to consider the endorsement of this recommendation only.

Location: Aberfeldy Estate, Abbott Road, London, E14

Existing use: Site is currently cleared and vacant (former Currie and Dunkeld Site)

Proposal: Erection of three blocks between 4 and 10 storeys on the corner of Abbott Road and East India Dock Road to provide 342 new residential units, 352 sqm of new retail floorspace (A1 and A3), a marketing suite of 407 sqm, semi-basement and ground floor parking, cycle parking, landscaped public open space and private amenity space and other associated works.

This proposal constitutes Phase 1 of the Outline Planning Application (ref: PA/11/2716) for the wider development of Aberfeldy – application.

Drawing Nos: Phase 1 Overall Masterplans & Sections

000 P2 (Phase 1 Detailed Planning Application)
001 P7 (Site Masterplan);
002 Rev P5 (Site Masterplan – colour);
003 Rev P2 (Section A – A);
004 Rev P2 (Section B – B);
005 Rev P2 (Section C – C);
006 Rev P2 (Section D – D);

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

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

007 Rev P2 (Section E – E);

200 Rev P1 (Site Elevations);

Specific Block A

100 Rev P6 (Block A – Ground & 1st Floor Plans);
101 Rev P6 (Block A – 2nd & 3rd Floor Plans);
102 Rev P6 (Block A – 4th & 5th Floor Plans);
103 Rev P6 (Block A – 6th & 7th Floor Plans);
104 Rev P6 (Block A – 8th & 9th Floor Plans);
105 Rev P5 (Block A – Roof Plan);

210 Rev P4 (Block A – Elevations);
211 Rev P4 (Block A – Elevations);

260 Rev P1 (Block A – Rendered North Elevation);
261 Rev P1 (Block A – Rendered South Elevation);
262 Rev P1 (Block A – Rendered Elevations);
263 Rev P1 (Block A – Rendered Sections);

Specific Block B

120 Rev P6 (Block B Ground and 1st Floor)
121 Rev P6 (Block B 2nd & 3rd Floor)
122 Rev P6 (Block B 4th & 5th Floor)
123 Rev P6 (Block B 6th & 7th Floor)`
124 Rev P6 (Block B 8th & 9th Floor)
125 Rev P6 (Roof)

220 Rev P5 (Block B – Elevations);
221 Rev P5 (Block B – Elevations);

270 Rev P1 (Block B Rendered A13 Elevation)
271 Rev P1 (Block B Rendered A13 Elevation)
272 Rev P1 (Block B Rendered North Elevation)
273 Rev P1 (Block B Rendered West Elevation)
274 Rev P1 (Block B Rendered Elevations)
275 Rev P1 (Block B Rendered South Elevation B)

Specific Block C

139 Rev P6 (Block C Basement)
140 Rev P6 (Block C Ground Fl)
141 Rev P6 (Block C 1st Floor)

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142 Rev P6 (Block C 2nd Floor)
143 Rev P7 (Block C 3rd Floor)
144 Rev P6 (Block C 4th Floor)
145 Rev P6 (Block C 5th Floor)
146 Rev P6 (Block C Roof)

230 Rev P5 (Block C - Street Elevations)
231 Rev P5 (Block C – Courtyard Elevations);

280 Rev P1 (Block C Rendered South Elevation Street)
281 Rev P1 (Block C Rendered North Elevation Street)
282 Rev P1 (Block C Rendered South Elevation Courtyard)
283 Rev P1 (Block C Rendered Southwest Elev Courtyard)
284 Rev P1 (Block C Rendered North Elevation Courtyard)

Documents:

AVD1 Application Form;
AVD2 Scale Site Plan;
AVD3 Planning and Design Statement and Statement of Community Involvement (Phase 1);
AVD4 Access Statement (Phase 1);
AVD5 Plans and Drawings;
AVD6 Supplementary Environmental Statement Non-Technical Summary (Phase 1);
AVD7 Supplementary Environmental Statement (Phase 1); AVD8 Supplementary Environmental Statement Annexes (Phase 1);
AVD9 Energy Statement (inc. pre-assessment) (Phase 1); AVD10 Financial Statement and S106 Heads of Terms.

AVO10 and AVO10B OPA Risk Assessment (dated 26th Oct + update dated 19th Jan);
AV07 Copy of OPA Statement of Community Involvement; AV09 Annex P Transport Assessment;

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Applicant: Poplar HARCA and Willmott Dixon Homes Ltd

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

Historic buildings: None within application site.

Conservation areas: None.

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1. Officers have considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan 1998, (Saved policies); associated Supplementary Planning Guidance, the London Borough of Tower Hamlets adopted Core Strategy (2010), Managing Development DPD (proposed submission version) 2012; as well as the London Plan (2011) and the relevant Government Planning Policy Guidance including draft National Planning Policy Framework, and has found that:

2.2 Through the provision of a new residential led mixed use development, which comprises Phase 1 of the wider regeneration plans for Aberfeldy, the scheme will maximise the use of previously developed land, and will significantly contribute towards creating a sustainable residential environment in Poplar Riverside, in accordance with the objectives of Policy 3.4 the London Plan (2011) the Lower Lea Valley Opportunity Area Planning Framework (2007); Leaside Action Area Plan (2007), LAP 7 & 8 of the Core Strategy, Policies SP02 of Core Strategy (2010); DEV3 of the Unitary Development Plan (1998); and Policy DM3 of Managing Development DPD (proposed submission version) 2012.

2.3 On balance, the benefits of regenerating Aberfeldy to create 342 additional homes for the Borough including affordable family homes and new improved community and social infrastructure (which will come forward i later phases) is considered to outweigh the potential risk associated with the proximity of the site to the existing Poplar gasholders at Leven Road. As such, the development is considered to be acceptable on balance and in accordance with Saved Policies DEV53 and DEV54 of the UDP (1998) and Policy DM30 of the Managing Development DPD (proposed submission version) 2012 which seeks to resist new developments in close proximity to hazardous installations, where it would be a significant threat to health and the environment.

2.4 On balance, transport matters, including parking, access and servicing, are considered acceptable and in line with policies T16 and T19 of the Council's Unitary Development Plan (1998), policy SP08 and SP09 of the Core Strategy (2010) and DM20 and DM22 of the Managing Development DPD (proposed submission version) 2012, which seek to ensure developments minimise parking and promote sustainable transport options.

2.5 The urban design, layout, building height, scale and bulk and detailed design are considered acceptable and in accordance with Chapter 7 of the London Plan (2011); saved policies DEV1, DEV2 and DEV3 of the Council's UDP (1998), Policies SP10 and SP12 of the Core Strategy (2010) and Policy DM23 and DM24 of the Managing Development DPD (proposed submission version) 2012 which seek to ensure buildings and places are of a high quality of design and suitably located.

2.6 In light of the overall site constraints, particularly the proximity of the site to the existing gasholders and the tested viability constraints, the proposed affordable housing offer (at 28% for Phase 1) and the proposed mix of units are considered acceptable, as they will contribute towards the delivery or new affordable homes and will also contribute towards achieving an improved mix in tenure across the wider Aberfeldy estate, in line with Policies 3.8-3.12 of the London Plan (2011) and Policies SP02 of the Core Strategy (2010) and Policy DM3 of the draft Managing Development DPD (proposed submission version) 2012 which seek to maximise the

delivery of affordable homes in line with strategic targets whilst having regards to site constraints and viability.

2.7 On balance, the development will provide acceptable internal space standards and layout considering the site constraints. As such, the scheme is in line with the London Housing Design Guide (2010), Policies 3.5 of the London Plan (2011), saved Policy HSG13 of the UDP (1998) and Policy SP02 of the Core Strategy (2010), Policy DM4 of the Managing Development DPD (proposed submission version) 2012 and the Council's Residential Standards SPG (1998).

2.8 The quantity and quality of housing amenity space, communal space, child play space and open space is considered acceptable and in line with saved policy HSG16 of the Council's Unitary Development Plan (1998), policy SP02 of the Core Strategy Development Plan Document (2010), and of DM4 of the Managing Development DPD (proposed submission version) 2012 which seek to improve amenity and liveability for residents.

2.9 On balance, and considering the site constraints and urban context, it is not considered that the proposal will not give rise to any significant adverse impacts in terms of loss of privacy, overlooking, over shadowing, loss of sunlight and daylight, and noise upon the surrounding residents. Also, the scheme proposes appropriate mitigation measures to ensure a satisfactory level of residential amenity can be achieved 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 SP10 of the of the Core Strategy (2010) and DM25 of the Managing Development DPD (proposed submission version) (2012), which seek to protect residential amenity.

2.10 Sustainability matters, including energy are considered to be acceptable and in accordance with policies 5.2 and 5.7 of the London Plan (2011), policy SP11 of the Core Strategy (2010) and policy DM29 of the Managing Development DPD (proposed submission version) 2012 which seek to promote energy efficient and sustainable development practices.

2.11 Whilst the proposed S106 package fall significantly short of the Council's requested amount, particularly for a development of this scale, officers accept the applicants offer in light of the viability constraints demonstrated through this proposal. The provision of 28% affordable housing in Phase 1 (including appropriate review mechanisms to capture additional affordable housing) alongside streetscene improvements, education contribution and the provision of new on site health facility in later phases, the package is considerable acceptable. Furthermore and in consideration of the wider benefits that this application will bring in terms of creating a much improved community for Aberfeldy, the proposed S106 package is considered acceptable 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), 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 Committee resolve to **formally support** the application for the reasons set out above, subject to:

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

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

a) To provide a minimum of 28% of the residential accommodation across Phase 1 as affordable housing measured by habitable rooms (with necessary review mechanism to assess the capacity of the Phase to provide additional affordable housing prior to

construction).

b) 20% skills match and local labour.

c) Commitment to utilising employment and enterprise, an in house training and skills initiative in order to maximise employment of local residents *(unresolved at the time of writing this report).*

d) A financial contribution of £308k towards leisure and community facilities if the proposed replacement community centre is not delivered by a specific date completion of Phase 4.

e) A contribution of £93,429 to mitigate against the demand of the additional population on educational facilities in Phase 1.

f) A contribution of £160k towards health facilities of the onsite health facility is not delivered by a specific date or /completion of Phase 4.

g) A contribution of £3k towards Travel Plan monitoring.

h) The completion of a car-free agreement (existing tenants not subject to car and permit free agreement).

i) S106 Monitoring fee (2%)

j) 20% skillsmatch

k) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal.

3.3 **C**. A 21-day consultation period with the Health and Safety Executive.

3.4 That the Corporate Director Development & Renewal is delegated power to engage with LTGDC and the applicant to negotiate the legal agreement indicated above.

3.5 That the Corporate Director Development & Renewal is delegated authority to recommend the following conditions and informatives in relation to the following matters:

<u>'Compliance' Conditions</u> –

- Timing – within 3yrs
- In accordance with approved plans
- Lifetime Homes Standards
- Maximum building heights
- 10% Wheelchair units
- Code for Sustain Homes Level 4
- BREEAM Excellent
- Secured by Design standards
- In accordance with approved FRA
- Hours of construction
- Bird nesting (City Airport)
- Flight path, crane height, lighting (City Airport)
- Consultation with National Grid
- Tree replacement
- Compliance with site wide energy strategy and temp energy centre
- Compliance with plan submitted to London Fire and Emergency Planning Authority.

‘Prior to Construction’ Conditions:

- Drainage Strategy
- Contamination – investigation and remediation
- Archaeology
- Access strategy including details of all public access ramps
- Landscape and public realm masterplan
- Construction Environment Management Plan
- Construction Logistics Plan
- Waste Management Strategy
- Air Quality Management Plan
- Site Flood Emergency Plan
- Fire and Emergency detail
- Thames water foundation and piling details (Thames Tunnel)
- Thames water (minimum pressure head and flow rates)
- Thames water (drainage plans for all phases)
- Car Park Management Plan
- Tree planting scheme
- Tree survey and protection plan
- PV plan
- Ground surface materials and boundary treatment details
- Wind assessment and mitigation
- Shop front and signage detail
- Details of public realm, lighting and street furniture proposed for public plaza.
- Temp use ground floor of Phase 1 for marketing suite
- Sample of all external materials
- Car parking layout and space provision
- Cycle storage and parking details
- Noise insulation and ventilation measures
- Detail of plant extract equipment
- Details of all brown and green roofs including biodiversity measures
- Lighting scheme and CCTV details
- Storage of waste and recycling

Site Wide ‘Prior to Occupation’ Conditions:

- Delivery and Servicing Plan
- Hours of Operation for non residential uses.

Informatives:

- S106 required
- S278 required
- Consultation with Building Control
- Thames Water Advice

4. BACKGROUND

4.1 A report covering this proposed development was included on the agenda for the 16 February 2012 Strategic Development Committee, with a recommendation to formally support the application for the reasons set out above, subject to any direction by the Mayor on London, the prior completion of a legal agreement, the 21 day consultation period with the Health and Safety Executive and the imposition of various planning conditions.

4.2 Immediately after finalising the 16 February 2012 Strategic Development Committee agenda, a meeting with the Health and Safety Executive (HSE) was finally confirmed (scheduled for 21 February 2012) to discuss its initial comments on the proposed development and in particular, its concern over the proximity of the proposed development to the existing gasholders. Your officers considered it prudent to withdraw the report from the 16 February 2012 agenda, so that officers might report back to Members on the outcome of this 21 February 2012 meeting.

4.3 Since the finalisation of the 16 February 2012 report, Employment and Enterprise have had further discussions with the applicant regarding its commitment to utilise employment and enterprise, training and skills to maximise employment opportunities for local residents. The outcome of these discussions is outlined as part of this report.

4.4 As indicated above, officer's recommendation is as previously confirmed to formally support the application (which will need to be formally determined by the London Thames Gateway Development Corporation). It is understood that the case is due to be considered by the LTGDC Planning Committee on the 8 March 2012. It is clearly important for the Council to makes its views known, so they can be formally reported to the LTGDC (as the determining authority).

4.5 A copy of the previous 16 February Committee Report is attached as Appendix 1.

5.0 ADDITIONAL LETTERS OF REPRESENTATION

5.1 Since the publication of the previous report, the Council has received a formal response from the HSE. The Poplar Gasholder site on Leven Road contains three gasholders and is designated as a major hazard site by virtue of the storage of hazardous substances. Since the earliest iterations of these proposals. LTGDC, the GLA and the Council have identified the schemes proximity to the gasholders as being a significant constraint to development in this area and that the design of the development should take this into account.

5.2 The letter from the HSE (dated 16 February 2012) provides further views on the health and safety risks associated with the proximity of the development to the existing gasholders. It also deals with potential mechanisms to deal with the health and safety risks through the use of "Grampian" conditions. The letter requests that officers reconsider their recommendations in the light of comments contained within the 16 February letter (which is attached to this report as Appendix 2). The most recent letter re-iterates that both applications (outline and detailed applications) should be refused on grounds that there are sufficient safety grounds for planning permission to be refused. The HSE goes on to advise that the level of risk to occupants of the proposed development would be a serious concern.

5.3 The letter then refers to the potential use of "Grampian" conditions – relating to the potential decommissioning of the gasholders. The letter refers to the Ofgem Website on which National Grid Gas has published a business base for supplying gas over future years, which states that they initially intend to decommission all their gasholders before April 2013 and then demolish them over the next 13 years (2026). The HSE had previously required the use of Grampian conditions to be attached to both planning permissions, which would have prevented

occupation of any part of the development until the Hazardous Substances Consent (HSC) for the Poplar Gasholder Station had been formally revoked by the Council as the Hazardous Substances Authority. The letter advises that if Grampian conditions, which would prevent the occupation until the Hazardous Substances Consent has been revoked, were attached to any planning permission, the HSE would withdraw its formal advice against the applications.

5.4 The letter then comments on relevant sections of the 16 February 2012 Strategic Development Committee report. The letter raises disappointment that officers did not seek an explanation of the HSE advice for these cases before preparing these important aspects of these reports. There is also concern raised that the applicant's safety consultant applied the Case Societal Risk (SRI) methodology in a way which was misleading and incompatible with HSE's Comparison Values. The HSE concludes that the consultant's reports do not provide a sound basis for informed decision-making by the Council.

5.5 The letter also confirms that the HSE does not accept an occupancy rate of only 2 people per unit – and advises that over 3 people per unit should be taken as the level of occupation appropriate for Phase 1 (the detailed planning application). The letter also goes onto say that an HSE request to "call in" the application for consideration by the Secretary of State should not be treated as a material planning consideration – as this will be considered if/when the planning authority has resolved to grant planning permission. The letter emphasises that the HSE's formal representations, as delivered through PADHI, is a matter which the Council is legally required to take into account. This response requires the most careful consideration; not merely the Council officers' interpretation of the HSE's call-in criteria. Depending on the exact nature and type of development involved, HSE advises against development with an SRI value exceeding 2,500 (significant risk) but advises against almost all proposed development with an SRI value exceeding 35,000 (substantial risk). The proposed SRI would significantly exceed these levels.

5.6 The letter also refers to previous case law which determined that on technical matters, local planning authorities, whilst not bound to follow the advice from statutory bodies such as the HSE, should nevertheless give great weight to a statutory body's advice when determining a planning application. Finally the letter questions the reliance given to the third party assessments of risk (provided by Renaissance Risk) which relied on work undertaken by Atkins. The letter refers to public inquiries which questioned the work undertaken by these organisations and whether the recognised HSE zones should be revised. The letter re-affirms the view that the applicants' consultant has applied the HSE Case Societal Risk (SRI) methodology in a way that is misleading and incompatible with the HSE Comparison Values and do not provide a sound basis for informed decision making.

5.7 The 21 February meeting with the HSE went ahead as planned and it was made clear by the HSE that it will not modify its position in respect of the health risks associated with both the outline and detailed planning applications. The HSE also advised that if the Council/LTGDC was minded to grant planning permission, it would hold an officers case conference with a decision made on whether to report the matter to the HSE Board recommending that the HSE seek to request a "call-in".

5.8 There was discussion on the occupancy assumptions (which feed into the eventual SRI calculation) and there was some HSE acceptance that the 2001 census provided a lower occupancy level (which resulted in a SRI of around 650,000 for Phase 1). The HSE did not agree with the applicant's phased calculation approach – which was included in the 16 February Report.

5.9 At this meeting, the applicant advised that the HSE's suggestion of a Grampian condition to be imposed on Phase 1 would not be acceptable (in terms of development risk). HSE suggested that negotiation takes place with National Grid to negotiate a variation or revocation of the existing Hazardous Substances Consent. Only then will the HSE consider removing their objection to the applications on health and safety grounds. Members should be made aware

that any change or revocation of a Hazardous Substances Consent could leave the Council liable for compensation. Efforts are being made to meet up with National Grid, prior to the application being determined by the LTGDC (scheduled for the 8th March 2012).

6.0 FURTHER DISCUSSIONS ON EMPLOYMENT AND TRAINING

6.1 Paragraph 9.257-9.261 of the 16 February 2012 Strategic Development Committee report outlines the various in kind obligations to ensure that a proportion of local residents of Tower Hamlets benefit from the construction jobs and that a proportion of the goods and services procured during the development should be achieved by businesses in Tower Hamlets. Since that time, officers of Employment and Enterprise have been in further dialogue with the applicant and agreement has now reached in terms of the form of the in kind employment and training opportunities/measures. Specific heads of terms are attached to this report (as Appendix 3).

7.0 RECOMMENDATION

7.1 It is recommended, save for the more detailed heads of terms in respect of the employment and training clauses of the S.106 Agreement, that the Council should continue to support the application.

7.2 Whilst It is appreciated that the HSE objections (serious health and safety risks associated with the close proximity of the Leven Road gas holders to the proposed development) represent a significant material consideration, your officers are satisfied that they have adopted a robust and balanced assessment of the various planning merits associated with the proposed Estate Regeneration scheme. On the basis of the information provided by all parties, it is your officers' view that the various benefits presented by this scheme outweigh the potential risk associated with the gasholder proximity.

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Appendix 1

Committee: Strategic Development	Date: 16th Feb 2012	Classification: Unrestricted	Agenda Item No:

Report of: Corporate Director of Development and Renewal Case Officer: Elaine Bailey	Title: Application for planning permission Ref: 11/03548 Ward: East India and Lansbury

1. APPLICATION DETAILS

NOTE: **The application site falls wholly within the planning functions of the London Thames Gateway Development Corporation (LTGDC). London Borough of Tower Hamlets is a statutory consultee on this application.**

This report therefore provides an officer recommendation which is intended to form the basis for the Borough's observations to LTGDC. The Strategic Development Committee is requested to consider the endorsement of this recommendation only.

Location: Aberfeldy Estate, Abbott Road, London, E14

Existing use: Site is currently cleared and vacant (former Currie and Dunkeld Site)

Proposal: Erection of three blocks between 4 and 10 storeys on the corner of Abbott Road and East India Dock Road to provide 342 new residential units, 352 sqm of new retail floorspace (A1 and A3), a marketing suite of 407 sqm, semi-basement and ground floor parking, cycle parking, landscaped public open space and private amenity space and other associated works.

This proposal constitutes Phase 1 of the Outline Planning Application (ref: PA/11/2716) for the wider development of Aberfeldy – application.

Drawing Nos: Phase 1 Overall Masterplans & Sections

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001 Rev P6 (Site Masterplan);
002 Rev P5 (Site Masterplan – colour);
003 Rev P2 (Section A – A);
004 Rev P2 (Section B – B);
005 Rev P2 (Section C – C);
006 Rev P2 (Section D – D);
007 Rev P2 (Section E – E);

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Specific Block A

100 Rev P6 (Block A – Ground & 1st Floor Plans);
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275 Rev P1 (Block B Rendered South Elevation B)

Specific Block C

139 Rev P6 (Block C Basement)
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141 Rev P6 (Block C 1st Floor)
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Applicant:	Poplar HARCA and Willmott Dixon Homes Ltd
Owners:	Schedule attached to Cert B of planning application form.
Historic buildings:	None within application site.
Conservation areas:	None.

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1. Officers have considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan 1998, (Saved policies); associated Supplementary Planning Guidance, the London Borough of Tower Hamlets adopted Core Strategy (2010), Managing Development DPD (2012); as well as the London Plan (2011) and the relevant Government Planning Policy Guidance including draft National Planning Policy Framework, and has found that:

2.2 Through the provision of a new residential led mixed use development, which comprises Phase 1 of the wider regeneration plans for Aberfeldy, the scheme will maximise the use of previously developed land, and will significantly contribute towards creating a sustainable residential environment in Poplar Riverside, in accordance with the objectives of Policy 3.4 the London Plan (2011) the Lower Lea Valley Opportunity Area Planning Framework (2007); Leaside Action Area Plan (2007), LAP 7 & 8 of the Core Strategy, Policies SP02 of Core Strategy (2010); DEV3 of the Unitary Development Plan (1998); and Policy DM3 of Draft Managing Development DPD (2012).

2.3 On balance, the benefits of regenerating Aberfeldy to create 342 additional homes for the Borough including affordable family homes and new improved community and social infrastructure (which will come forward i later phases) is considered to outweigh the potential risk associated with the proximity of the site to the existing Poplar gasholders at Leven Road. As such, the development is considered to be acceptable on balance and in accordance with Saved Policies DEV53 and DEV54 of the UDP (1998) and Policy DM30 of the draft Managing Development DPD (2012) which seeks to resist new developments in close proximity to hazardous installations, where it would be a significant threat to health and the environment.

2.4 On balance, transport matters, including parking, access and servicing, are considered acceptable and in line with policies T16 and T19 of the Council's Unitary Development Plan (1998), policy SP08 and SP09 of the Core Strategy (2010) and DM20 and DM22 of the Draft Managing Development DPD (2012), which seek to ensure developments minimise parking and promote sustainable transport options.

2.5 The urban design, layout, building height, scale and bulk and detailed design are considered acceptable and in accordance with Chapter 7 of the London Plan (2011); saved policies DEV1, DEV2 and DEV3 of the Council's UDP (1998), Policies SP10 and SP12 of the Core Strategy (2010) and Policy DM23 and DM24 of the Managing Development DPD (2012) which

seek to ensure buildings and places are of a high quality of design and suitably located.

2.6 In light of the overall site constraints, particularly the proximity of the site to the existing gasholders and the tested viability constraints, the proposed affordable housing offer (at 28% for Phase 1) and the proposed mix of units are considered acceptable, as they will contribute towards the delivery or new affordable homes and will also contribute towards achieving an improved mix in tenure across the wider Aberfeldy estate, in line with Policies 3.8-3.12 of the London Plan (2011) and Policies SP02 of the Core Strategy (2010) and Policy DM3 of the draft Managing Development DPD (2012) which seek to maximise the delivery of affordable homes in line with strategic targets whilst having regards to site constraints and viability.

2.7 On balance, the development will provide acceptable internal space standards and layout considering the site constraints. As such, the scheme is in line with the London Housing Design Guide (2010), Policies 3.5 of the London Plan (2011), saved Policy HSG13 of the UDP (1998) and Policy SP02 of the Core Strategy (2010), Policy DM4 of the draft Managing Development DPD (2012) and the Council's Residential Standards SPG (1998).

2.8 The quantity and quality of housing amenity space, communal space, child play space and open space is considered acceptable and in line with saved policy HSG16 of the Council's Unitary Development Plan (1998), policy SP02 of the Core Strategy Development Plan Document (2010), and of DM4 of the Draft Managing Development DPD (2012) which seek to improve amenity and liveability for residents.

2.9 On balance, and considering the site constraints and urban context, it is not considered that the proposal will not give rise to any significant adverse impacts in terms of loss of privacy, overlooking, over shadowing, loss of sunlight and daylight, and noise upon the surrounding residents. Also, the scheme proposes appropriate mitigation measures to ensure a satisfactory level of residential amenity can be achieved 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 SP10 of the of the Core Strategy (2010) and DM25 of the Draft Managing Development DPD (2012), which seek to protect residential amenity.

2.10 Sustainability matters, including energy are considered to be acceptable and in accordance with policies 5.2 and 5.7 of the London Plan (2011), policy SP11 of the Core Strategy (2010) and policy DM29 of the Managing Development DPD (2012) which seek to promote energy efficient and sustainable development practices.

2.11 Whilst the proposed S106 package fall significantly short of the Council's requested amount, particularly for a development of this scale, officers accept the applicants offer in light of the viability constraints demonstrated through this proposal. The provision of 28% affordable housing in Phase 1 (including appropriate review mechanisms to capture additional affordable housing) alongside streetscene improvements, education contribution and the provision of new on site health facility in later phases, the package is considerable acceptable. Furthermore and in consideration of the wider benefits that this application will bring in terms of creating a much improved

community for Aberfeldy, the proposed S106 package is considered acceptable 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), 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 Committee resolve to **formally support** the application for the reasons set out above, subject to:

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

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

a) To provide a minimum of 28% of the residential accommodation across Phase 1 as affordable housing measured by habitable rooms (with necessary review mechanism to assess the capacity of the Phase to provide additional affordable housing prior to construction).

b) 20% skills match and local labour.

c) Commitment to utilising employment and enterprise, an in house training and skills initiative in order to maximise employment of local residents *(unresolved at the time of writing this report).*

d) A financial contribution of £308k towards leisure and community facilities if the proposed replacement community centre is not delivered by a specific date completion of Phase 4.

e) A contribution of £93,429 to mitigate against the demand of the additional population on educational facilities in Phase 1.

f) A contribution of £160k towards health facilities of the onsite health facility is not delivered by a specific date or /completion of Phase 4.

g) A contribution of £3k towards Travel Plan monitoring.

h) The completion of a car-free agreement (existing tenants not subject to car and permit free agreement).

i) S106 Monitoring fee (2%)

j) 20% skillsmatch

k) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal.

3.3 **C**. A 21-day consultation period with the Health and Safety Executive.

That the Corporate Director Development & Renewal is delegated power to engage with LTGDC and the applicant to negotiate the legal agreement indicated above.

3.4 That the Corporate Director Development & Renewal is delegated authority to recommend the following conditions and informatives in relation to the following matters:

'Compliance' Conditions –

- Timing – within 3yrs
- In accordance with approved plans
- Lifetime Homes Standards
- Maximum building heights
- 10% Wheelchair units
- Code for Sustain Homes Level 4
- BREEAM Excellent
- Secured by Design standards
- In accordance with approved FRA
- Hours of construction
- Bird nesting (City Airport)
- Flight path, cranage height, lighting (City Airport)
- Consultation with National Grid
- Tree replacement
- Compliance with site wide energy strategy and temp energy centre
- Compliance with plan submitted to London Fire and Emergency Planning Authority.

'Prior to Construction' Conditions:

- Drainage Strategy
- Contamination – investigation and remediation
- Archaeology
- Access strategy including details of all public access ramps
- Landscape and public realm masterplan
- Construction Environment Management Plan
- Construction Logistics Plan
- Waste Management Strategy
- Air Quality Management Plan
- Site Flood Emergency Plan
- Fire and Emergency detail
- Thames water foundation and piling details (Thames Tunnel)
- Thames water (minimum pressure head and flow rates)
- Thames water (drainage plans for all phases)
- Car Park Management Plan
- Tree planting scheme
- Tree survey and protection plan
- PV plan
- Ground surface materials and boundary treatment details
- Wind assessment and mitigation
- Shop front and signage detail
- Details of public realm, lighting and street furniture proposed for public plaza.
- Temp use ground floor of Phase 1 for marketing suite
- Sample of all external materials

- Car parking layout and space provision
- Cycle storage and parking details
- Noise insulation and ventilation measures
- Detail of plant extract equipment
- Details of all brown and green roofs including biodiversity measures
- Lighting scheme and CCTV details
- Storage of waste and recycling

Site Wide ‘Prior to Occupation’ Conditions:

- Delivery and Servicing Plan
- Hours of Operation for non residential uses.

Informatives:

- S106 required
- S278 required
- Consultation with Building Control
- Thames Water Advice

4 Proposal & Background

Proposal

4.1 This proposal constitutes the Phase 1 of the Outline Planning Application (ref: PA/11/2716) for the wider development of Aberfeldy Estate.

4.2 The application proposes the erection of three blocks (Blocks, A, B and C) between 4 and 10 storeys on the corner of Abbott Road and East India Dock Road. Together these blocks will provide 342 new residential units and 352 sqm of new retail floorspace (A1/A3).

4.3 Of the 342 units proposed, 28% will be for affordable housing. This equates to 74 new affordable units or 265 affordable habitable rooms**.**

4.4 Block A will be a rectangular block located parallel with the A13 and will comprises two x 10 storey components, connected with a lower 6 storey element. This block seeks to shield the wider development from the A13 whilst providing a strong robust edge to the development. This block will be entirely residential with a mixed tenure.

4.5 Block B will be the most eastern block on the site and will comprise a part 6 storey, part 10 storey block. It seeks to provide a strong edge to the A13 junction and together with Block C, marks the main pedestrian entrance point to Phase 1 of the development and also the main entrance in to the new public linear green space. This block will also accommodate a temporary marketing suite and as the later phases develop, the ground floor will accommodate 3 x A1 and/or A3 units with residential on the upper floors for private market occupation.

4.6 Block C will be entirely residential and of mixed tenure. This block will provides a 6 storey edge to Blair Street and Abbott Road, stepping down to 5 storeys along the edge of a proposed public plaza and will decrease to 4 storeys along the new proposed public open space.

4.7 A new public plaza is proposed from Abbott Road which will lead into the development and the new linear open space – East India Green. The public square will connect with the proposed terraced area at the ground floor of Block B.

Site & Surrounding Area

4.8 The application site is a vacant brownfield site which falls within the wider Aberfeldy estate and represents Phase 1 of a larger regeneration proposal for Aberfeldy estate. The current application for Phase 1 focuses on the south east corner of Aberfeldy on what is referred to as the former Currie and Dunkeld site. These former blocks were demolished and occupants decanted in 2009 due to the standard of living within these blocks and associated anti-social behavioural problems.

4.9 A separate report has been complied outlining the larger Outline Planning Application.

4.10 Whilst the application site itself is currently vacant, the wider Aberfeldy estate is predominantly residential in character with post war housing and 1970's infill social housing dominating the estate. The majority of housing ranges between 2, 4 and 6 storeys in height.

4.11 The designated Aberfeldy Neighbourhood Centre acts as the active spine through the estate, where the main social, community and retail provision sits.

4.12 The area contains a number of green spaces, notably, Millennium Green and Braithwaite Park. The Leven Road Gas Works are situated to the east of the site, on the opposite side of Abbott Road, which contains three gasholders and a large secure storage area.

4.13 The road network around Aberfeldy Estate is defined by the A12 Blackwall Tunnel North Approach running north-south along the site's western boundary and the A13 East India Dock Road running east-west along the southern boundary. Abbott Road is the principle link through the site, connecting the A12 and A13. There is no right turn into Abbott Road for northbound traffic on the A12 Blackwall Tunnel Northern Approach. Aberfeldy Street is the main shopping street in the estate.

4.14 The main pedestrian access points to and from Aberfeldy is provided via the A12 underpass to the east at Culloden School (Dee Street) and Abbott Road to the east. The site can now be accessed from the A13 by a new signalised surface crossing at Nutmeg Lane, which opened in January 2012.

4.15 In terms of public transport, the estate is currently served by the 309 bus route which uses stops on Aberfeldy Street, Blair Street, Abbott Road, the A12 and A13. The A13 is used by routes 115, N15, N550 and N551 providing links between Central London and Canning Town. The A12 is served by route 108 which operates between Lewisham and Stratford.

4.16 Both the Stratford and Beckton branches of the DLR are accessible from the site. Most convenient are East India and Blackwall, both of which are approx 5-10 walk from the site. These provide links to Canning Town station which is also served by the Jubilee Line. Langdon Park on Stratford DLR branch is accessible further to the east.

5 MATERIAL PLANNING HISTORY

PA/08/01107 – Former Currie and Dunkeld Site, Abbott Road.

5.1 A full planning application submitted in June 2008 for the demolition of existing buildings on site and proposed the redevelopment of site by constructing new buildings ranging in height from 4 to 22 storeys to provide 241 dwellings comprising, 394sqm of cultural facilities (D1 use), public open space, structural landscaping and amenity, associated car parking and cycle storage and the creation of new vehicular and pedestrian routes.

5.2 The application was withdrawn in Sept 2008 due to unresolved issues, mainly being associated with the height of the blocks. The buildings were demolished in April 2009 and site is currently vacant.

PA/11/02716 – Outline Application for redevelopment of the wider estate.

5.3 As noted in Section 5, an Outline Planning Application (with all matters reserved) is currently being considered for the mixed-use redevelopment of the existing Aberfeldy estate comprising the wider estate regeneration of the site. This outline application comprises:

- Demolition of 297 existing residential units and 1,990 sqm of non-residential floorspace, including shops (use class A1), professional services (use class A2), food and drink (use class A3 and A5), residential institution (use class C2), storage (use class B8), community, education and cultural (use class D1); and

- Creation of up to 1,176 residential units (Use Class C3) in 15 new blocks between 2 and 10 storeys in height plus 1,743sqm retail space (Use Class A1), professional services (Use Class A2), food and drink (Use Classes A3 and A5) and 1,786 community and cultural uses (Use Class D1) together with a temporary marketing suite (407sqm), energy centre, new and improved public open space and public realm, semi-basement, ground and on-street vehicular and cycle parking and temporary works or structures and associated utilities/services.

PA/10/01344

5.4 An application was submitted in July 2010 for a broadly similar proposal to the current Outline application described above. This 2010 application was also in Outline form (with all matters reserved except for access, layout and scale) and the proposal sought permission for the mixed-use redevelopment of the existing Aberfeldy estate to comprise:

- Demolition of 298 existing residential units and demolition of 3,181sqm of existing non-residential floorspace, including shops (use class A1), professional services (use class A2), food and drink (use class A3 and A5), residential institution (use class C2), storage (use class B8), community, education and cultural (use class D1); and
- Creation of a new residential led mixed use scheme comprising 1,153 new residential units (net gain of 855) (use class C3) in 14 new blocks between 2 and 25 storeys in height (85.04m), plus up to 2,160sq.m. (GIA) of live/work space (Use Class Sui Generis) and up to 3,115sq.m. (GIA) of non-residential floorspace including shops (use class A1), professional services (use class A2), A3 and A5 (food and drink), B8 (storage), D1 (community, education and cultural uses, together with refurbishment and alterations of existing building structures, new and improved landscaped public open space and public realm, basement and surface vehicular and cycle parking, and temporary works or structures and associated utilities/services required by the development.

5.5 This proposal gave rise to a number of concerns from officers which can be summarised as follows:

- Dissatisfaction with the overall layout and design of the scheme,

particularly along the A13;

- Excessive height of the residential blocks (16-25 storeys);
- Concerns regarding under-provision of retail space to cater for population increase on the site;
- Principle objections to live-work uses;
- Lack of open space and play space;
- Lack of site wide energy strategy;
- Concerns regarding lack of daylight and sunlight to certain blocks;
- Lack of demonstrated consultation and engagement with the Health and Safety Executive (HSE)

5.6 The issues arising from the 2010 application have been used as a basis to shape the format and content of the current outline and full applications. Extensive pre-application discussions took place in 2010 and 2011 in attempt to resolve the many of the issues outlined above. The 2010 application has now been withdrawn.

5.7 Applicant was advised to consult the relevant stakeholders and consultees and revise the application to address the concerns above.

6 POLICY FRAMEWORK

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

Spatial Development Strategy for Greater London (London Plan)

Policies:	2.1	Inner London
	2.14	Areas for Regeneration
	3.1	Ensuring Equal Life Changing for All
	3.2	Improving Health and Addressing Health Inequalities
	3.3	Increasing Housing Supply
	3.4	Optimising Housing Potential
	3.5	Quality and Design of Housing Developments
	3.6	Children and Young People's Play and Informal Recreation Facilities
	3.7	Large Residential Developments
	3.8	Housing Choice
	3.9	Mixed and Balanced Communities
	3.10	Definition of Affordable Housing
	3.11	Affordable Housing Targets
	3.12	Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes
	3.13	Affordable Housing Thresholds

3.14	Existing Housing
3.16	Protection and Enhancement of Social Infrastructure
3.17	Health and Social Care Facilities
4.12	Improving Opportunities for All
5.1	Climate Change Mitigation
5.2	Minimising Carbon Dioxide Emissions
5.3	Sustainable Design and Construction
5.5	Decentralised Energy Networks
5.6	Decentralised Energy in Development Proposals
5.7	Renewable Energy
5.9	Overheating and Cooling
5.10	Urban Greening
5.11	Green Roofs and Development Site Environs
5.12	Flood Risk Management
5.13	Sustainable Drainage
5.14	Water Quality and Wastewater Infrastructure
5.15	Water Use and Supplies
5.22	Hazardous Substances and Installations
6.1	Strategic Approach to Integrating Transport and Development
6.3	Assessing the Effects of Development on Transport Capacity
6.9	Cycling
6.10	Walking
6.12	Road Network Capacity
6.13	Parking
7.1	Building London's Neighbourhoods and Communities
7.2	An Inclusive Environment
7.3	Designing Out Crime
7.4	Local Character
7.5	Public Realm
7.6	Architecture
7.7	Location and Design of Tall and Large Buildings
7.14	Improving Air Quality
7.15	Reducing Noise and Enhancing Soundscapes
7.19	Biodiversity and Access to Nature

Supplementary Planning Guidance/Documents

London Housing Design Guide 2010

Unitary Development Plan 1998 (as saved September 2007)

Proposals:

Area of Archaeology Importance
Flood Protection Area (Zone 2 & 3)
Local Shopping Parade (Aberfeldy)

Policies:

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
DEV15	Tree Retention
DEV17	Siting and Design of Street Furniture

DEV43	Archaeology
DEV44	Preservation of Archaeological Remains
DEV50	Noise
DEV51	Contaminated Soil
DEV53	HSE & Hazardous Substances
DEV54	Consultation with HSE
DEV55	Development and Waste Disposal
DEV56	Waste Recycling
DEV57	Nature Conservation and Ecology
DEV63	Green Chains
DEV69	Efficient Use of Water
EMP1	Promoting Economic Growth & Employment Opportunities
EMP3	Change of use of office floorspace
EMP6	Employing Local People
EMP7	Enhancing the Work Environment & Employment Issues
EMP8	Encouraging Small Business Growth
EMP10	Development Elsewhere in the Borough
HSG4	Loss of Housing
HSG6	Accommodation over Shops
HSG7	Dwelling Mix and Type
HSG13	Internal Space Standards
HSG15	Residential Amenity
HSG16	Housing Amenity Space
T3	Extension of Bus Services
T7	Road Hierarchy
T10	Priorities for Strategic Management
T16	Traffic Priorities for New Development
T18	Pedestrians and the Road Network
T21	Pedestrians Needs in New Development
S4	Local Shopping Parades
S7	Special Uses
S10	Shopfronts
OSN3	Blue Ribbon Network
OS9	Children's Playspace
U2	Development in Areas at Risk from Flooding
SCF8	Encouraging Shared Use of Community Facilities
SCF11	Meeting Places
U2	Development in Areas at Risk from Flooding
U3	Flood Protection Measures

Interim Planning Guidance for the purposes of Development Control

Proposals:		Area of Archaeology Importance Flood Protection Area (Zone 2 & 3) Local Shopping Parade (Aberfeldy) Site LS20 within Leaside Action Area Plan
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
DEV14	Public Art
DEV15	Waste and Recyclables
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
DEV23	Hazardous Dev & Storage of Hazardous Substances
DEV24	Accessible Amenities and Services
DEV25	Social Impact Assessment
DEV27	Tall Buildings Assessment
EE2	Redevelopment/Change of Use of Employment Sites
RT3	Shopping Provision outside of Town Centres
HSG1	HSG1 Determining Housing Density
HSG2	HSG2 Housing Mix
HSG4	HSG3 Affordable Housing
HSG5	HSG5 Estate Regeneration Schemes
HSG7	HSG7 Housing Amenity Space
HSG9	HSG9 Accessible and Adaptable Homes
HSG10	HSG10 Calculating Provision of Affordable Housing
SCF1	SCF1 Social and Community Facilities
OSN2	OSN2 Open Space
CON1	CON1 Listed Building
CON4	CON4 Archaeology and Ancient Monuments
CON5	CON5 Protection and Management of Important Views

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

Site Allocation:	LS20	Currie and Dunkeld
Policies:	L1	L1 - Leaside Spatial Strategy
	L2	L2 - Transport
	L3	L3 - Connectivity
	L5	L5 - Open Space
	L6	L6 - Flooding
	L7	L7 - Education Provision
	L8	L8 - Health Provision
	L9	L9 - Infrastructure and Services
	L29	L29 – Employment Uses in Poplar Riverside Sub Area
	L30	L30 – Residential and Retail Uses in Poplar Riverside
	L31	L31 Local Connectivity in Poplar Riverside
	L32	L32 Design and Built Form in Poplar Riverside
	L33	L33 Site Allocations in Poplar Riverside

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

Managing Development - Development Plan Document (DPD)
Draft Proposed Submission Version Jan 2012
Proposal

	DM2	Developing Local Shops
Policies:	DM3	Delivering Homes
	DM4	Housing Standards and amenity space
	DM8	Community Infrastructure
	DM9	Improving Air Quality
	DM10	Delivering Open space
	DM11	Living Buildings and Biodiversity
	DM13	Sustainable Drainage
	DM14	Managing Waste
	DM15	Local Job Creation and Investment
	DM20	Supporting a Sustainable Transport Network
	DM21	Sustainable Transport of Freight
	DM22	Parking
	DM23	Streets and Public Realm
	DM24	Place Sensitive Design
	DM25	Amenity
	DM26	Building Heights
	DM27	Heritage and Historic Environment
	DM28	Tall buildings
	DM29	Zero-Carbon & Climate Change
	DM30	Contaminated Land & Hazardous Installations

Government Planning Policy Guidance/Statements

PPS1	Delivering Sustainable Development
PPS3	Housing
PPS4	Planning for Sustainable Economic Growth
PPS5	Planning for the Historic Environment
PPS9	Biodiversity and Geological Conservation
PPS12	Local Spatial Planning
PPG14	Transport
PPS22	Renewable Energy
PPS23	Planning and Pollution Control

PPG24 Noise
PPS25 Flood Risk

Supplementary Planning Guidance/Documents
Planning Obligations SPD 2012

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

7 CONSULTATION RESPONSE

7.1 The following were consulted regarding the application and their comments are summarised below. These should be read in conjunction with the full representations available in the case file. Officer's comments on these representations are in italic below.

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

LBTH Transportation & Highways

7.3 Comments from Transport & Parking can be summarised as follows:

Parking:
- No justification for any increase in the number of on-site car parking spaces.
- No modelling work has been carried out as a result of the parking provision.
- Details of the basement access ramps are also required.
- The submitted Transport Assessment does not include any assessment of the impacts of the proposed development on the Permit Transfer Scheme on the surrounding Council managed on-street parking bays.

Cycle Parking:
- No details of the cycle parking arrangements have been provided.

Servicing Arrangements:
- No servicing information has been submitted.

Refuse Arrangements:
- There appear to be URS hoppers within the confines of the site. The Waste Management team should be contacted in order to establish whether this is sufficient provision for the number of units proposed.

Other Comments:
- Where new access junctions are proposed, the application should include details of the junction design including visibility splays.
- Queried whether discussions been held with the Highway Improvement Works team regarding the design/treatment of the roads which form part of the adopted public highway network.
- Any works will have to be agreed with LBTH Highway Improvement Works

team and will be undertaken by LBTH at the Applicant's expense.

- The Applicant should also be informed that only materials from LBTH's approved palette can be utilised on the public highway.
- The Applicant is again asked to confirm that no part of the building oversails or projects into, over or under the public highway.
- If the Case Officer is minded to grant Planning Permission, then Highways will seek a contribution towards public realm/highway improvement works.
- The Applicant will also have to ensure that no doors or gates open out over the public highway as such features contradict the Highway Act 1980.
- The Applicant is to enter into a S106 permit-free agreement.
- A condition requiring all private forecourt/areas to be drained within the site and not into the Public Highway should be included in any future planning permission.

[Officer Comment: These issues are discussed in Section X of this report].

LBTH Crime Prevention Design Officer

7.4 Previous discussions with developers at pre-app stage noted the following:

- Concerns regarding basement parking however, prepared to consider the option of two secured gates at the access/egress point so that a vacuum is created that allows a car to access one gate but is not able to access the second gate until the first gate is closed.
- Concern that under croft (ramp) area could be used to hide/hang about and cause other crime. Consideration could also be given to cctv at this point.
- All walkways from the A13 and other areas should be at least 3m wide, well lit (clear, white light source), straight (no hiding points) and are overlooked.
- Consideration should be given to New Homes Guide 2010 (e.g. in relation to doors and windows)
- Gable end walls should have at least one glazed section on the first floor or above for natural surveillance.
- Rear footpaths should consider lighting, clear lines of sight and natural surveillance.
- Please refer to New homes guide section 32.1 regarding alarm systems.
- Please refer to New homes guide 2010 regarding letter boxes.
- Please refer to New homes guide 2010 regarding Party wall construction.

LBTH Primary Care Trust/Tower Hamlets NHS

7.5 The PCT have provided a combined response to the Outline Application and the Full Application for Phase 1. The proposed on-site health facility for Phase 4 is supported in principle by the PCT and if this is not provided, a financial contribution in lieu is requested (in line with a HUDU model generated contribution).

LBTH Environmental Health - Contaminated Land

7.6 No comments received however case officer recommends standard contamination condition to be imposed.

LBTH Environmental Health - Daylight and Sunlight

7.7 In terms of Daylight:

- VSC levels for Blocks A , B, & C has been provided in conjunction with the ADF levels.
- Blocks B and C levels are ok because the levels of failures are of minor significance, however Block A recorded upto 56 failures which can be considered as strong adverse significance.
- The impact of Daylight/Sunlight Assessment on the surrounding properties VSC levels are generally ok.

7.8 In terms of Sunlight:

- The sunlight levels (APSH) provided for facades assessment for Blocks A, B & C are ok because there are very high levels of compliance.
- The APSH provided for with balconies assessment are as follows
- Bolck A compliance levels (Annual 68.4%).
- Block B compliance levels (Annual 44.6%)
- Block C compliance levels (Annual 42.1%)
- The level of compliance for Blocks B & C is an issue/concern with EH and this may be due to a design issue.

- The impact of Sunlight Assessment on the surrounding properties - APSH levels are ok.
  Consideration to grant planning permission should take other aspects into account in making this decision by the Planning Officer.

  In terms of overshadowing/amenity space assessment is satisfactory.

LBTH Energy and Sustainability Team

7.09 Comments from the Borough's Energy Officer can be summarised as follows:

- The submitted energy strategy is in accordance with the agreed strategy for the Outline Planning Application for the Aberfeldy estate (PA/11/02716).
- The energy strategy follows the Mayor of London's energy hierarchy.
- The integration of a communal heating scheme incorporating a Combined Heat and Power (CHP) engine to supply the space heating and hotwater requirements will also reduce energy demand and associated CO2 emissions.
- The CHP (600kWe) is proposed to be delivered in Phase 3 of the development; therefore the blocks included within this Phase 1 application are to be supplied by a temporary energy centre with gas fired boilers.
- The current proposals for delivering the space heating and hotwater are considered acceptable, however an appropriately worded condition should be applied to any permission to ensure:

  (i) Development is supplied by the CHP following completion and before occupation of Phase;
  (ii) Development is supplied by an appropriately sized on-site CHP should the subsequent phases not be delivered.

- Photovoltaic cells supported = 6% carbon savings
- 28% reduction in carbon emissions through energy efficiency measures, a CHP power system and renewable energy technologies is considered

acceptable.

Sustainability

7.10

- Application commits to Code for Sustainable Homes Level 4 and BREEAM Very Good (with an aspiration to achieve Excellent) for the non-residential uses of Phase 1.
- Due to the size of the non-residential units it is acknowledged that achieving an 'excellent' rating may be difficult however it is recommended that the units seek to achieve an 'excellent' rating with a commitment to 'very good'.

LBTH Town Centre Co-ordinator

7.12 No comments received specific to Phase 1.

LBTH Waste Policy and Development

7.13 No comments received.

LBTH Education

7.14 No comments received however on going verbal discussions with Head of Education has confirmed that the net increase in units will generate a child yield and appropriate educational contributions will be requested. This is outlined in section 9.

LBTH Ecology & Biodiversity

7.15 In summary, officer notes:

- Site has very little existing biodiversity value.
- A condition should be imposed that any vegetation with the potential to support nesting birds should be cleared between September and February inclusive (i.e. outside the nesting season).
- Proposed green roofs and sedum, roof supported and should be secured by condition.
- The proposed meadow planting in a swale along the north side of the main open space will be a valuable wildlife habitat, and will provide residents with access to nature and its inclusion in the landscaping should be secured by condition.

LBTH Leisure, Parks & Open Spaces

7.16 LBTH Communities, Localities and Culture note that the increased permanent population generated by the development will increase demand on the borough's open spaces, leisure facilities and on the Idea stores, libraries and archive facilities. Increase in population will also have an impact on sustainable travel within the borough.

The 342 new homes proposed will result in 663 new residents within the development.

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

case file.

- Open Space Contribution **£ 459,452**
- Library/Idea Store Facilities Contribution **£84,565**
- Leisure Contribution **£288,759**
- Smarter Travel **£9,951**
- Public Realm Contribution of **£522,693**

[Officer Comment: see Section 9 of this report for S106 of Heads of Terms discussion].

LBTH Trees Officer

7.17 No comments received.

LBTH Landscape

7.18 Firm tree planting proposals need to be submitted as a part for this application. I would suggest that such proposals are made prior to determination.

[Officer Comment: tree planting scheme should be conditioned].

LBTH Enterprise & Employment

7.19 The Council will seek to secure a financial contribution to support and/or provide the training and skills needs of local residents in accessing the job opportunities created through the construction phase of all new development. The developer may deliver their own in-house training programme where appropriate, on the basis that individuals achieve a minimum requirement through the in-kind obligation. Where this is not possible the council will seek a financial contribution which will be used to procure and provide the support necessary for local people who are not in employment and/or do not have the skills set required for the jobs created. *(The exact contributions sought has not been finalised at the time of writing this report but members will be updated in a Suplementary Report on 16th Feb).*

A contribution of **£5,889** is also sought towards the training and development of unemployed residents in Tower Hamlets to access either: i) jobs within the A1 uses in the end-phase ii) jobs or training within employment sectors in the final development.

The developer should exercise best endeavours to ensure that 20% of the construction phase workforce will be local residents of Tower Hamlets. We will support the developer in achieving this target through providing suitable candidates through the Skillsmatch Construction Services.

To ensure local businesses benefit from this development we expect that 20% goods/services procured during the construction phase should be achieved by businesses in Tower Hamlets. We will support the developer to achieve their target through ensuring they work closely with the council to access businesses on the approved list (Construction Line), and the East London Business Place.

LBTH Environmental Health (Commercial) - Health & Safety

7.20 Various comments made in respect of Health and Safety Regulations and the

Constructions Regulations 2007; and Establishments for Special Treatments (London Local Authorities Act 1991).

LBTH Housing

7.21

- Proposed level of affordable housing at 28% by habitable room falls below our minimum requirement of 35%. The applicant is currently undertaking a viability toolkit assessment of the scheme.
- The proposed tenure split within the affordable housing (social rent and intermediate) as 72:28 by hab rooms, falls in between the council's current target of 80:20 and the target set by the London plan 70:30 and therefore find this acceptable.
- In the affordable rented tenure, the scheme proposes to deliver no one bed units against our policy target of 30%.
- 67% two bed against our policy target of 25%.
- Suggest a better balance of the one bed and two bed units could achieved
- 27% of three bed units, against our policy target of 30%.
- 5% four bed units against our target of 15% and one five bed units providing 2% provision.
- The scheme is to deliver 34% family sized accommodation (3 bed and larger) all of which will be social rent. This provision falls below our three plus target of 45% family accommodation requirement.
- The intermediate tenure is made up of 75% one bed units against our HSG3 policy of 25%.
- 25% provision of two bed units against our policy target of 50%.
- We feel a better balance could be made between the provision of one and two bed units within this tenure. We also note that there is an under provision of family accommodation in the three bed intermediate and private units.
- Certain units appear to under sized as per the Mayor of London's space standards. Clarification sought.
- Blocks A & C shows stairs access only to floor levels providing affordable housing. There does not appear to be a lift to enable access. There are some family sized units that on the third floor we would ask where possible that a lift could be incorporated for the family units within this core.
- There are 342 units within this scheme we would expect more than two car spaces to be identified for disabled users within the basement car parking area if these are not being provided else where within this phase of the development.
- The Council at this time are awaiting the outcome of the viability assessment currently being undertaken to justify the affordable housing provision within phase one and the overall outline scheme that is being proposed by the applicant to provide full support.

LBTH Environmental Health - Noise and vibration

7.22 No comments received however please note comments in response to Outline Application proposal.

LBTH Environmental Health - Air Quality

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

EXTERNAL CONSULTEES

Greater London Authority

7.24 In summary GLA made the following comments: (see full 27page response for further detail)

Principle of Development:

- In terms of the proposed residential development, the GLA acknowledge estate regeneration being recognised in LBTH local policies and proposals map, however, GLA also acknowledge the presence of the site adjacent to the gasholders.
- GLA acknowledge that proposal is likely to generate an 'advise against' recommendation from the HSE.
- Advise that further discussions take place with LTGDC and applicant regarding societal risk associated with development within gasholder safety zones to that an informed decision can be made.

Affordable Housing:

- Requires no net loss of affordable housing and clarification sought on no. existing units;
- Acknowledges that private housing that forms part of estate regen. need not provide the normal level of affordable housing where it is necessary to cross subsidise the redevelopment;
- Financial viability assessment required to determine the proposed housing offer.

Housing Choice:

- 47% of the social rented units will be family size (by hab rooms) acknowledged;
- Element of choice in private market housing is skewed towards 1 & 2 beds with no family homes and needs further discussion;

Density

- 722hrph exceeds London Plan guidance. Further discussion and justification requested;

Circulation and Layout

- Detailed comments on layout of Block, A, B and C.
- Block A - entrance cores and defensible space around ground floor commended; concerns regarding the private and affordable entrances differing in appearance and therefore not being tenure blind; No of units off a single core (9, 10, 11) disappointing; no. of north facing units disappointing; issues regarding noise and ventilation for south facing units need further consideration.
- Block B – ground floor layout commended; layouts with 13 units per floor will not create intimate living environments; issues regarding noise and ventilation for south facing units need further consideration.
- Block C – all units are raised with stepped access which is unfortunate;

Public Realm

- Needs to be inclusive and accessible particularly the access point from A13 between Blocks A & B; clarification also sought on the treatment of the area to the north of Block B;

Scale & Massing

- Recognises improvements from original masterplan; relationship between proposed blocks and Blairgowrie Court needed; Sections suggested.

Residential Quality

- Mayor's internal standards should be met.

Architecture

- Significant improvement acknowledged; simple forms and materials palette suggest high quality architecture;

Access

- Ramped solution to the south west required high quality design and materials;
- Commitment to 10% wheelchair units is noted.

Child Play Space

- 950sqm required and 1,100sqm proposed noted.

Climate Change

- Energy strategy broadly supported;
- Recognises that Phase 1 will eventually be connected to the site wide heating network; serving all of Aberfeldy via the CHP plant in Block H
- Temp energy centre proposed in Block A via temp gas fire boilers;
- Solar PVs on roofs of Blocks A, B & C commended;
- Further technical work needed as set out in detailed GLA report; headline matters include concern regarding over heating of units on A13, flooding and design

Transport

- Level of parking (0.23 spaces per unit) acceptable;
- 20% electric charging noted;
- Min of 364 cycle spaces required;
- Contributions towards bus capacity improvements, East India Dock DLR improvements and wayfinding;
- Framework travel plan acknowledged and full Travel Plan will need to be captured in the S106;

CIL

- Noted the introduction of CIL charging from 1st April for any planning permission decided after this date.

Equalities

- Further information required regarding the decanting process and phasing strategy.

[Officer Comment: The above issues are discussed in relevant sections of this report].

CABE

7.25 Comments can be summarised as follows:

- Efforts to achieve a new attractive neighbourhood is commended;

- Design quality supported – e,g use of brick creates rich & attractive appearance;
- Concerns regarding proposed density, volume and height of development and impact on amenity;
- Suggests that site layout should be reconsidered;
- High density and layout will overshadow the green space;
- Disappointed to see so many north facing single aspect units;
- Acknowledge site constraints.

[Officer Comment: Design issues discussed in Section 9 of this report].

Environment Agency

7.26

- The EA acknowledge extensive pre-app discussions since previous 2010 application. FRA describes a range of flood mitigation options. E.g. setting ground floor levels above breach water level, refuge in stairwells and roof terraces and evacuation plans.

- Some concern regarding mitigations measures for 7 of the flats in Block B falling below the breech flood level.

- Condition recommended requiring a surface water drainage scheme to be submitted.

- EA also advise LPA to condition the submission of a site flood emergency plan to ensure active measures are implemented.

English Heritage Archaeology

7.27 Conditions advised requiring (i) an archaeological investigation and subsequent recording of any remains (ii) programme of archaeological investigation.

London City Airport

7.28 The proposed development has been examined from an aerodrome safeguarding aspect and does not conflict with safeguarding criteria. No safeguarding objections to the proposal subject to conditions in relation to:

- Cranage or scaffolding being limited to higher elevation on plans (35m AGL) or consultation to London City Airport necessary.
- The construction methodology and use of cranes in relation to location, maximum operating height of crane and start/finish date during the development of the project is to be agreed by London City Airport.
- All landscaping should be considered in view of making them unattractive to birds so as not to have an adverse effect on the safety of operations at the Airport.
- Any external lighting must ensure they do not cause confusion/distraction to pilots and impair the safety of aircraft operations.
- Given the proximity of the development to the airport, all relevant insulation in building fabric including glasses, glazing and ventilation elements will be supplied and fitted in compliance with current noise attenuation regulations and tested.

London Fire and Emergency Planning Authority

7.29

- The LF&EPA noted in their initial comments that the application contained no information relating to fire and emergency and requests that this information is made available for to the LF&EPA at the earliest opportunity.
- Applicant consulted the LF&EPA in Jan 2012 and the LF&EPA confirmed their satisfaction with the proposal and confirmed that they had no further objections.

[Officer comment: information was submitted to the LFEPA w/c 16th Jan for comment. It is suggested that a condition be imposed requiring the applicant to submit full details of fire and emergency access and consult with LFEPA].

National Air Traffic Services Ltd (NATS)

7.30 No safeguarding objections to the proposal.

BBC - Reception Advice

7.31 No comments received.

Thames Water Authority

7.32

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

- Further condition also recommended ensuring details of the design and depth of the foundations as part of the proposed piling methodology be submitted to the LPA in consultation with Thames Water, to ensure there is no impact to the Thames Tunnel Project.

EDF Energy Networks Ltd

7.33 No comments received.

Olympics Joint Planning Authorities Team

7.34 No comments received.

National Grid

7.35 Response received from Plant Protection team with comments relating solely to operational gas and electricity apparatus confirming that the proposed works are likely, unless controlled, to adversely impact the safety and integrity of National Grid apparatus.

National Grid require consultation on technical advice and guidance.

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

[Officer comment: it is suggested that a condition be imposed requiring the applicant to engage with National Grid prior to the commencement of any works on site].

Civil Aviation Authority

7.36 No comment received.

Health and Safety Executive (HSE)

7.37 Based on the standard PADHI+ planning advice software tool, the HSE conclude that the risk of harm to the people of the proposed development is such that the HSE's advice will be that there are sufficient reasons, on safety grounds, for advising against the granting of planning permission in this case.

7.38 HSE advise that if the LPA refuse the application, they will provide the necessary support in the event of an appeal. Furthermore, if the LPA approve the application against the HSE's advice, it should give notice of that intention and allow 21 days from that notice for the HSE to give further consideration to the matter. During this period, the HSE will consider whether or not to request the SoS to call in the application for its own determination.

[Officer Comment: Issues relating to the HSE and gas holder risk safety are discussed in detail in section 9 of this report].

8 LOCAL REPRESENTATION

8.1 A total of 3,532 properties within the area shown on the map appended to this report, together with all individuals and bodies who made representations on the previous application, have been notified about the application and invited to comment.

The application has also been publicised in East End Life and 6 site notices were erected around the site on 31st Oct 2011.

A total of 3 representations were received (2 x objections and 1 x petition) following publicity of the application and these can be summarised as follows:

No. of individual responses:	**Object:**	**Support:**	**General Observation:**
2	**2**	**0**	**0**

8.2 No. of petitions received: 1

8.3 1 petition was received with 155 signatures. The petition raises specific concerns regarding a potential significant increase in overcrowding in the Borough and that a provision of 10% large family homes is an insult to the community in light of the current housing waiting lists. The petition raises objection to the Phase 1 application only.

[Officer Comment: the actual breakdown of the level of family accommodation proposed in Phase 1 is discussed in further detail in Section 9 of this report].

8.4 2 letters of objection were received from a local residents raising issues relating to:

- Potential overcrowding and associated impacts such as crime, anti-social

behaviour, noise, traffic, car parking pressures; disturbance during construction.

9 MATERIAL PLANNING CONSIDERATIONS

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

- Principle of Development/Land Use Issues
- Density
- Transport, Connectivity & Accessibility
- Design
- Housing
- Affordable Housing
- Residential Standards
- Amenity
- Air Quality
- Noise & Vibration
- Energy & Sustainability
- Flood Risk
- Biodiversity & Ecology
- Health
- EIA Issues
- Other (Gas Holder Implications)
- Planning Obligations & S106
- Overall Conclusions and Regeneration Benefits

Principle of Development / Land Use Issues

Residential

9.2 At national level, planning policy promotes the efficient use of land with high density, mixed-use development and encourages the use of previously developed, vacant and underutilised sites to achieve national housing targets.

9.3 The site falls within the Lower Lea Valley Opportunity Area Planning Framework (2007); as well as the Leaside Action Area Plan (Interim Planning Guidance 2007), and more recently, LAP 7 & 8 of the Council's adopted Core Strategy (2010), all of which identify Aberfeldy as having the potential to accommodate new residential communities through housing estate regeneration. Policies L30 of the Leaside AAP specifically identifies how residential uses will be supported in the Poplar Riverside Sub Area, and retail and leisure uses will be supported in Aberfeldy Neighbourhood Centre.

9.4 The application for Phase 1 proposes a mix of uses with residential accommodation being the predominant land use. The application will deliver 342 new homes (C3) of mixed tenure, type and size and as such, the principle of residential use on this site is considered acceptable in land use terms. However, the site is also situated in close proximity to the existing gas holders at Level Road and consideration must also be given to the health and safety implications of the principle of residential development in this location. The application site falls within two of the safety consultation zones, as defined by the Health and Safety Executive's Planning Advice for Development near Hazardous Installations

(PADHI guidelines). Section 9 of this report, outlines the implications of this in much detail and explains how the HSE's 'advise against' recommendation may have real implications for the principle of residential development on this site

Non-Residential Uses:

9.5 Policy SP01 of the Core Strategy (2010) and Policy DM1 of the Managing Development DPD (2012) confirms the Borough's town centre hierarchy and seeks to enhance existing neighbourhood centres and create new ones that contain a range of shops and restaurants to serve a local catchment area. Policy DM2 of the draft Managing Development DPD also seeks to protect existing local centres and seeks to limit the size and location of local shops.

9..6 In Phase 1, the application proposes 411sqm of flexible A1/A3 floorspace over 3 separate units, ranging from 59sqm to 190sqm in size and to be located in the ground floor of Block B. Whilst the site does not fall within a designated shopping area, the newly located Aberfeldy neighbourhood centre will be located approximately 350m away. A limited proportion of retail is therefore considered acceptable in this location as part of the mixed use development as it is seen to support and complement the uses proposed for Aberfeldy's new retail hub which will deliver up to 1,332sqm of retail space (in Phase 3 & 4 of the development). The Lower Lea Valley Opportunity Area Framework (2007) also identified this part of Aberfeldy as being suitable for a mix of uses which further supports retail within this proposal.

9.7 The application also seeks permission for a temporary marketing suite to be located in the ground floor of Block B to facilitate the sale and marketing of the remaining phases of the development. This marketing suite will then be converted to the block car park, bicycle store and a small 59qm A1/A3 unit.

9.8 With the above in mind, the proposed development is considered to accord with Policy 2.14 of the London Plan (2011), SP01 of the Core Strategy (2010) and Policy DM1 and DM2 of the draft Managing Development DPD (2012) which together seek to protect and enhance the Boroughs retail hierarchy and ensure adequate provision of supporting retail activity.

Density

9.8 Policies 3.4 of the London Plan (2011) and SP02 of the Core Strategy (2010) seek to ensure new housing developments optimise the use of land by corresponding the distribution and density levels of housing to public transport accessibility levels and the wider accessibility of that location.

9.9 The site has a public transport accessibility level (PTAL) of 4. For urban sites with a PTAL range of 3-4, both London Plan and LBTH Core Strategy suggests a density of between 200-700 hrph.

9.10 The proposal results in a density of 722hrph. Whilst the density threshold exceeds the recommended guidance at a strategic and local level, the average density across the wider Outline Application is calculated as 376hrph. It is also worth noting that the previous application proposed up to 1135hrph in this specific part of the site (Phase 1) so the revised proposal represents a more comfortable and justified density. This reduction is partially due to the applicants need to redistribute the density away from the gasholders at Abbott Road and reduce the level of private family homes to smaller units in order to address the gasholder

and safety risk index.

9.11 It should also be noted that the new pedestrian crossing across the A13 (which is currently under construction) will improve the accessibility of the site which further supports a high density development in this location.

9.12 Furthermore, density only serves as an indication of the likely impact of a development and as discussed in later sections of this report, the development does not present any symptoms of overdevelopment or have any significantly adverse impacts on the quality of the residential development. As such, it is considered that the proposal maximises the intensity of use on the site and is supported by national, regional and local planning policy, and complies with Policy 3.4 the London Plan (2011) and Policy SP02 of the Core Strategy (2010) which seek to ensure the use of land is appropriately optimised in order to create sustainable places.

Transport, Connectivity and Accessibility

9.13 PPG 13 and the London Plan 2008 and Policy 6.1 of the London Plan 2011 seek to promote sustainable modes of transport, accessibility, and reduce the need to travel by car. Policy 6.3 also requires transport demand generated by new development to be within capacity.

9.14 Saved UDP policies T16, T18, T19 and T21, Core Strategy Policy SP08 & SP09 and Policy DM20 of the draft Managing Development DPD (2012) together seek to deliver accessible, efficient and sustainable transport network, ensuring new development has no adverse impact on the safety and road network capacity, requires the assessment of traffic generation impacts and also seeks to prioritise and encourage improvements to the pedestrian environment.

9.15 Section 5 of this report describes the existing road network in and around Aberfeldy and identifies how the western and southern boundaries of the site are bound by the A12 and A13. Phase 1 in particular is bound by the A13 to the south and Abbott Road to the east. Section 5 of the report also describes the existing public transport network; the site's proximity to East India Station, Blackwall, Canning Town and Langdon Park; and the existing and proposed pedestrian access points for the estate.

9.16 The Public Transport Accessibility Level (PTAL) of Phase 1 is 4 and therefore has 'good' access to public transport. As such, the site is capable of accommodating a reasonably dense level of development. The PTAL rating for the site is also considered to further improve through the opening of the new A13 pedestrian crossing at Nutmeg Lane. This is considered to greatly improve the permeability of the site, and its connection with later phases especially to pedestrian access to East India and Blackwall Stations.

9.17 The layout for Phase 1 will feed into the new east west linear green space running parallel to Blair Street and the A13 – it is proposed to be crossed by four access drives, and the beginning of this is evident in Phase 1. These areas will be treated as shared surfaces.

9.18 In order to assess the capacity of existing road networks to accommodate the proposed development, the application is supported by a Transport Assessment and uses TRAVL data to examine the existing and proposed trip generation for

the development. The findings suggest that the proposed development for Phase 1 will have a minor increase in vehicular trips and a negligible impact on local highway network.

9.19 However, the Borough's Highways Officer has raised concerns regarding the traffic impact on network capacity and requested additional traffic modelling information in relation to the junction of A12 and Abbott Road. This has not been resolved at the time of writing this report and will be updated in the Supplementary Agenda on 16th Feb.

9.20 The specific controls over construction vehicle will be secured by a condition requiring a Construction Method Statement.

Servicing and Deliveries

9.21 It is proposed that servicing and deliveries would be managed and co-ordinated through a Delivery & Servicing Plan (DSP) to be prepared and submitted prior to occupation.

Waste/Refuse

9.22 A Refuse Strategy was submitted in January 2012 confirming the applicant's commitment to refuse storage and collection arrangements. A URS (underground recycling and refuse system) is proposed within the site in line with the Council's own guidelines. Refuse URS are to be positioned within 25m of main core/circulation entry points to the blocks. Discussions between LBTH Highways and the applicant has confirmed that due to fewer recycling URS points required than refuse, it was agreed in principle that distances to these could be further than 25m from main core/entry points. Highways have requested that all URS and URS collection areas are to be located on private land, none to be on public roads. Commercial waste is to be collected by an independent contractor.

Car Parking

9.23 Policies 6.13 of the London Plan 2011, Saved Policy T16 of the UDP, Policy SP09 of the Core Strategy and Policy DM22 of the draft Managing Development DPD (2012) seek to encourage sustainable non-car modes of transport and to limit car use by restricting car parking provision.

9.24 The site currently has a total of 29 general car parking spaces and 3 disabled car parking spaces. Some of these serve the existing Blairgowrie Court and Richie House. The proposed development proposes 80 parking spaces (10% of which will be disabled). This represents a parking ratio if 0.2 spaces per unit which strictly complies with LBTH and London Plan parking standards, however, the Borough's Highways Officer is not in support of any increase in parking and has requested the applicant to rationalise/reduce the existing on-site parking. Any increase to the 29 existing spaces is not supported by Highways.

9.25 Officer have taken the view that since this development comprises an estate regeneration proposal, certain provisions for the relocation of existing tenants need to be honoured and parking is one such example. In addition, the applicant has demonstrated that the provision of additional parking spaces has a considerable impact on the commercial viability of the scheme. Therefore considering there is not a significant increase in the ratio of total parking spaces to number of dwellings, and a ratio of 0.2 falls below the Councils maximum

threshold as required by the MD DPD 2012, the additional car parking provision is considered acceptable.

9.26 The additional parking will be accommodated primarily in secure basement car park alongside 14 on street surface spaces.

9.27 The Borough's Highways Officer has confirmed a permit free agreement will be required through the S106 restricting new residents from securing parking permits. Two car club spaces are also proposed in line with Street Car's advice and the Highways Officer is satisfied with this.

9.28 A commitment towards the production of a Travel Plan has also been proposed by the applicant and the occupiers of the commercial element of the development will be required to comply with the contents of this Plan

Provision for Cyclists

9.29 Cycle parking is to be provided in line with LBTH and London Plan standards with one space per unit and one visitor space per 10 units. Cycle storage locations are identified on the proposed plans close to each block and within the main public plaza off Abbott Road. Cycle parking for the retail uses and temporary marketing use will also be required and it is recommended that this is secured through condition.

Pedestrian Environment

9.30 The development will undoubtedly result in an increase in the number of walking trips, mainly due to the improved accessibility of the site and the draw of new and improved local shopping and community facilities in the later phases. The key pedestrian routes likely to be used by residents in Phase 1 are those from the A13 East India Dock Road Bus Stops, East India DLR and Canning Town Station.

9.31 In line with policy objectives to ensure high quality pedestrian environments, the applicant proposes additional access points via ramps and stops from East India Dock Road to the site to improve permeability along the A13 frontage. Measures such as maps and directional signage are also proposed to assist the pedestrian environment, general wayfinding and improve permeability.

Other

9.32 Highways Officer has confirmed that the applicant will require a Highways Oversailing Licence for any projections over the adopted highway. The applicant has been informed of this requirement.

Inclusive Environments

9.33 Policy 7.2 of the London Plan (2011); and Saved UDP Policy DEV1 and Policy SP10 of the Core Strategy seek to ensure that developments are accessible, usable and permeable for all users and that developments can be used easily by as many people as possible without undue effort, separation or special treatment.

9.34 A growing awareness of the importance of creating environments that are accessible for all people has led the Council to emphasise the importance of 'inclusive design'. It is considered that the proposed development has been designed with the principles of inclusive design in mind.

9.35 The site has a number of identified constraints to accessibility. The biggest being the difference in levels across the site, but also between the centre of the site and the A13 to the south which lies higher. The site also falls within two flood zones and this has had a considerable impact on the design and layout of the development. In some instances, buildings levels have had to be raised in one of the Blocks, to ensure habitable rooms are above flood breech levels and to ensure refuge from flood waters is achievable. Following discussions with the EA, the applicant has now confined the raising of ground floor levels to higher flood risk areas. This has ensured that the remainder of the development complies with accessibility requirements.

9.36 However, despite the constraints identified above, the site's location within a good PTAL area, alongside the provision of step free access routes across the site where possible indicates that the site will be accessible, usable and permeable for all. A number of principles have also been adopted by the applicant to ensure this and these include – accessible drop off points within 50m of homes, school, retail entrances; a commitment to Lifetime Homes standards; a commitment towards the provision of 10% wheelchair accessible homes; and non segregated entrance points to public buildings; compliance with Part M Building Regs to ensure level/ramped access.

9.37 It is considered that the detailed design of proposed ramped access to Phase 1 will need careful consideration and will need high quality, attractive and inclusive materials. It is recommended that this is secured through condition.

Urban Design

Layout, Mass, Scale & Bulk

9.38 Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.4 specifically seeks high quality urban design having regard to the pattern and grain of the existing spaces and streets. Policy 7.6 seeks highest architectural quality, enhanced public realm, materials that compliment the local character, quality adaptable space, optimising the potential of the site.

9.39 Saved UDP policies DEV1, DEV2 and DEV3 seek to ensure that all new developments are sensitive to the character of their surroundings in terms of design, bulk, scale and use of materials. Core Strategy Policy SP10 and Policy DM23 and DM24 of the draft Managing Development DPD (2012) seek to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds.

9.40 Phase 1 comprises three building blocks (A, B and C). In the previous application, these buildings reached 14-25 storeys in height. The current application reduces this to 6-10 storeys, which is considered a significant improvement and more in keeping with the general scale of the development in the immediate vicinity . Blocks A and B will provide a strong building edge along the A13 and also aim to shield the development from the busy A13. Any family accommodation within these blocks will have dual aspects looking out and opening out on to attractive courtyards and accessible green space. Building C frames the main entrance from Abbott Road and again provides a strong edge to

this entrance. Each of the 3 blocks have lower rise elements, which maximise daylight and sunlight into the units and into the open spaces and also reduce the bulk and mass of the blocks.

9.41 Officers have raised concerns regarding the number of units with north facing aspects, some of which will have single aspects. This has implications for the overall quality of the residential environment, particularly in terms of outlook, daylight and sunlight (which is discussed further in later paragraphs). However, officers have also acknowledged the site constraints – particularly the potential noise and outlook from the A13. As such, it is clear that the applicant's design team have taken this into consideration and weighed up the need to protect the residential environment from the busy A13 and orientated blocks to look on to the proposed linear open space and court yards at East India Green. This inevitably results in the provision of north facing units and some single aspect units.

9.42 The design theme created by the applicant for the 3 blocks in Phase 1 has been to provide a 'modern warehouse' appearance, through a regular form and a restricted palette of materials with a mix of dark to light brown brick materials. A mix of recessed and cantilevered balconies are proposed and this is considered to break up the bulk and scale of the blocks and add visual interest and character to the elevations. All of the units facing the A13 will have winter garden enclosures of a recessed or cantilevered nature. Securing high quality materials is imperative to the success of this proposal. A condition is proposed securing the submission of full details including samples of materials.

9.43 It is considered that the overall design strategy and proposed layout for Phase 1 is carefully balanced against all of the site constraints and opportunities. In line with strategic and local policies objectives, the overall design strategy respects the existing constraints and opportunities on site, such as the busy A13; the existing blocks on site; and access to adjoining green spaces. In many instances, the proposed building lines and orientation of building blocks have been dictated by many of the existing residential blocks on site within and outside the application boundary such as Blairgowrie Court in Phase 1. The layout and building lines for the Phase 1 blocks seek to respect the existing layout, position and orientation of Blairgowrie Court and those properties north of Blair Street.

9.44 The general bulk, scale and mass and detailed design of the building blocks in Phase 1 are considered acceptable as they respect the scale and mass of the existing buildings on the site and within the vicinity.

9.45 Therefore, in line with strategic and local policy objectives, the proposal is considered to provide a high standard of urban design, having regard to the pattern and grain of the existing spaces and streets in Aberfeldy. The proposal appears sensitive to the character of their surroundings in terms of bulk, scale and use of materials. Conditions are recommended to ensure quality of materials in line with that outlined in the Design and Access Statement.

9.46 As such, the scheme accords with Chapter 7 of the London Plan (2011); saved policies DEV1, DEV2 and DEV3 of the Council's UDP (1998), Policies SP10 and SP12 of the Core Strategy (2010) and Policy DM23 and DM24 of the Managing Development DPD (2012) which seek to ensure buildings and places are of a high quality of design and suitably located.

<u>Height /Tall Building Aspect/ Views</u>

9.47 With regards to appropriateness of the development for tall buildings, this has been considered in the context of London Plan and local plan policies. A tall building is described as one which is significantly taller than their surroundings and /or having a significant impact on the skyline. Policy 7.7 of the London Plan (2011) deals with tall and large buildings, setting out criteria including appropriate locations such as areas of intensification or town centres, that such buildings do not affect the surrounding area in terms of its scale, mass or bulk; relates to the urban grain of the surrounding area; improves the legibility of the area; incorporates the highest standards of architecture and materials; have ground floor uses that provide a positive experience to the surrounding streets; and makes a significant contribution to local regeneration.

9.48 SP10 of the Core Strategy also provide guidance on the appropriate location for tall buildings requiring them to relate to design and context, environment, socio-economic factors, access and transport and aviation requirements. The Core Strategy also seeks to restrict the location of tall buildings to Canary Wharf and Aldgate.

9.49 Whilst the site is not strictly located within an area designated for a tall building, the site does fall within the backdrop of Canary Wharf and opposite the site along the A13 sits a number of tall buildings which will exceed that of the proposed development. Officers have confirmed the principle of tall buildings in this location previously, however not to the scale of what was proposed in the 2010 application (up to 25 storeys). Building heights in Phase 1 have been positioned on the edges of the site where buildings can provide a buffer between central spaces and the busy A13. The family homes and affordable housing will generally be located away from the edges of the estate and at ground floor level and will benefit from being closer to proposed courtyards and open space.

9.50 It is considered that the group of taller buildings proposed in various volumes with various set backs, will sit comfortably within the site context and will ensure that the development of this site would make a positive contribution to the streetscape and locality.

9.51 The site does not fall within any protected viewing corridors however consideration has also been given to the potential impacts of the development on surrounding local and strategic views, including views into and out of adjoining conservation areas.

9.52 In terms of local views, the application is accompanied by a number of verified views and a full townscape analysis in the ES which following consideration indicates that the proposal will relate positively to the surrounding site context. The development is considered to form a positive addition to London's skyline, without causing detriment to local or long distance views.

Housing

9.53 Policy 3.3 of the London Plan (2011) seeks to increase London's supply of housing, requiring Boroughs to exceed housing targets, and for new developments offer a range of housing choices, in terms of the mix of housing sizes and types and provide better quality accommodation for Londoners.

9.54 Policy SP02 of the LBTH Core Strategy (2010) seeks to deliver 43,275 new homes (equating to 2,885 per year) from 2010 to 2025 in line with the housing targets set out in the London Plan. The aim is to focus the majority of new

housing in the eastern part of the borough, in a number of identified places and '*Poplar Riverside'* is identified as one of such places.

9.55 The application proposes 342 new residential units. This represents Phase 1 of the wider Outline application for the site. In terms of units, Phase 1 will deliver 29% of the total masterplan target of up to 1,176 units and is expected to come forward in 2012. This level of housing is considered to significantly contribute towards Tower Hamlets annual target of 2,885 per year.

Affordable Housing

9.56 Policies 3.10, 3.11 and 3.12 of the London Plan (2011) define Affordable Housing and seek the maximum reasonable amount of affordable housing taking into account site specific circumstances and the need to have regard to financial viability assessments, public subsidy and potential for phased re-appraisals.

9.57 In addition, and of relevance to Aberfeldy, Policy 3.9 of the London Plan seeks to balance tenure and household income within new development, particularly in areas where social housing dominates.

9.58 Policy SP02 of LBTH's Core Strategy (2010) seeks 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.

9.59 Phase 1 proposes 28% affordable housing across the site. This equates to 74 new affordable units or 265 affordable habitable rooms (social rent and intermediate). There are no new affordable rent product units proposed in Phase 1.

9.60 The proposal falls short of the Core Strategy target which seeks to achieve with a minimum of 35% affordable housing provision. However, the site has a number of site constraints and a viability assessment has been submitted in support of the application which demonstrates that the proposal can not deliver any affordable housing above 28% for Phase 1 at this point in time. The applicant has sited significant viability challenges in support of its case - such as the £23million leaseholder buyout cost; the loss of £12million HCA grant funding; costly flood mitigation measures and access measures, and the implications of revising the scheme to make account of HSE concerns regarding the gasholders. These challenges have constrained the overall viability of the proposed regeneration of Aberfeldy to an extent where the level of affordable housing provision is limited to 26% across the site as a whole. However, the application seeks to maximise the level of affordable housing that is proposed by matching this against actual housing need in Aberfeldy. As such, the affordable element is heavily weighted towards larger 3, 4 and 5 bedroom homes based on specific family waiting lists.

9.61 It must also be recognised that this application forms part of the wider redevelopment of Aberfeldy which seeks to demolish and rebuild 211 existing affordable homes to a better standard and quality.

9.62 A review mechanism is proposed in the S106 accompanying the Outline application which seeks to review each phase of the development with the objective of confirming the extent of likely surplus affordable housing. The details of this review mechanism is discussed in more detail in the accompanying outline application (Ref: 11/02716).

9.63 This application must also be considered in light of estate regeneration principles and more specifically proposals which seek to create an improved tenure mix and a more balanced community in line with Policy DM3 of the Managing Development DPD (2012) and Policy 3.9 of the London Plan. The Aberfeldy area is already highly saturated in social rented affordable housing and this application will assist in addressing that balance through the addition of private market housing.

9.64 In light of the above, and in consideration of the overall site constraints, particularly the proximity of the site to the gasholders and the tested viability constraints, the proposed affordable housing offer (at 28%) is considered acceptable as it will contribute to achieving a better mix and standard of affordable housing and an improved mix in tenure for Aberfeldy, in line with Policies 3.9-3.12 of the London Plan (2011) and Policies SP02 of the Core Strategy (2010) and Policy DM3 of the draft Managing Development DPD (2012) Proposed Submission Version.

Housing Type and Tenure Mix

9.65 Pursuant to policy 3.8 of the London Plan, new residential development should offer genuine housing choice, in particular a range of housing size and type.

9.66 Saved Policy HSG7 of LBTH's UDP (1998) requires new housing to provide a mix of unit sizes where appropriate, including a substantial proportion of family dwellings of between 3 and 6 bedrooms.

9.67 Policy SP02 of the Core Strategy (2010) also seek to secure a mixture of small and large housing, requiring an overall target of 30% of *all* new housing to be of a size suitable for families (three-bed plus), including 45% of new social rented homes to be for families.

9.68 Policy DM3 (part 7) of the draft Managing Development DPD (2012) requires a balance of housing types including family homes. Specific guidance in provided on particular housing types and is based on the Councils most up to date Strategic Housing Market Assessment (2009).

9.69 A summary of the proposed mix of dwelling types in the context of LBTH targets and current housing needs assessment is set out in the table below:

		Affordable Housing						**Private Housing**		
		Social Rent			**Intermediate**			**Market Sale**		
Unit size	**Total units**	**units**	**%**	**LBTH target %**	**units**	**%**	**LBTH target %**	**Units**	**%**	**LBTH Target %**
Studio	26	0			0			26	10%	
1 bed	91	0	0%	30%	6	75%	25%	85	31%	50%
2 bed	203	44	67%	25%	2	25%	50%	157	58%	30%
3 bed	18	18	27%	30%	0	0%	25%	0	0%	10%

4+ bed	4	4	6%	15%	0	0%		0		10%
TOTAL	**342**	**66**	**100**	**100**	**8**	**100**		**268**	**100**	**100**

9.70 As the table above demonstrates, and as the submitted petition from local residents highlights, the proposal fails to provide a balanced provision of family accommodation for this phase (7% when calculated in terms of units and 12.5% in terms of habitable rooms). This falls significantly short of the Borough's targets outlined above (30%). Furthermore, there are no family type units proposed within the 8 intermediate units and no family units proposed within the private market sector.

9.71 Despite this, and whilst the overall level of family accommodation is poor, the proportion of family homes proposed are entirely within the social rented sector. As such, this aspect of the proposal is welcomed by officers. This will deliver 22 social rented units which amounts to 33% of the units in this Phase 1. Whilst this is not in line with Policy SP02 of the Core Strategy, which requires 45%, the offer is considered acceptable when considered against of the site constraints and the overall Outline proposal which commits to providing 45% social rented family accommodation. Furthermore, consideration must also be given to how this application has been revised to address the safety risks assoiated with the nearby gas holders, where by the overall density, number and size of units within this Phase has been considerably reduced.

9.72 Overall, the scheme delivers a considerable level of smaller units targeting 1 & 2 bed households and this is as a result of the gasholder implications noted above and also the viability of the scheme, where by a higher level of private market housing has been injected into the site, the mix of which has been shaped by local market demand. However, this deviation from the Council's preferred housing mix must also be viewed in terms of achieving mixed and balanced communities.

9.73 With regard to the mix of social rent to intermediate, the application proposes a mix of 90:10 and whilst this does not accord with the Mayor of London target of 60:40 or the Borough's target of 70:30, the applicant's situation is unique in this instance as the application comprises as estate regeneration proposal where as the RSL the applicant has the responsibility of re-housing existing social rent tenants within Aberfeldy.

9.74 On balance it is officers' view, that in this instance, the dominance of smaller private market homes contributes towards a better mix of housing across Aberfeldy Estate and the wider Poplar Riverside area. Furthermore, the emphasis on the provision of large family housing within the Social Rented sector is supported. Therefore considering the site constraints associated with the presence of the gasholders and associated viability constraints, the application is considered on balance to provide an acceptable mix in compliance with Policy 3.8 of the London Plan (2011), Policy SP02 of the LBTH Core Strategy (2010) and Policy DM3 of the draft Managing Development DPD (2012) Proposed Submission Version which seek to ensure developments provide an appropriate housing mix to meet the needs of the borough.

Residential Standards

9.75 Internal Space Standards

9.76 Policy 3.5 of the London Plan (2011) 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. In addition, the Mayor of London's Housing Design Guide (Interim Edition, August 2010) sets out new minimum space standards to improve housing quality and allow homes to be flexibly used by a range of residents.

9.77 Saved Policy HSG13 of the UDP, Policy SP02 of the Core Strategy (2011) and Policy DM4 of the draft Managing Development DPD (2012) seeks to ensure that new housing has adequate provision of internal space standards in line with the Mayor of London's standards. Policy DM4 also requires affordable family sized homes to have separate kitchen and living rooms.

9.78 Following the submission of revised plans correcting the floor areas within some of the units, all of the residential units in Phase 1 accord with the Mayor of London's minimum standards for unit sizes.

9.79 In terms of Policy DM4 of the draft Managing Development DPD (2012), which seeks to ensure all affordable family units have separate kitchen and living areas, the development proposes a mix of open plan and separate living arrangements and this is due to certain site constraints.

9.80 In Block A for example, 12 x 3bedroom family units are proposed, all of which have a combined kitchen-living area. Whilst this is contrary to Policy DM4, these units have certain design constraints which make the units better suited to open plan living. The block backs on to the busy A13, so the block has been carefully designed to ensure the family units are located away from the A13 and orientated towards the landscaped courtyards and public open space – which is considered to be more conducive to family living. However, this northern aspect gives rise to daylight limitations. The inclusion of large windows and open plan living space will maximise the quality of living in these units internally. Officers are content with this arrangement, given the urban nature and constraints of the site.

9.81 There are no family units proposed in Block B. In Block C, 10 x family units are proposed in the form of 3, 4, and 5 bed units. Six of these (60%) will have separate kitchen and living room arrangements. The remaining four will have a large open plan layout but will have the scope to have partitions put in at a later stage if the occupier desires, as these are double aspect units. Officers are content with this level of flexibility in the scheme as it must be recognised that not all families will want an open plan or fixed living arrangement.

9.82 Overall, the proposed application provides a reasonable balance in terms of housing mix given the site constraints. As such the proposal acceptable and will accord with the London Housing Design Guide (Interim Edition, 2010), Policies 3.5 of the London Plan (2011), saved Policy HSG13 of the UDP (1998) and Policy SP02 of the Core Strategy (2010), Policy DM4 of the draft Managing Development DPD (2012) and the Council's Residential Standards SPG (1998).

Landscaping and Open Space

9.83 Policies 5.10 and 7.5 of the London Plan (2011), Saved Policies DEV12 and HSG16 of the UDP (1998), Policies SP02, SP04 and SP12 of the Core Strategy (2010) and seek high quality urban and landscape design; promote the good

design of public spaces and the provision of green spaces and tree planting.

9.84 The plans and design and access statement confirm that the application will provide approximately 3,486sqm of open space within Phase 1. This will be in the form of a public plaza at the most eastern corner at Abbott Road, which will connect with the proposed café and retail uses in the ground floor of the blocks in Phase 1; internal courtyards and shared surfaces, and a large green space in the centre of the site which will link into the proposed linear park (East India Green) in later phases of the development. This space will be a functional useable open space for the public, and will run parallel with Blair Street and the A13. The green space provides a strong pedestrian friendly residential environment for the development, shielding the northern blocks from the busy A13. The plans also suggest a high quality to this space, to include water features, high quality street furniture, planting and paved shared surfaces. The linear parking includes a swale which has been commended by the Borough's Biodiversity Officer. The swale will contain meadow grass planting and will filter and store storm water run off whilst also creating an attractive public realm feature.

9.85 The applicant has indicated that they have a £70k budget allocated to additional public realm works outside the necessary S278 highway works. This is discussed in greater detail in the Planning Obligations section of this report. This gives officers the comfort that a high quality public realm and public park can be achieved. A full landscaping detail will be required at reserved matters stage.

Private and Communal Amenity Space

9.86 Saved Policy HSG16 of Tower Hamlets UDP (1998), Policy HSG7 of Tower Hamlets IPG (2007) and Policy DM4 of the draft Managing Development DPD (2012) require all new housing to include an adequate provision of amenity space, designed in a manner which is fully integrated into a development, in a safe, accessible and usable way, without detracting from the appearance of a building.

9.87 Specific amenity space standards are guided by Policy DM4 of the Council's draft Managing Development DPD (2012) will follows the Mayor of London's Housing Design Guide standards which specifies a minimum of 5sqm of private outdoor amenity space for 1-2 person homes and an extra 1sqm for each additional occupant. It also requires balconies and other private external spaces to be a minimum width of 1.5m.

9.88 In terms of communal amenity space, Policy DM4 requires 50sqm for the first 10 units, plus 1sqm for every additional unit thereafter.

Private Open Space:

9.89 As outlined in the table below, the scheme proposes 2,998 sqm of private amenity space. Based on the requirements of draft Policy DM4, the development would exceed our minimum requirement of 1,987sqm of private amenity space.

Private Amenity Space			
No. of Units	Required Amount (Draft MD DPD 2011)	Required Amount (sqm)	Phase 1 Provision
26 Studios	26 x 5sqm	130	
91 x 1 Beds	91 x 5sqm	455	
203 x 2 Beds	203 x 6sqm	1218	

18 x 3 beds	18 x 8sqm	144	
4 x 4 beds	4 x 10sqm	40	
Total:		1,987sqm	2,998sqm

9.90 The detailed plans for Phase 1 confirm that all of the units in the three blocks will benefit from private amenity space in the form of projecting and recessed balconies, terraces and/or private gardens. Particular attention has been given to the blocks facing the A13 through the use of enclosed winter gardens, which result in more useable year round amenity space with noise attenuated enclosures. Apart from the occasional unit, which is configured in an awkward position, almost all of the areas will have a minimum width of 1.5m as required by Policy DM4. As such, the proposed level of private amenity space and the standard and form of proposed is considered appropriate given the urban nature of the site.

Communal Open Space:

9.91 A total of 462sqm of communal amenity space would be required for 3 separate blocks comprising 342 new homes, however the application provides 1,021sqm of communal space which exceeds the Council's requirement. This has been provided in the form of protected courtyards for all 3 blocks. The overall provision of open space in Phase 1 is therefore considered to greatly benefit the quality of the residential environment for Phase 1. This will provide attractive and spacious conditions for the new occupiers of Aberfeldy.

Communal Amenity Space		
	Required Amount (Draft MD DPD 2011)	Phase 1 Provision
Block A (166 units)	206sqm	400sqm
Block B (105 units)	145sqm	250sqm
Block C (71 units)	111sqm	371sqm
Total:	462sqm	1,021

Child Play Space

9.92 Planning Policy Statement 3 sets out the importance of integrating play and informal recreation in planning for mixed communities.

9.93 Policy 3.6 of the London Plan (2011), Saved Policy OS9 of Tower Hamlets UDP (1998), Policy SP02 of Tower Hamlets Core Strategy (2010) and Policy DM4 of the draft Managing Development DPD (2012) seeks to protect existing child play space and requires the provision of new appropriate play space within new residential development. Policy DM4 specifically advises that applicants apply LBTH child yields and the guidance set out in the Mayor of London's SPG on 'Providing for Children and Young People's Play and Informal Recreation' (which sets a benchmark of 10 sqm of useable child play space per child).

9.94 Using LBTH child yield calculations, the proposed development is anticipated to deliver 96 children and accordingly the development should provide a minimum of 960 sqm of play space. The development proposes to deliver 1,100sqm of play space which exceeds the required level. The site will provide new dedicated and equipped play space in the form Neighbourhood Playable Space, Local Playable Space and Doorstep Space.

9.95 This child play strategy also sets out basic principles and typologies for the proposed play space in terms of the location, distance, level of boundary treatment, character and likely form of equipment. This gives officers assurance that a good level of child play space can be secured on site.

9.96 Officers support the quantity and location of the proposed play space, as it exceeds LBTH and London Plan requirements as set out in Policy 3.6 of the London Plan (2011), Saved Policy OS9 of Tower Hamlets UDP (1998), Policy SP02 of Tower Hamlets Core Strategy (2010) and Policy DM4 of the draft Managing Development DPD (2012).

Wheelchair Housing and Lifetime Homes Standards

9.97 Policy 3.8 of the London Plan (2011), Policy HSG9 of Tower Hamlets IPG (2007), and Policy SP02 of the Core Strategy (2010) require that all new housing is built to Lifetime Homes Standards and that 10% of new housing is designed to be wheelchair accessible or easily adaptable for wheelchair users.

9.98 The applicants supporting statement confirms that all new homes across Aberfeldy will be built to Lifetime Homes standards and that the indicative unit mix has already been developed with the 10% provision of wheelchair accessible homes in mind.

9.99 As such, it is considered that the proposal is acceptable in accordance with Policy 3.8 of the London Plan (2011), Policy HSG9 of Tower Hamlets IPG (2007), and Policy SP02 of the Core Strategy (2010).

Amenity

Daylight, Sunlight and Overshadowing

9.100 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (1991).

9.101 Saved Policies DEV1 and DEV2 of Tower Hamlets UDP (1998), Core Strategy Policy SP10 and Policy DM25 of the draft Managing Development DPD (2012) seek to protect amenity, by ensuring development does not result in an unacceptable material deterioration of the sunlight and daylight conditions of surrounding development. Policy DM25 also seeks to ensure adequate levels of light for new residential developments.

9.102 Section 13 of the Supplementary Environmental Statement considers the impacts of the development with respect to daylight and sunlight.

Daylight

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

9.104 An Average Daylight Factor (ADF) analysis was undertaken to assess the levels

of daylight amenity within the various different residential unit configurations at the lowest levels in the proposed buildings. British Standard 8206 recommends ADF values for residential accommodation and the recommended daylight factor level for dwellings are:

- >2% for kitchens;
- >1.5% for living rooms; and
- >1% for bedrooms.

9.105 The applicant has provided VSC levels for Blocks A, B, & C in conjunction with the ADF levels. The Borough's EHO has advised that Blocks B and C levels are acceptable. However Block A has up to 56 failures which is a concern. This is as a result of the orientation of the block (north facing) and some units are under balconies and will therefore receive less light. This is considered to be a product of developing a brownfield site to a high density whilst seeking to limit the no. of units backing onto the A13 (due to noise/disturbance).

9.106 The Daylight Assessment concludes that 89% of the habitable rooms in Phase 1 of the development would achieve 'good' levels of daylight when assessed against the BRE and British Standards. Of the 342 living rooms assessed against recommended ADF values, only 18 rooms fall below the recommended 1.5%, therefore 95% of all living rooms will meet ADF values.

9.107 To maximise the amount of daylight accessing the building, the scheme has been revised since the 2010 proposal - building heights have been reduced, courtyards have been opened up with 'slots' have been added to the southern sides of the blocks to allow more light in. Ceiling heights and window sizes have also been increased to allow more light into low level rooms.

9.108 In terms of the impact of the development on the existing surrounding properties, the main properties which would be affected include those along the southern end of Abbott Road, Blairgowrie Court and Julius House. The Borough's EHO has concluded that the VSC & ADF levels in these properties are acceptable.

Sunlight

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

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

9.111 The results for the proposed development show that the majority of the living room facades facing south would achieve in excess of 25% total APSH. Windows set back under balconies get lower values. However, there are a significant number of failures in Blocks B and C which has raised concern for officers. This is due to the proposed courtyard settings and the overall number of north facing units which is inevitable considering the proposed site layout and relationship with the A13 to the south. It is considered that this is not uncommon for the development of this scale and density in such an urban environment.

In terms of the impact of the development on the sunlight levels of existing surrounding properties, the main properties which would be affecting include those along the southern end of Abbott Road and Blairgowrie Court and Julius House. The Borough's EHO has concluded that the APSH levels in these properties remain acceptable.

9.113 National, strategic and local planning policy of relevance to the sites redevelopment encourages the development of higher density developments and schemes which maximise the use of accessible sites.

Overshadowing

9.114 In terms of permanent overshadowing, the BRE guidance in relation to new gardens and amenity areas states that *"it is recommended that for it to appear adequately sunlit throughout the year, at least half of a garden or amenity space should receive at least 2 hours of sunlight on 21st March".* The results for the proposed development show that 93% of the courtyard amenity areas within Blocks A, B and C will receive more than 2 hours sunlight. Regrettably, some courtyards will not and this is as a result of the north facing blocks and the design strategy to shield some blocks from the A13.

9.115 It is considered that the proposed development is generally in keeping with the BRE guidance, Policy 4B.10 of the London Plan (2008), saved Policies DEV1 and DEV2 of Tower Hamlets UDP (1998), Core Strategy Policy SP10 and Policy DM25 of the Managing Development DPD (2012) with regards to sunlight, daylight, and overshadowing and accordingly the proposals are likely to result in a reasonably acceptable standard of living and amenity areas in this regard considering the site constraints and urban environment.

Sense of Enclosure and Outlook

9.116 Policy SP10 of the Core Strategy (2010) seeks to protect residential amenity and Policy DM25 of the draft Managing Development DPD (2012) requires development to protect through ensuring development does not result in the loss of privacy, unreasonable overlooking, or unacceptable increase in sense of enclosure, or loss of outlook.

9.117 The nearest buildings to consider in this regard, are the properties on the eastern side of Abbott Road and also the existing block on site 'Blairgowrie Court'. Also the relationship of proposed buildings and spaces within the new development itself that require consideration.

9.118 The proposed building blocks have incorporated dual aspect units where possible to improve the quality of living and outlook for occupiers. The single aspect units are as a result of the block configuration and orientation with the A13.

9.119 The proposed buildings have been set around court yards and open spaces which will provide an attractive outlook. The proposal also provides good separation distances between buildings thereby ensuring no adverse impacts on outlook from the proposed buildings. Minimum separation distances measure approximately 15-18m which is considered acceptable given the urban context and existing building on site.

9.120 It is considered that Phase 1 of the development affords acceptable levels of

outlook for residential occupiers. Future phases should be assessed at reserved matters stage when the layout of residential units and open spaces is known.

9.121 The proposals are generally in keeping with Policy SP10 of the Core Strategy (2010) and draft Policy DM25 of the Managing Development DPD (2012) with respect to matters concerning amenity, sense of enclosure and outlook.

Air Quality

9.122 PPS23 and Policy 7.14 of the London Plan (2011) seeks to ensure design solutions are incorporated into new developments to minimise exposure to poor air quality. Saved Policy DEV2 of the UDP (1998), Policy SP02 of the Core Strategy (2011) and Policy DM9 of the Managing Development DPD (2012) seek to protect the Borough from the effect of air pollution, requiring the submission of air quality assessments demonstrating how it will prevent or reduce air pollution in line with Clear Zone objectives.

9.123 The development is located within the Tower Hamlets Air Quality Management Area. The most significant factor influencing air quality in the proposed development is the A12 and A13 and it is the proposed buildings adjacent to these roads that are primarily affected. The submitted Environmental Statement suggests that residential receptors at ground and first floor levels of any buildings fronting these roads will not take air in from these roads and that mechanical ventilation systems are used instead. Additionally, the design of the buildings along these frontages will incorporate winter gardens to ensure private semi-outdoor space can be provided whilst protecting poor air quality conditions.

9.124 In the longer term, the operation of the energy centre is likely to generate a moderate to substantial increase in NO2 levels. However, this impact is considered to be spatially limited and small compared to the existing baseline conditions. Any local impact can be mitigated through emissions control technologies.

9.125 The Borough's EHO has not commented however, the case officer recommends that a the submission of a Construction Environmental Management Plan be conditioned prior to commencement.

9.126 Overall, it is considered that the impacts on air quality are negligible and any impacts are outweighed by the conservation and regeneration benefits that the development will bring to the area.

9.127 As such, the proposal is generally in keeping with PPS23, Policy 7.14 of the London Plan (2008), Policy DEV2 of the UDP (1998), Core Strategy SP02 (2010), Policy DM9 of the draft Managing Development DPD (2012) and the objectives of Tower Hamlets Air Quality Action Plan (2003).

Noise and Vibration

9.128 Planning Policy Guidance Note 24 is the principal guidance adopted England for assessing the impact of noise. The guidance uses noise categories ranging from NEC A (where noise doesn't normally need to be considered) through to NEC D (where planning permission should normally be refused on noise grounds).

9.129 Policy 7.15 of the London Plan (2011), Saved policies DEV2 and DEV50 of the Tower Hamlets UDP (1998), Policies SP03 and SP10 of the Core Strategy (2010)

and Policy DM25 of the Managing Development DPD (2012) seek to ensure that development proposals reduce noise by minimising the existing and potential adverse impact and separate noise sensitive development from major noise sources.

9.129 Due to the site's proximity to the A13 and the location of many of the proposed residential blocks backing on to this carriageway, the development falls within Category D of PPG24 and the Borough's EHO has objected to the application, emphasising the site's unsuitability for residential occupation.

9.130 The A12 and A13 are major constraints to the development in terms of noise and vibration. However, there are a number of existing residential blocks already fronting onto the A13. It is the view of officers that these constraints need to be weighed up against the regeneration benefits of the proposed redevelopment of Aberfeldy to provide a better quality residential environment. The development has been carefully designed to maximise densities and provide a quality layout which seeks to position most of the new units away from major road noise sources where possible. For those units which inevitably face the A13 (like many if the existing and former units) – a number of mitigation measures are proposed which include high performance acoustic glazing, mechanical ventilation, and enclosed insulated winter gardens. Amenity areas within the development site are also all north facing which suitably screens these areas from traffic disturbance in order to provide reasonable residential environments.

9.131 The Borough's EHO has advised that Environmental Health should be consulted regarding the required sound insulation to the external and internal elements of the building and any mechanical or electrical plant to be installed, including ventilation, air conditioning, and commercial kitchen extract plant. (Officers have also discussed the potential A3 uses in Phase 1, to identify the scope of including potential extract equipment within the envelope of the building. This will be conditioned).

9.132 Conditions are also recommended which restrict construction hours and noise emissions and requesting the submission of a Construction Management Plan which will further assist in ensuring noise reductions.

9.133 As such, it is considered that the proposals are generally in keeping with Planning Policy Guidance Note 24, Policy 7.15 of the London Plan (2011), Saved policies DEV2 and DEV50 of the Tower Hamlets UDP (1998), Policies SP03 and SP10 of the Core Strategy (2010) and Policy DM25 of the Managing Development DPD (2012).

Energy and Sustainability

9.134 At a national level, PPS22 and PPS1 encourage developments to incorporate renewable energy and to promote energy efficiency. At a strategic level, the climate change policies as set out in Chapter 5 of the London Plan 2011 and London Borough of Tower Hamlets Core Strategy (SO24 and SP11) collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.

9.135 The London Plan sets out the Mayor of London's energy hierarchy which is to:

- Use Less Energy (Be Lean);
- Supply Energy Efficiently (Be Clean); and
- Use Renewable Energy (Be Green).

9.136 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).

9.137 Policy SO3 of the Core Strategy (2010) seeks to incorporate the principle of sustainable development, including limiting carbon emissions from development, delivering decentralised energy and renewable energy technologies and minimising the use of natural resources. The London Borough of Tower Hamlets Core Strategy Policy SP11 requires all new developments to provide a 20% reduction of carbon dioxide emissions through on-site renewable energy generation.

9.138 Policy DM29 of the draft Managing Development DPD (2012) requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. At present the current interpretation of this policy is to require all residential developments to achieve a Code for Sustainable Homes Level 4 rating and all non-residential schemes to achieve a BREEAM Excellent rating.

9.139 The submitted energy strategy is in accordance with the agreed strategy for the Outline Planning Application for the Aberfeldy estate (PA/11/02716). The energy strategy follows the Mayor of London'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 hotwater requirements in accordance with policy 5.6 of the London Plan will also reduce energy demand and associated CO2 emissions (Be Clean). The CHP (600kWe) is proposed to be delivered in Phase 3 of the development; therefore the blocks included within this Phase 1 application are to be supplied by a temporary energy centre with gas fired boilers. The current proposals for delivering the space heating and hotwater are considered acceptable, however an appropriately worded condition should be applied to any permission to ensure:

1. Development is supplied by the CHP following completion and before occupation of Phase
2. Development is supplied by an appropriately sized on-site CHP should the subsequent phases not be delivered.

9.140 Photovoltaic cells are proposed to provide a source of on site renewable energy (Be Green). The technologies employed would result in a 6% carbon savings over the baseline. Through the maximisation of the communal system and commitment to linking to the proposed CHP 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 (peak output of 49kWp) 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 Sustainable Development Team support the application as the development is in compliance with the London Plan (Policy 5.2) through achieving a cumulative 28% reduction above Building Regulation requirements.

9.141 The anticipated 28% 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 November 2011.

9.142 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 non-residential 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 DM29 of the London Borough of Tower Hamlets Draft Managing Development DPD.

9.143 The submitted Energy Statement details how the development will achieve a Code for Sustainable Homes Level 4 rating for the residential elements and BREEAM Very Good ratings (with an aspiration to achieve Excellent) for the non-residential uses of Phase 1. Due to the size of the non-residential units it acknowledged that achieving an 'excellent' rating may be difficult. However, without any robust justification as to the financial or marketing constraints of these units, it is recommended that the units seek to achieve an 'excellent' rating with a commitment to 'very good'. It is recommended that this be achieved through an appropriately worded condition.

9.144 Finally, the GLA have raised concerns regarding the potential over heating of the single aspect south facing units overlooking the A13. The opening of windows in these units and winter gardens will be restricted due to noise and pollution from A13 so a ventilation strategy was requested. The applicant has confirmed that these units will have an on-going MCHR system 'Mechanical Ventilation and Heat Recovery' system running.

Contamination

9.145 In accordance with the requirements of PPS23, saved UDP policy DEV51, policy DM30 of the Managing Development DPD (2012), the application has been accompanied by an Environmental Statement which suggests that the ground conditions may have some contamination. Considering the proximity of the site to the gasholders, further intrusive investigations are required and any necessary mitigation. It is suggested that an appropriate condition be imposed.

Flood Risk

9.146 Planning Policy Statement 25 (PPS25) and Policy 5.12 of the London Plan (2011), Policy SP04 of LBTH Core Strategy (2010) relate to the need to consider flood risk at all stages in the planning process.

9.147 The development falls within Floodzone 2 and 3 and the applicant has been in consultation with the Environment Agency (EA) since the early pre-app stages in developing a mitigation strategy. The application is supported by a flood risk assessment and describes various flood mitigation options.

9.148 These options include setting ground floor levels above breach water level (proposed for Block A). However this is now limited to more vulnerable zones to ensure the development remains largely accessible under DDA requirements. Other options now include refuge in stairwells and roof terraces and evacuation plans.

9.149 The EA have noted that the site has a residual risk of flooding, in the event of Thames Tidal defences failing and there are a small number of flats (in Block A whose bedrooms will remain below the breech flood level. The applicant has now confirmed that the detailed application has raised the ground floor levels in Block A above extreme breach levels to 3.12m AOD. Early warning management plans are also part of the strategy.

9.150 The application also proposes a surface water management strategy that aims to reduce the off-site discharges to rates where practical. Whilst the EA is content with the overall drainage strategy discussed, it is recommended that a condition be imposed requiring the submission of this drainage strategy to the LPA in consultation with the EA.

9.151 As advised by the EA, a further condition is recommended requiring the submission of a site flood emergency plan to ensure active measures are implemented.

9.152 As such, it is considered that the proposed development by virtue of proposed flood mitigation strategy complies with PPS25, Policy 5.12 of the London Plan (2011) and Policy SP04 of the Core Strategy (2010).

Biodiversity and Ecology

9.152 The London Biodiversity Action Plan (2008), Policy 7.19 of the London Plan (2011), Policy SP04 Core Strategy (2010) and Policy DM11 of the draft Managing Development DPD (2012) seek to protect and enhance biodiversity value through the design of open space and buildings and by ensuring that development protects and enhances areas of biodiversity value in order to achieve a net gain in biodiversity. Policy DM11 of the draft Managing Development DPD (2012) also requires elements of living buildings.

9.153 The submitted Environmental Statement has assessed the ecological value of the site and has concluded that habitats across the site are of low value for nature conservation, only supporting breeding birds and a small number of common invertebrates. The Borough's Biodiversity Officer has also confirmed this.

9.154 Given the low overall ecological value of the site, few potential impacts are anticipated and limited mitigation required. Each of the building blocks on Phase 1 will provide a green roof which is considered to improve the biodiversity conditions on the site.

9.155 The proposed development is not therefore considered to have any adverse impacts in terms of biodiversity. The development will ultimately provide an enhancement for biodiversity for the local area in accordance with the above mentioned policies.

Health Considerations

9.156 Policy 3.2 of the London Plan (2011) seeks to improve health and address health inequalities having regard to the health impacts of development proposals as a mechanism for ensuring that new developments promote public health within the borough.

9.157 Policy SP03 of the Core Strategy (2010) seeks to deliver healthy and liveable neighbourhoods that promote active and healthy lifestyles, and enhance peoples

wider health and well-being.

9.158 Aberfeldy estate is currently served by a relatively large GP surgery at Ettrick Street measuring 400sqm. As part of the Outline application, the applicant proposes to deliver a new purpose built replacement health facility of up to 960sqm. This will be located within the new hub for Aberfeldy neighbourhood centre, adjacent to the new purpose built community centre. Poplar Harca have indicated that the new enlarged and upgraded health facility may also include pharmacy and dental care facilities. The applicant has approached the PCT with regards to the proposed new health facility and the PCT has accepted the onsite provision in principle. The residents of Phase 1 will have full access to these services which fall within a 300m walking distance from Blocks A, B and C. As outlined in later paragraphs, the proposed S106 will ensure a pro-rata health contribution if later phases (involving the health centre) do not come forward.

9.159 The application will deliver a new green space to the south of the site running parallel with the most southern blocks backing on to the A13 which will complement other green spaces and walking routes in and around Aberfeldy estate. Together this contributes to potential walking routes to and from routes such as that to and from Canning Town and East India Dock stations thereby facilitating healthy and active lifestyles.

9.160 The application proposes 3 small retail/restaurant uses. No A5 uses are proposed.

9.161 It is therefore considered that the proposal will meet the objectives of London Plan Policy 3.2 and Policy SP03 of the Council's Core Strategy which seek the provision of health facilities and opportunities for healthy and active lifestyles.

Environmental Impact Assessment

9.162 The proposed development falls within the category of developments referred to in paragraph 10(b) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) regulations 2011.

9.163 As the proposal is likely to have significant effects on the environment, it is required to be subject to environmental impact assessment before planning permission is granted. Regulation 3 of the EIA Regulations precludes the grant of planning permission unless prior to doing so, the Council has taken the 'environmental information' into account. The environmental information comprises the applicant's Environmental Statement (ES), any further information submitted following request under Regulation 22 of the EIA Regulations, any other substantive information relating to the ES and provided by the applicant and any representations received from consultation bodies or duly made by any person about the environmental effects of the development.

9.164 The Council appointed consultants, Land Use Consultants (LUC) to examine the applicant's ES and to confirm whether it satisfied the requirements of the EIA Regulations. Following that exercise, LUC confirmed that whilst a Regulation 22 request was not required, further clarification was sought in respect of a number of issues. These relate to matters concerning air quality calculations, ecological value, land contamination and socio economic assumption relating to employment numbers. LBTH have liaised directly with the applicant in attempt to seek responses to these clarifications. LBTH officers have had a meeting with the applicants consultants to iron out the remaining clarification and the Borough's

EIA Officer has confirmed that these clarification are relatively minor. A response to the clarifications has now been submitted and these are being reviewed by the Council's consultants at the time of writing this report. Members will be updated in a Supplementary Agenda.

9.165 Subject to some minor clarifications, LUC conclude that the application is considered to meet the EIA Regulations and provide a satisfactory level of information to allow a proper assessment of the development proposals. The ES is considered to provide a comprehensive assessment of the environmental impacts of the proposed development.

9.166 The ES addresses the following areas of impact (in the order they appear in the ES):

- Air Quality and Dust
- Noise and Vibration
- Ecology
- Townscape and Visual
- Water Resources and Flooding
- Land Contamination
- Traffic and Transport
- Archaeology and Cultural Heritage
- Socio-economics
- Wind and Microclimate
- Daylight, sunlight,
- Telecommunications
- Cumulative Impacts

9.167 The various sections of the ES have been reviewed by officers. The various environmental impacts are dealt with in relevant sections of this report above with conclusions given, proposals for mitigation of impacts by way of conditions, and/or planning obligations as appropriate.

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

Other Issues

<u>HSE and Poplar Gasholders</u>

9.169 The Poplar Gasholder Site on Leven Road contains three gasholders and is designated as a major hazard site by virtue of the storage of hazardous substances. Since the earliest iterations of this scheme, LTGDC, GLA and LBTH have identified the scheme's proximity to the has as a significant constraint to development in this area and that the design of the development should take this constraint into account.

9.170 At a strategic policy level, London Plan Policy 5.22 states that when assessing developments near hazardous installations, the site specific circumstances and proposed mitigation measures should be taken into account when applying the Health and Safety Executive's PADHI methodology.

9.171 Saved Policies DEV53 and DEV54 of the UDP and Policy DM30 of the draft

Managing Development DPD (2012) notes how developments will not be supported if it involves new development in close proximity to hazardous installations where it would be a significant threat to health and the environment.

9.172 In deciding whether to approve this development, officers suggest Members pay particular attention to the risk associated with the gasholders at Leven Road. The paragraphs below present the evidence as provided by the applicant along side the likelihood as to whether the HSE will accept this evidence. This section of the report seeks to clarify the implications of the gasholders; explain officer's interpretation of the HSE's protocol to development consultation zones; the applicant's risk assessment and approach and also finally notes the Council and LTGDC's position regarding the need for officers to weigh up the health and safety risks associated with the proposed development against the wider regeneration benefits proposed by the application.

9.173 The report detailing the entire outline masterplan has detailed the implications of the Leven Road gasholder site in greater detail, the risk posed by this major hazardous site and the Health and Safety Executive's position on introducing new residential population into the vicinity of such facilities. For the background context, including the PADHI assessment, Scaled Risk Integral and the planning authority's requirements for going against PADHI advice, members are advised to refer to this report.
The Phase 1 scheme falls within the middle PADHI consultation zone and therefore results in an 'advice against' response when run through the PADHI+ consultation system. The applicant has undertaken an assessment of the SRI value for Phase 1 only which has resulted in an SRI value of 133,917. This figure has taken into account COMAH quantities and residential occupancy at 2.1 persons per dwelling.

9.174 The HSE's *Criteria document for Land Use Planning cases of serious public safety concern* states, in terms of SRI, that values between 500,000 and 750,000 will be given the most serious consideration in deciding whether to request the application be 'called in' for determination by the Secretary of State. In cases where the SRI value is in excess of 750,000, call in would be sought no matter the circumstances of the development. Although the SRI value of 133,917 would appear to fall below the HSE's criteria serious consideration for call in request, the formal view of the HSE is not known in this respect. However, as with the outline masterplan application, members need to consider paragraph 8 of the HSE's *Criteria document for Land Use Planning cases of serious public safety concern* when deciding whether the material benefits of the scheme outweigh the potential risk presented by the gasholders. This sets out the criteria against which the HSE will consider whether to request the Secretary of State calls in the application for determination. These criteria area:

- Any significant residential development or development for vulnerable populations in the inner zones;
- The risk of death from a major hazard exceeds the Tolerability of Risk (TOR) limit for a member of the public;
- There are substantial numbers of people in the proposed development exposed to a significant level of risk;
- The endangered population is particularly sensitive;
- It is a challenge to HSE's risk criteria for land use planning.

9.175 Taking each point in turn,

(i) no building is proposed within the inner zone
(ii) it is accepted that the gasholder is within TOR limit
(iii) the societal risk has been discussed within this report
(iv) the subject population is not any more or less sensitive than average
(v) the HSE's own methodology has been used in assessing the risk.

9.176 In deciding whether to approve this development, Members are advised to pay particular attention to the risk associated with the gasholders at Leven Road. This section of the report has presented the evidence provided by the applicant along with the independent advice provided to LTGDC, GLA and LBTH. On the basis of the information provided by all parties, it is the view of officers that the benefits presented by this scheme outweigh the potential risk associated with the gasholder proximity.

9.177 Following submission of the applicant's revised Risk Assessment dated 26th October to the HSE, a meeting is planned for 21st Feb 2012 between the applicant, LTGDC, GLA and LBTH to discuss the revised proposal in the context of the above. It is intended that this will give the HSE a further understanding of the approach taken by the applicant to minimise the risk before formal consultation takes place on the 1st March, following LTGDC's resolution of the application, therefore giving the HSE 21days to confirm their final position.

Planning obligations/S106

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

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

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

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

9.180 This is further supported by Saved Policy DEV4 of the UDP (1998) and Policy IMP1 of the Council's IPG (2007) policy SP13 in the Core Strategy (2010) which seek to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development.

9.181 The Council's Supplementary Planning Document on Planning Obligations was adopted in January 2012. This SPD provides the Council's guidance on the policy concerning planning obligations set out in policy SP13 of the adopted Core Strategy. The document also set out the Borough's key priorities being:

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

The Borough's other priorities include:

- Health
- Sustainable Transport
- Environmental Sustainability
- Public Realm

9.182 The LBTH is a consultee on this application and it is for the LTGDC to determine. As such, and with regard to planning obligations, the LTGDC would normally apply their LTGDC Planning Obligations Community Benefit Strategy to ensure that developments contribute financially and in kind towards the infrastructure that is needed in the London Thames Gateway area to support the developments that are coming forward for planning approval. In light of the pending dissolution of LTGDC, it has been agreed that LBTH would apply the Borough's adopted SPD on Planning Obligations and that the S106 would be negotiated in line with the Borough's obligation priorities.

9.183 This application forms Phase 1 of the wider regeneration proposals for Aberfeldy which is outlined in a separate report discussing the Outline Planning Application. As this comprises two separate planning permissions (Outline and Full), two separate S106 agreements are required. It has been agreed with the applicant that the S106 for Phase 1 will ensure a proportion of the necessary contributions will be sought on a pro-rata basis. This is needed to justify the proposal as a stand alone scheme and to ensure that the impact of the development is mitigated against in its own right, if later phases do not come forward.

9.184 Furthermore, appropriate clauses are proposed in the S106 agreement for the Outline Application ensuring that the individual obligations paid with respect to Phase 1, be deducted from the over all amount sought in the Outline S106. This is currently being discussed with the applicant at the time of writing this report and Members will be updated in a Supplementary Agenda on the 16th February 2012.

9.185 In the consideration of requested Phase 1 obligations, consideration has also been given to the wider estate regeneration improvements proposed in later phases of this development, which whilst not contributing to the Council's priorities as set out in the Planning Obligations SPD, are material in considering its acceptability. These are discussed in further detail below:

<u>Affordable Housing</u>

9.186 A minimum of 28% of affordable housing is propose for Phase 1. A review mechanism is also proposed to assess the capacity of this site to deliver a surplus level of affordable housing through the submission of a Pre-Assessment Viability Toolkit, prior to commencement of Phase 1.

9.187 Based on the supporting viability report and the site constants, officers consider this offer to be acceptable given the site circumstances and it is recommended that the clauses within the S106 agreement give the LPA reasonable assurance that if and when market conditions improve when Phase 1 commence, there is

opportunity to increase the level of affordable housing on Phase 1 from 28%.

Education

9.188 The proposed increase in residential development on the site will generate an increased child yield and therefore an increase in demand for primary and secondary school places in the Borough. However, the proposal for Aberfeldy involves the regeneration of an existing estate where proportion of existing families will be re-housed to relieve overcrowding conditions. As such, based on the adopted Planning Obligations SPD, the net increase in units for the overall scheme (all phases) results in the need for 21 additional primary places. This amounts to a requested contribution of £311,430. A pro-rata contribution of £93,429 is sought for Phase 1.

9.189 The applicant has committed fully to this request.

Enterprise and Employment

9.190 The SPD requires developments to exercise reasonable endeavours to ensure that 20% of the construction phase workforce will be for local residents of Tower Hamlets, to be supported through the Skillsmatch Construction Services. In addition, the SPD requires that 20% of the goods/services procured during the construction phase should be achieved by businesses in Tower Hamlets

9.191 The SPD also seeks a financial contribution towards the training and skills needs of local residents in accessing job opportunities created through the construction phase of all new development and a contribution towards end use phase of commercial developments. In addition, the SPD states that in-house training programmes may be considered in lieu of the construction phase skills and training contribution; however this is assessed on a case by case basis. At the time of writing this report, the applicant is still communicating with colleagues in Enterprise & Employment in attempt to work out the requested contribution.

9.192 However, officers are aware that the viability toolkit indicates that the scheme is unviable. In recognising the need to mitigate against the impact of the development on local employment, the applicant proposes a number of in-house training and skills initiatives. However, officers have requested further clarification and justification on what the proposed in-house training programme will comprise of and how this has been valued.

9.193 The terms and conditions of this are currently being discussed with the Borough's Enterprise and Employment Team and that Members will be updated on this in the Supplementary Agenda on 16th Feb, as to what the requested financial contribution will be and also whether any of in kind employment provisions are considered acceptable.

Community Facilities

9.194 The SPD identifies Idea Store, Libraries, Archives, Leisure, Multi-Use Community Facilities within the Community priority.

9.195 With respect to the Idea Stores/Archives and Libraries and Leisure – a contribution of £84,565 & £288,759 is sought respectively based on the SPD. In terms of Multi Use Community Facilities, officers are not seeking any specific additional multi use community facilities for Phase 1 of this development. The

SPD advises that the Council may seek a contribution towards the upgrade of such facilities and in exceptional circumstances, an on-site provision.

9.196 The applicant's viability toolkit indicates that the scheme is unviable and the applicant proposes no contributions towards the mitigation of the proposed development on community facilities. However, it is worth noting that the applicant proposes to replace the existing community facility on site in later phases of this development (Aberfeldy Neighbourhood Centre which is operated and funded by Poplar Harca) and replace it with a new and better equipped specification. In addition, the proposal also seeks to relocate the existing faith centre on Aberfeldy Street (currently within one of the existing retail units) and build two new purpose built faith centres (totalling 322 sqm) next to the community centre in later phases of this development. Whilst this is not sufficient to mitigate against the impact of the proposed development, officers welcome these aspects of the proposal and recognise them as contributing to the overall regeneration benefits of the scheme.

9.197 As such officers accept the viability constraints demonstrated and since no contribution is being offered to the Borough to mitigate against the development impact on community facilities in Phase 1, officers recommend that suitably worded clause is proposed in the S106 to ensure the replacement community facility is provided and furthermore, if the replacement facility does not come forward by a specific date or by the completion of Phase 4, the applicant pay a commuted sum of £308k (the value of the replacement community centre).

Other Priorities –

Health

9.198 The SPD requires all major developments to contribute towards health facilities. Contributions will be calculated using HUDU model which calculates the cost of increased demand on local facilities based on the proposed increase in population. The SPD also considers the provision of an onsite health facility which can be handed over to the PCT and the floorspace provision offset against the HUDU contribution.

9.199 As noted in the Outline application, the PCT seeks a capital planning contribution of £535k for the entire application if the proposed on site health facility is not provided (Phase 4).

9.200 Considering the East India and Lansbury Ward is listed as the most deprived ward in London and Aberfeldy has the worst health statistic in the UK, officers welcome the proposed on site health facility in later phases of this development as this will bring significant benefits to the Aberfeldy and assist in improving the current poor health statistics.

9.201 Officers recommend that the S106 ensures that if arrangements with the PCT (or an alternative health provider) are not in place by a specific date or the commencement of Phase 4, Poplar Harca will be required to give the Council an agreed sum to the Borough (e,g 30% of the HUDU model calculation which = £160k) to mitigate against the impact of Phase 1. As such, it is proposed that the S106 captures this agreement.

Sustainable Transport

9.202 The SPD requires a contribution towards sustainable transport improvements. Based on the net increase in residents x the cost of smarter travel, a contribution of £9,951 is sought (towards Smarter Travel and to encourage walking and cycling within the borough).

9.203 The applicant proposes that officers consider off-setting this financial contribution, against the recent £740k payment made by Poplar Harca towards the introduction of a new Nutmeg Lane pedestrian crossing on the A13 adjacent to the site which will improve local resident's access to public transport.

9.204 It is understood that the introduction of the pedestrian crossing at Nutmeg Lane would not have happened without the wider regeneration proposals presented in the current application and is in this respect it is an integral part of the scheme. It would appear that Poplar Harca took a significant risk in contributing towards the funding of this crossing before this application was submitted and without any certainty as to the outcome of this application.

9.205 On balance, officers consider the delivery of the A13 crossing to be a sufficient reason to off-set against any additional requests towards smarter travel.

Environmental Sustainability

9.206 As outlined in the report which assesses the Outline Planning Application, this includes the promotion of renewable, sustainable forms of energy and enhancements to wildlife biodiversity. The SPD requires all major developments to contribute towards energy initiatives and carbon offset funds, if officers feel all on site measures to reduce CO2 have been exhausted. However, as described in previous sections of this report, the application commits to a 25% reduction in CO2 and each phase of the development will require revised energy strategies. Officers are content with the overall energy strategy and no further contributions are requested.

9.207 With regards to biodiversity, the site is not considered to have any ecological or biodiversity value however in order to improve this, the applicant has proposed several measures within Phase 1 to improve the biodiversity of the site, eg, green roofs on all three blocks in Phase 1, which have been commended by the Borough's Biodiversity Officer.

Public Realm

Public Open Space

9.208 Through applying the SPD, a contribution of £522,693 is sought to mitigate against the lack of open space provided in the application.

9.209 The viability toolkit indicates that the scheme is unviable and the applicant proposes no further contributions towards open space other than the linear park proposed on site part of which will come forward in Phase 1. Officers do however have regard to the *quality* of the open space proposed despite the shortfall in quantitative terms.

9.210 Officers accept the demonstrated viability constraints on this site, and will seek to ensure through the S106 and appropriate conditions that a fully detailed landscape plan is submitted outlining a schedule of works and cost plan for the linear park area identified in the illustrative masterplan as East India Green. This

is considered to give the Borough the assurance that East India Green will be delivered to high quality.

Streetscene and Built Environment Improvements

9.211 Based on the SPD, an obligation of approximately £490k is sought towards Streetscene and Built Environment Improvements, based on extent of footways and carriageways around Phase 1. In response, the applicant proposes a contribution of £418k towards streetscene improvements in Aberfeldy Street, Abbott Road and Blair Street, however this will not solely be towards Phase 1. Considering the site constraints, viability assessment, the contribution of £418k towards the wider scheme is considered acceptable. It is recommended that the S106 agreement ensures that this money is spent specifically on streetscene and built environment improvements to Aberfeldy Street, Abbott Road and Blair Street which are the principle routes through the site.

Public Art/Artistic Intervention in the Public Realm

9.212 Within Public Realm obligations, the SPD also seeks an element of *Public Art*. Officers have requested that the applicant incorporate public art/ artistic intervention in the public realm as an integral part of the development proposal and in particular involve local residents and organisations such as the children of Culloden School. In response, the applicant has committed to a sum of £50,000 towards public art and this obligation will be captured in the S106 agreement. This is not necessarily tied to Phase 1, but to the wider scheme.

<u>Travel Plan Monitoring</u>

9.213 The Applicant supports the introduction of a travel plan as part of the development proposals and will agree to a one-off financial contribution to the Council of £3,000

<u>TfL Transport and Wayfinding</u>

9.214 TfL have noted that the development is likely to generate demand for additional bus capacity to improve residents' access to public transport, but the applicant is seeking to off-set the total amount requested against their financial contribution towards the A13 pedestrian crossing (the remaining £717,889 noted above) and works to improve the bus routes adjacent to the application site.

9.215 TfL is also seeking a contribution towards the introduction of Legible London boards within the scheme. The application scheme already incorporates improvements that will enhance the legibility of the estate. In addition, Poplar HARCA already provides wayfinding material within all of their estates and will incorporate such material as necessary within these proposals.

9.216 It is understood that negotiations with the GLA are on going at the time of writing this report.

<u>Monitoring & Implementation</u>

9.217 The SPD requires a contribution towards the monitoring and implementation of the S106 agreement. The Council normally applies a 2% fee to the total financial contribution sought. However in certain circumstances a higher contribution will be sought. The S106 for Aberfeldy will require a lengthy agreement with complex

clauses requiring future reviews of each phase of the development in order to ensure the level of affordable housing can be maximised in future phases. As such, officers consider it appropriate to request a higher than normal monitoring fee. 3% is considered appropriate.

Conclusion

9.218 Overall, it is officers' view that the proposed contribution package is considerably low especially considering the scale of the development proposed and the likely impacts on the social and community infrastructure, health, and education. However, in light of the viability constraints identified in the applicant's viability appraisal, alongside the proposed regenerative benefits proposed through the wider scheme, officers accept the level of contributions proposed by the applicant. Areas such as affordable housing, health and education will be prioritised.

9.219 The provision of 28% affordable housing within Phase 1 (including an appropriate review mechanisms to capture additional affordable housing) alongside the onsite provision of new health facility in later phases, education contributions, and streetscene improvements, the proposed contribution package is accepted. Furthermore, the proposed review mechanism at the onset of each of the future phases will ensure that the level of affordable housing can increase if economic circumstances permit. On balance, this is considered sufficient to mitigate against the impacts of the proposed development on local social and physical infrastructure 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), policies SP02 and SP13 of the Core Strategy Development Plan Document (2010).

10 Overall Conclusions and Regeneration Benefits

10.1 The proposed regeneration of Aberfeldy estate has been in negotiation with officers at LTGDC, GLA and LBTH since 2009. Previous designs and layouts were considered and concerns raised by officers regarding density, height of the taller towers along the A13 and the proximity of the site to the gasholders and in light of the HSE's advise against recommendation.

10.2 Following the withdrawal and redesign of the previous 2010 scheme, the current application seeks to regenerate the site against a number of site viability constraints. These include a £23million leaseholder buyout cost; the loss of £12million HCA grant funding; costly flood mitigation measures, and the constraints of the gasholders and the risk of intervention by the HSE through a potential Secretary of State call in. These viability constraints have now been reviewed and tested (by LTGDC). Phase 1 has been amended considerably with the main alterations being the reduction in height of the buildings, a reduction in density and redistribution across the site, away from the gas holders, a change in mix for phase 1 and the creation of a plaza and linear park to opening up on the blocks to provide more of a connection with open space.

10.3 Despite the viability constraints, the development proposed for Phase 1 would:

- Deliver 342 new homes;
- Achieve a balanced and sustainable tenure mix through 28% affordable, the majority of which will be for social rent.
- 33% of this will be for families;

- Provide a small element of retail to support early phases of the wider development;
- Achieve a distinctive, sustainable, high quality design;
- Provide quality civic plaza and public realm;
- Provide an accessible and pedestrian friendly environment;
- Achieve quality low carbon (Code Level 4) homes;
- Improve biodiversity through green roofs and a swale.

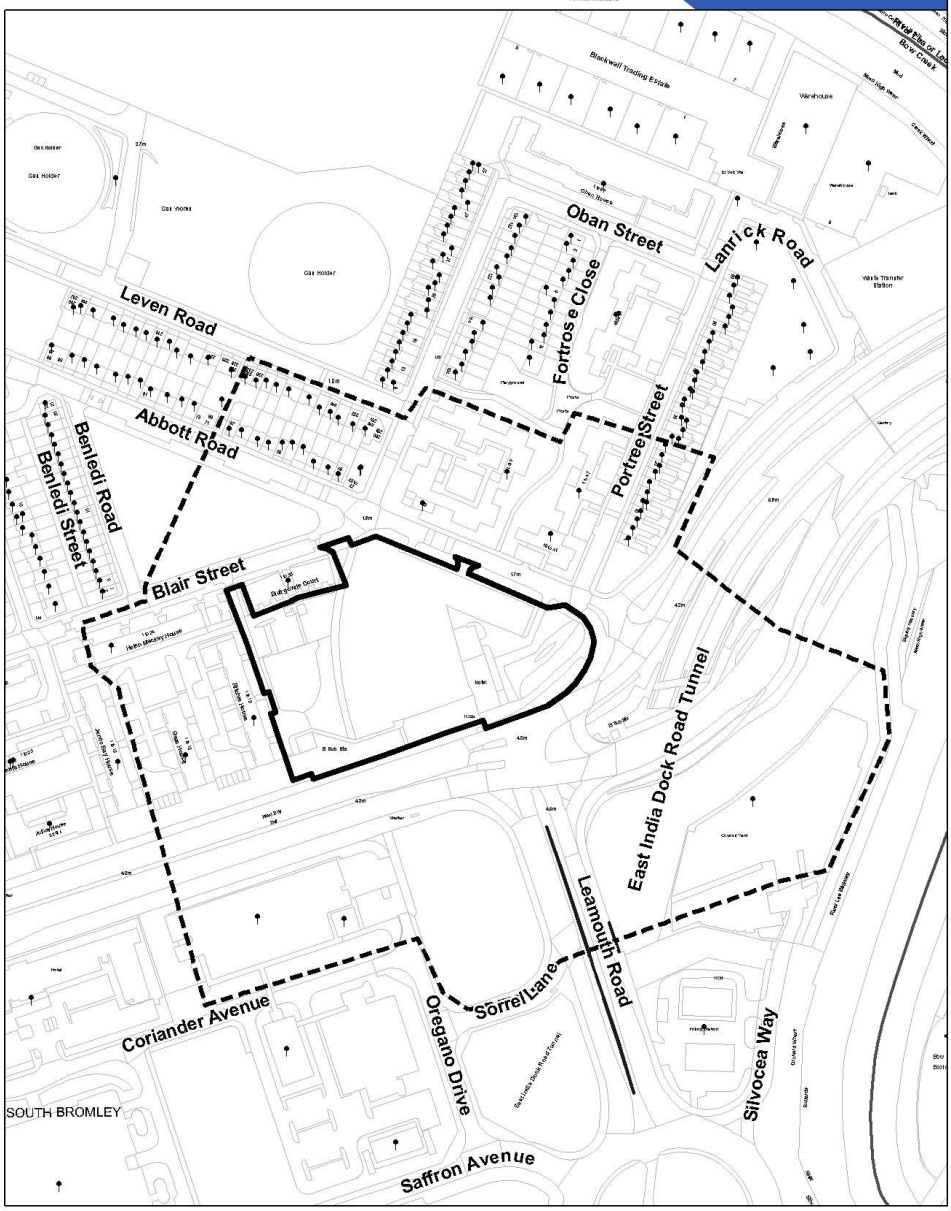
10.4 In line with the objectives of the draft National Planning Policy Framework and strategic and local policy objectives, this application is considered to contribute towards the wider regeneration of Aberfeldy Estate and achieve a more mixed and balanced community through a better balance in tenure and household income, particularly in an area such as Aberfeldy where social housing dominates and statistics relating to crime, poverty and overcrowding are high.

East India and Lansbury is listed as *the* most deprived ward in London. There is also evidence which indicates that Aberfeldy has the worst health statistic in the UK, with lower than average life expectancies, high numbers of children living in poverty and these statistic are closely related to problems of overcrowding. It is considered that the proposed application will improve the overall standard of accommodation in Aberfeldy by reducing the number of under occupied properties for small households (currently 16%) and increase the number of larger family homes for those houses which are currently overcrowded (currently 46%). These properties will be built to a higher standard, will have improved energy and heating demands, comply with Mayor of London space standards and Lifetime Homes standards. The additional functional and accessible open space, together with the new social, community and retail facilities in later phases are considered to greatly contribute to the quality of life for those living in Aberfeldy and will assist in the delivery of real regeneration in this area, in line with the Council's local vision to create a sustainable residential community Aberfeldy and Poplar Riverside (LAP8-9).

11 CONCLUSION

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

Planning Application Site Map



Planning Application Site Boundary

Consultation Area

Locally Listed Buildings

Statutory Listed Buildings

Land Parcel Address

0 30 m

1:2,500

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

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Appendix 2

Letter from Health and Safety Executive – dated 16 February 2012

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HSE

Health and Safety Executive

Redgrave Court
Merton Road
Bootle
Merseyside
L20 7HS

Tower Hamlets Council
Planning & Building Control
Mulberry Place (AH)
PO Box 55739
London
E14 1BY

Your refs. PA/11/02716 & PA/11/03548

Our ref. 1.2.1.1207

For the attention of Ms E Bailey, Strategic Applications Planner

Date: 16 February 2012

Dear Ms Bailey

Consultation with the Health and Safety Executive under Article 16, the Town and Country Planning (Development Management Procedure) (England) Order 2010
Mixed-use redevelopment of part of the existing Aberfeldy Estate, Poplar, London E14 (Applications ref. PA/11/02716 & PA/11/03548)

1. I refer to the recent exchanges between the Council and HSE regarding the two applications for mixed-use redevelopment of part of the Aberfeldy Estate, Poplar, and the associated recently published reports to your Strategic Development Committee (SDC) for their meeting on 16 February 2012.

2. Mr J Murray, Head of HSE's HID CI5 Unit, wrote to Mr O Whalley, the Council's Head of Planning & Building Control, on 10 February proposing a way forward by means of Grampian planning conditions, and included some initial important comments on the SDC reports. Mr Murray also said we would endeavour to provide further comments to assist Council officers and members of the SDC in their consideration of the important public safety aspects of these applications. The further advice annexed to this letter fulfils this commitment, and we would ask that officers reconsider their recommendations in the light of these comments and that at least SDC members are provided with a copy of them before the applications are considered on the 16 February.

3. Please do not hesitate to contact me if you require clarification of these matters.

Yours sincerely

A J Williams
HM Principal Specialist Inspector of Health and Safety
Health and Safety Executive
Hazardous Installations Directorate, Unit CI5
Building 2.2, Redgrave Court, Bootle, Merseyside L20 7HS
cc. Mr J Allen, LTGDC Director of Planning
Mr P Minoletti, LTGDC Planning Development Manager

Annex to HSE letter dated 16 February 2012

The Health and Safety Executive (HSE) further advice on the public safety aspects of the proposed mixed-use redevelopment of part of the existing Aberfeldy Estate, Poplar, London E14 (Applications ref. PA/11/02716 & PA/11/03548)

A1. Mr J Murray, Head of HSE's HID CI5 Unit, wrote to Mr O Whalley, the Council's Head of Planning & Building Control, on 10 February and included some initial important comments on the Strategic Development Committee (SDC) reports on these two applications. Mr Murray also said HSE would endeavour to provide further comments to assist Council officers and members of the SDC in their consideration of the important public safety aspects of the applications. The further, but non-exhaustive, advice below, which repeats the initial important comments for completeness, fulfils this commitment.

HSE's land use planning advice

A2. I can confirm that HSE's advice to the Council for both the applications is that there are sufficient public safety grounds for permissions to be refused. As noted in the SDC reports, the Council obtained this formal advice from HSE through the PADHI[1] delivery system. You may wish to note that the status of this advice is not diminished by being delivered in this way.

A3. PADHI is a codification of the advice given by HSE on a wide range of proposed development over more than 30 years and, after use for several years within HSE to provide formal land use planning (LUP) advice, was made directly available to Local Planning Authorities with cross-Government agreement. You may wish to note that the quality of the advice delivered through PADHI was considered in detail at the recent public inquiry into the proposed development of the former Ram Brewery, Wandsworth following which the Secretary of State (SoS) agreed that it gave a satisfactory level of advice on public safety for land use planning purposes.

A4. It is the HSE's advice delivered through PADHI which national planning policy, as set out in Planning Circular 04/2000[2], directs should not be overridden without the most careful consideration. This formal advice should not be confused with the HSE's framework for deciding whether or not to request 'call-in', on those rare occasions that an LPA resolves to grant permission against our public safety advice. The criteria against which HSE makes such decisions are set intentionally very high indeed to reflect the exceptional nature of this course of action by ourselves - in fact HSE has requested the SoS to call-in applications on only six occasions in more than 35 years.

[1] PADHI - Planning Advice for Developments near Hazardous Installations.
[2] As recognised in writing by the Secretary of State on a number of occasions including, for example, in his letter dated 1 March 2007 calling-in the planning application for 33- 37 The Oval, Bethnal Green.

A5. However, separately from our framework for requesting call-in, I can inform you that the level of risk to occupants of the proposed developments would be of serious concern. HSE previously conveyed this further advice to the Council in a telephone conversation between myself and Mr Bell, your Strategic Applications Manager, and in Mr Murray's letter to Mr Whalley, your Head of Planning & Building Control. This advice regarding the level of risk was also given to the applicant at a meeting in August 2012.

Proposed Grampian conditions

A6. In view of the serious concern regarding the risk to occupants of the proposed developments, Mr Murray, in his letter your Head of Planning & Building Control, drew the Council's attention to certain publically-available information regarding the future of gasholder stations operated by National Grid Gas, which includes the Poplar Gasholder Station (PGS). This was also discussed with the applicant at our meeting with them last August.

A7. National Grid Gas (NGG) is currently considering the potential for accelerating their decommissioning of gasholder stations in London, including PGS. On the Ofgem website, NGG has published a Business Case for supplying gas over future years which states they initially intend to decommission all their gasholders before April 2013 and then demolish them over the next 13 years (2026).

A8. Therefore, in view of:

a) the applicant's stated timetable in which, even if construction commenced in October 2012, Phase 1 of the Aberfeldy redevelopment (Application ref. PA/11/03548) would not be available for occupation for 5 years (September 2017) and construction of the full development (ref. PA/11/02716) would not be complete until September 2025 at the earliest, and in view of;

b) the Government-agreed framework in which land use controls around major accident hazard sites (MAH), such as PGS, are based on the extant Hazardous Substances Consent for the MAH;

Mr Murray proposed that, should the Council resolve to support the two applications, you do so only on the basis that Grampian conditions are attached to the permissions which would prevent occupation of any part of the development until the Hazardous Substances Consent (HSC) for PGS has been formally revoked by the Council acting as Hazardous Substances Authority.

A9. This type of Grampian condition has been applied successfully elsewhere, including to recent permissions for the former Battersea Power Station site and for Imperial Wharf/Chelsea Creek Fulham, near gasholder stations, and has enabled development to proceed quickly where it might not otherwise have been allowed. Based on previous agreements between developers, local planning authorities and HSE, suitable Grampian conditions for the present cases might be worded along the following lines:

"No part of the development hereby allowed shall be occupied until the hazardous substances consent ref. ..... as continued by hazardous substances consent ref. ..... and ref. PA/01/01202 for the Poplar Gasholder Station, Leven Road, London E14 has been revoked in its entirety in accordance with the Planning (Hazardous Substances) Act 1990 as amended and written confirmation of the revocation has been issued by the Hazardous Substances Authority."

A10. If Grampian conditions, which prevent occupation until the HSC has been formally revoked by the Council, were attached to any permissions granted for the current cases, then I can confirm, as stated by Mr Murray in has letter to the Council's Head of Planning & Building Control, that we would withdraw our formal advice against the applications.

HSE's initial important comments on the SDC reports

A11. Following an initial read of the reports to the SDC meeting on 16 February, Mr Murray provided the following important initial comments.

a) The description of the detail and rationale behind HSE's advice lacks substance and it is disappointing that officers did not seek an explanation of our advice for these cases before preparing these important aspects of the reports. I understand, however, that your Strategic Applications Manager was informed a few weeks ago, during a telephone conversation with HSE (Mr Williams), that the level of risk to people at the development was of serious concern.

b) The applicant's safety consultant has applied the Case Societal Risk (SRI) methodology in a way that is misleading and incompatible with HSE's Comparison Values. The consultant's reports do not provide a sound basis for informed decision-making by the Council. Furthermore, I can confirm that HSE has not accepted an occupancy rate of only 2 people/unit for the development: in fact our assessment so far indicates that a development-specific rate of over 3 people/unit could be appropriate for Phase 1 on a Cautious Best Estimate[3] basis.

c) It is our understanding that HSE's framework for considering whether to request 'call-in', on those rare occasions that a local planning authority wishes to grant permission against our advice, cannot be a material planning consideration because it only applies after an authority has resolved to grant through committee or under delegated powers. This matter has been raised with Tower Hamlets' planning officers in the past and HSE had understood the Council accepted this position.

d) It is misleading to refer to a notification to HSE that an authority has resolved to grant permission against our advice as "formal consultation". Formal consultation

[3] Cautious Best Estimate (CBE) - this is a recognised approach to predicting the risk and consequences of major accidents which accepts some over-estimation when justification of assumptions and methods is difficult. CBE is an accepted approach within the EU for allowing for uncertainties in LUP risk assessment, and was described by the Planning Inspector to the Oval Cricket Ground public inquiry as the "requisite" basis for providing LUP advice around major accident hazards, such as gasholders.

with HSE, as required by law, should have already occurred through the PADHI system. In the present cases, it is our land use planning advice that there are sufficient public safety grounds for permission to be refused, and it is these formal representations that the Council is required not to override without the most careful consideration. Furthermore, I must repeat that, based on our work so far, the level of risk to people at the development would be of serious concern.

A12. To expand on point (c) above, we note that Council officers in the reports specifically direct SDC members to consider HSE's criteria for deciding whether to request 'call-in' (as set out in the Executive's "*Criteria document for Land Use Planning cases of serious public safety concern*") when weighing the public safety risks against the benefits of the schemes. As previously stated, HSE has set these criteria intentionally very high indeed to reflect the exceptional nature of this course of action by the Executive - in fact HSE has requested the SoS to call-in applications on only six occasions in more than 35 years. I must emphasise that it is HSE's formal representations against the two applications, as delivered through PADHI, which the Council is legally required to take into account, and which you are directed by national planning policy (as set out in Circular 04/2000) not to override without the most careful consideration, and not the Council officers' interpretation of HSE's call-in criteria.

A13. To assist the Council in its consideration of the public safety risks to occupants of the developments. You may wish to note that, depending on the exact type and nature of the development involved, HSE advises against on public safety grounds certain proposed development with an SRI value exceeding 2,500 (significant risk), but advises against almost all proposed development with an SRI value exceeding 35,000 (substantial risk).

Relevant planning policy on major accident hazards

A14. In their reports, Council officers draw attention to the "*significant constraint to development*" the Poplar Gasholder Station (PGS) imposes on the proposed applications. They also draw attention to relevant planning policy including the Mayor of London's London Plan Policy 5.22 and the Council's UDP Save Policies DEV53 and DEV54, Adopted Interim Planning Guidance DEV23 and draft Policy DM30 of the Managing Development DPD (2012) which officers state, "*notes how development will not be supported if it involves new development in close proximity to hazardous installations where it would be a significant threat to health and the environment.*" It is HSE's understanding that Policy CP3, of the Council's Adopted Interim Planning Guidance, which states:

"The Council will proactively work to protect and enhance the quality of the environment, ensure the prudent use of natural resources, and contribute to tackling climate change. Measures will include, but not be limited to, ensuring all development, over its lifetime: ...

e) prevents people and the environment from being at risk from hazardous substances. "

also applies to these applications, and we would draw your attention specifically to the Council Policy DEV23 which states:

"The Council will resist proposals for new development, redevelopment or an intensification of an existing use which involves the storage or use of notifiable quantities of hazardous substances or development in close proximity to such uses, where it would cause a significant hazard to health, and that risk cannot be mitigated to the satisfaction of the Health and Safety Executive."

A15. Planning controls were first introduced around major accident hazards (MAH) in the 1970s, and related national and local planning policies originate from the recommendations of the Government's Advisory Committee on Major Hazards (ACMH). The scope of these policies was later broadened to deliver the requirements of EU Directive 96/82/EC as amended by Directive 2003/105/EC (the Seveso II Directive). The Seveso II Directive has the objectives of preventing major accidents and, importantly for LUP purposes, limiting the consequences of any that may occur, with a view to ensuring a high level of protection for people and the environment. Specifically, Article 12 of the Directive requires these objectives to be pursued by Member States (in England this responsibility falls to local planning authorities) through the control, in the vicinity of a MAH such as the Poplar Gasholder Station, of certain development including:

"*new developments such as transport links, locations frequented by the public and residential areas in the vicinity of existing establishments, where the ..... developments are such as to increase the risk or consequences of a major accident.*"

A16. You may wish to note that it appears to be common ground between parties that the two applications, if they were to proceed, would increase both the risk and consequences of a major accident at the gasholder station.

A17. Article 12 also requires those formulating planning and other related policies to:

"*ensure that their land use and/or other relevant policies and the procedures for implementing those policies take account of the need, in the long term, to maintain appropriate distances between establishments covered by this Directive and residential areas, buildings and areas of public use, major transport routes as far as possible, recreational areas and areas of particular natural sensitivity or interest, ... so as not to increase the risks to people.*"

A18. As previously mentioned the Secretary of State has recognised Planning Circular 04/2000 as national planning policy for the control of MAHs and proposed development in their vicinity. The Government has tasked HSE to provide the necessary independent and impartial land use planning (LUP) advice on public safety to enable Local Planning Authorities (LPAs) to deliver the controls recommended by ACMH and required by the Seveso II Directive. Also as previously mentioned, the Circular specifically direct that LPAs should not override HSE's LUP advice on public safety without the most careful consideration, and you

may wish to note that, separately, the Courts[4] have decided that on technical matters, LPAs, whilst not bound to follow the advice from statutory bodies such as HSE, an authority should nevertheless give "*great weight*" to a statutory body's advice when determining a planning application.

Third-party assessment of public safety

A19. In their reports Council officers appear to rely significantly on the third-party assessments of public safety provided by Renaissance Risk (RR). In turn RR state that they have, "*relied on the accuracy of the Atkins work in undertaking this assessment.*" You may wish to note that Atkins gasholder assessments were considered in technical detail at both the public inquiries into the proposed development of the Oval Cricket Ground (CG) and the former Ram Brewery, Wandsworth. In both instances, the Secretary of State agreed with the Planning Inspectors, that the Atkins assessments should be treated "*with extreme caution*". Furthermore Atkins has now provided clarification of their more recent gasholder assessments, prompted by comments by RR, which included the following statement (twice):

"*It should be noted that the current view of Atkins is that Dr Deaves* [the supervisor of the Atkins gasholder assessments, including for the Aberfeldy proposals] *has provided a graphical representation of how* [the HSE's LUP consultation] *zones could be adjusted based on applying the uncertainties associated with ignition frequencies. However, it should be recognised that the current zones set by HSE are based on a Cautious Best Estimate approach; and that the Oval and Ram Brewery Public enquiries did not conclude that HSE zones* [and therefore the Executive's LUP advice based upon them] *should be revised.*"

It is HSE's understanding that RR are aware of the clarification from Atkins.

A20. You may wish to note that following detailed consideration of HSE's LUP advice against the Oval CG and Ram Brewery proposals, the Secretary of State agreed with the Planning Inspectors that our advice against the proposals had been justified in both cases. Indeed, in two other reports prepared by RR concerning proposed development in the vicinity of gasholders, one dated as late as 9 January 2012, you may also wish to note that RR have included a warning that, *"There is little doubt that if this planning application were to go to an Inquiry* [presumably appeal or call-in], *the Planning Inspector and the Secretary of State (SoS) would again be likely to agree with HSE's interpretation and application of PADHI."* This appears to confirm that, in RR's opinion, a further independent review of HSE's LUP advice around gasholders would again find it to be justified. It is unclear why RR has not included a similar warning in their assessment reports for the two Aberfeldy applications.

A21. As mentioned earlier, I must emphasise that RR has applied the HSE's Case Societal Risk (SRI) methodology in a way that is misleading and incompatible with our Comparison Values, and that their reports do not provide a sound basis for

[4] Regina v Tandridge District council Ex parte Al Fayed, The Times Law Report 28 January 1999

informed decision-making by the Council. Furthermore you may wish to note that in attempting, incorrectly, to draw conclusions about the strength of our LUP advice by reference to a proposal's position in the 'PADHI Matrix', they have relied upon an HSE document that is out-of-date and was withdrawn some time ago.

A22. Furthermore, you may wish to note that in their assessments RR appear to have relied upon HSE's 'Closed' evidence to the Oval CG public inquiry and also appear to have included a selective quotation from HSE's Closed evidence in their report dated 26 October 2011. As RR should be aware, all the Closed evidence to Oval CG inquiry remains subject to a confidentiality agreement and a Secretary of State's Section 321 Direction which prevents its disclosure to other than named individuals. Consequently I am unable to comment further on these matters other than to say that the complete quotation, when seen in context, does not support RR's interpretation. The Council may wish to seek clarification of the sources of RR's information and, if necessary, take legal advice regarding the continued publication of this report on their website.

A J Williams
HM Principal Specialist Inspector of Health and Safety
Health and Safety Executive
16 February 2012

HSE (HID CI5) Redgrave Court Merton Road Bootle Merseyside L20 7HS

Appendix 3

Suggested Principles for Section 106 Agreement SLA between LBTH Employment & Enterprise and Poplar Harca for Aberfeldy Development

Background

Poplar Harca have submitted an in kind offer against the requested financial contribution of circa £316k for Employment and Training as defined in the Councils SPD.

Any offer to accept an in kind service is at the discretion of the Council and following the advice of officers. The council Employment & Enterprise team has held discussions with the applicant and broadly agreed the principles of an agreement and a delivery offer associated with it. More detailed practicalities will be worked through with the organisation following an acceptance of other terms of the overall development agreement.

Broad terms of agreement

1. Principles for Service Level Agreement.

   - To participate in the Council Employment and Enterprise initiatives
   - To recognise that the Council is the primary agency working for the recruitment of local people and local
   - To achieve SPD related obligations for local employment and local supply.

2. For the above this means the Applicant will commit:

   2.1. SPD commitment to achieve at least 20% of all construction and ancillary jobs to be taken by local people (defined as Tower Hamlets residents), working with the Council Employment Initiatives in the first instance to recruit previously unemployed residents into construction vacancies.

   2.2. SPD commitment to use best endeavours to achieve throughout the period of the Development that at least 20% of all supplies and services shall be provided by local suppliers where available and practicable

3. Which will include:

   3.1. To participate in the Council's Access to Employment initiatives and promote recruitment of local residents and contracting with local companies throughout the construction of the Development and to the prospective tenants/owners of the commercial/business element of the Development;

   3.2. To recognise that the Council is the primary agency working for the recruitment of local people and local businesses and act in accordance with this recognition (including working with the Council's supply chain for employment and employability services).

   3.3. To work in partnership with the Councils employment service 'Skillsmatch' to capture all employment vacancies and outcomes within the applicants business to maximise opportunities for local people, the for the period of the development (expected to be until Sept 2025)

   3.4. To agree the definition of 'local residents' to be residents living within the administrative boundary of the borough;

3.5. To provide a dedicated community liaison officer who will dedicate 50% of their time to delivering the training and employment opportunities and local employment target (representing an investment of £275,000 over the project duration);

3.6. To provide an allowance of £378,000 for training secured in the cost plan;

3.7. To facilitate a minimum of 65 completed x 2 year apprenticeships (achieving NVQ level accredited training) throughout the period of the development (Expected to be 13 years) of which at least 20% will prioritise NEET residents and provide associated skills transfer and training;

3.8. To facilitate work experience and management placements across all associated organisations, sectors and functions and across the complete supply chain for a minimum of 144 weeks of placements per year or part years by any breakdown. Work Experience programme will continue for the entire development period.

3.9. To facilitate access to an expected 2000 vacancies through this development and work with council services as above to achieve a target of a minimum of 30% of those being secured by local residents; (This includes 20% SPD target - para 2.1 and Apprenticeship totals – para 3.7)

3.10. To facilitate the £150,000 Community Trust payment to deliver and support local community initiatives and programmes within the period of the development. Programme design will have consideration of skills and learning as part of proposal process;

3.11. A liaison programme with local schools, colleges and universities;

3.12. prior to the Implementation of any Development meet (along with the Freehold Owner's main contractor) with representatives from the Council's Access to Employment Team and agree the basis and methodology to participate in the Council's Access to Employment initiatives and set up a working group to consider and implement any employment training and enterprise initiatives and how to monitor progress;

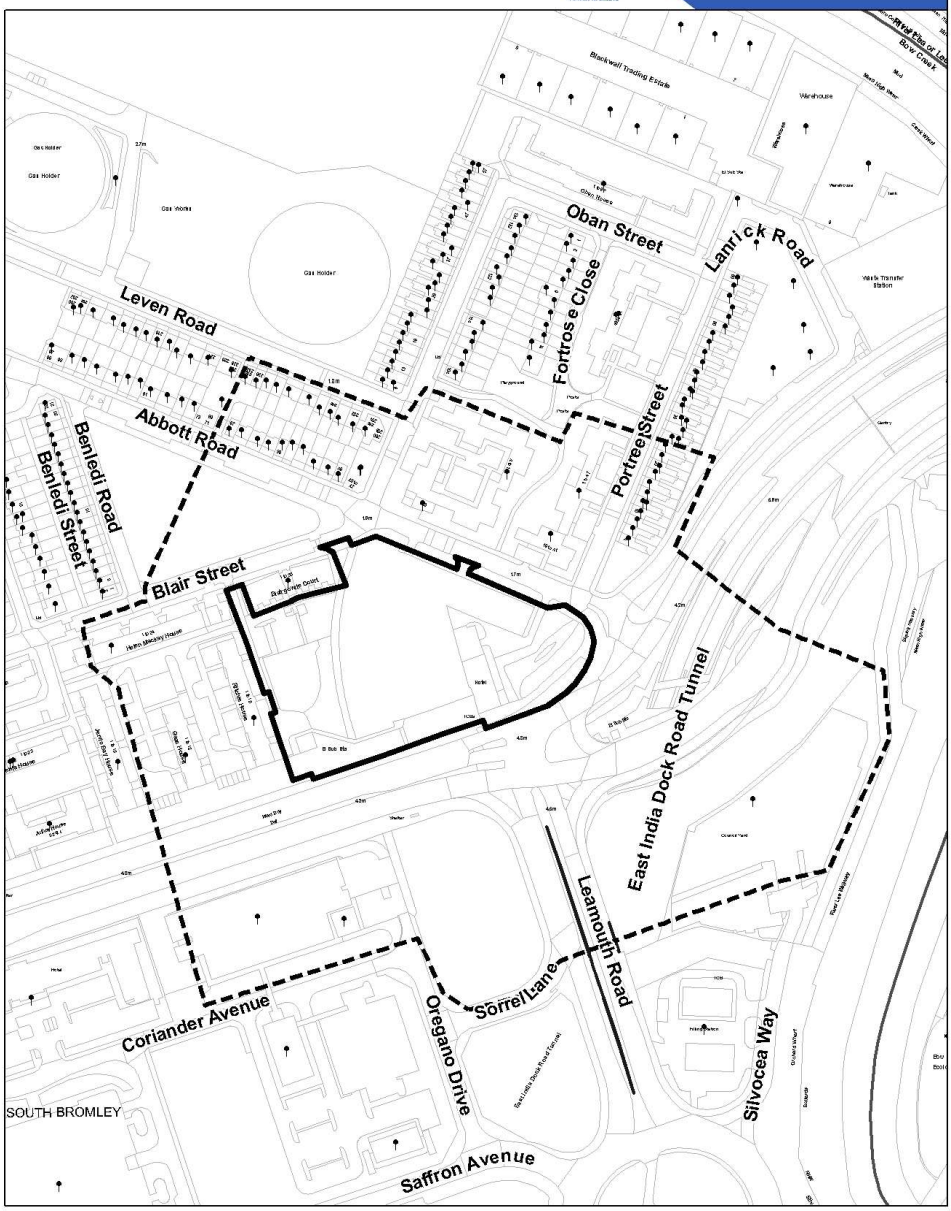
3.13. issue a written statement to prospective contractors and sub-contractors at the tendering of work stage and to the prospective tenants/owners of any non residential elements of the Development when first identified which sets out the Freehold Owners' commitment to the following:

3.14. ensuring that local people and local businesses are able to benefit directly from the employment opportunities arising from the construction of the Development by liaising in the first instance with the Council's team working on Employment & enterprise initiatives; and

3.14.1. ensuring that the Owners, their contractors and sub-contractors and the prospective tenants/owners of the commercial/business element of the development when first identified will notify the Council of all job opportunities arising from both the construction and end user commercial phases of the Development;

3.14.2. Actively engage with a series of 'Meet the Buyer' events working with the Council and its partners including 'East London Business Place' to fully explore and promote the opportunities for local procurement in the supply chain;

Planning Application Site Map



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Locally Listed Buildings

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